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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. IPR2025-01217
U.S. Patent No. 11,446,477

PATENT OWNER'S BRIEF ON DIRECTOR REVIEW

The challenged claims and asserted prior art in this IPR are so closely related to the challenged claims and asserted prior art in IPR2025-00145 (the “145 IPR”) that maintaining this IPR after the ITC issued its determination (Ex.2161) would result in significant duplication of effort, additional expense, and a risk of inconsistent decisions. For the same reasons that led the Director to vacate institution in the 145 IPR, the Director should vacate institution of this IPR.

I. THE CHALLENGED CLAIMS ARE CLOSELY RELATED TO AND SUBSTANTIALLY OVERLAP WITH THOSE AT ISSUE IN THE 145 IPR

The ’477 patent (Ex.1001) and U.S. Patent No. 11,865,287 (the “’287 patent”) are related and share the same specification. Both are directed to the same hydrodermabrasion systems having a console, multiple containers holding liquid treatment material, a fluid path to a skin-contacting handpiece, user selection of the treatment material delivered to the handpiece, and a vacuum source that helps draw treatment material while removing waste. Ex.1001, 21:15-22:63; Ex.2161, 11-13. During prosecution of the ’287 patent, the Examiner rejected the ’287 patent claims for nonstatutory double patenting over the ’477 patent claims because, although “not identical,” they were “not patentably distinct from each other.” Paper 7, 5.

Petitioners expressly agreed that the patents are closely related and have substantially overlapping claim scope:

PO admits the ’477 patent is “part of a close patent family that includes the ’052 and ’287 Patents—each of which recite substantially similar

claim limitations.” Req., 5. When it moved to stay its district court litigation against AMP, PO admitted—indeed, insisted—that “the ’477 Patent is based on claims to skin treatment systems that have some overlapping features with the claims of the [’052 and ’287] patents,” which are likely to present “overlapping and related claim construction, infringement, and invalidity assertions.” EX1038, 2-4.

... Referring the ’477 patent to the merits panel would be an efficient use of resources given the Board’s ongoing review of the closely-related ’287 patent.

Paper 8, 5-6. Indeed, in the motion to stay referenced in Petitioner’s discretionary denial briefing (*id.*, 16), Petitioners further asserted:

In July 2025, AMP filed IPR petitions addressing the remaining two console patents: the ’052 and ’477 patents. These IPR petitions rely upon the same prior art and grounds for unpatentability as the instituted ’287 patent IPR, including grounds based on the Karasiuk and Palmer prior art references. ... [T]he USPTO Director has already strongly suggested that IPR petitions against the ’052 and ’477 patents (**which have claims substantially similar** to the ’287 patent claims) are likely to be instituted.

Hydrafacial LLC v. Aesthetic Management Partners et al., Case No. 2:24-cv-02480-SHL-tmp, Dkt. 127-1 at 7 (emphasis added), *see also id.* at 13 (“[T]he ’052, ’477 and ’287 patents share ‘substantially similar claims’ and ‘overlapping and related claim construction, infringement and invalidity assertions.’”). The challenged ’477 patent claims are directed to the same invention; they claim the same architecture using similar terminology; and the challenge to the claims “rely upon the same prior art and grounds for unpatentability” as the 145 IPR. *Id.*

Claim 1 of the ’477 patent has the same core features the ITC and the 145 IPR addressed in the ’287 patent claims. It recites: a manifold system in a console and in fluid communication with first and second containers containing treatment material; a handpiece assembly having a skin contact surface; a supply conduit placing the manifold system in fluid communication with the handpiece assembly; a vacuum source and waste conduit for removing waste; a control to permit control of a flow of treatment material from the containers; and vacuum-assisted removal of waste while drawing treatment material from a selected container. Ex.1001, 21:15-40. The ’287 patent claims cover the same arrangements. For example, claim 11 of the ’287 patent recites a console with a “fluid control member” in fluid communication with first and second containers, a skin-contacting handpiece assembly, a waste conduit and vacuum source, and selective vacuum-assisted drawing of treatment material from the first or second container to the handpiece.

Ex.2161, 11-12. Claim 22 likewise recites a console configured to receive multiple containers, a “collection lumen” in fluid communication with those containers, a skin-contacting handpiece, a vacuum-created suction force, a supply conduit between the collection lumen and handpiece, and sequential delivery of treatment materials from the containers. *Id.*, 12-13.

The terminology difference Petitioners may emphasize—“manifold system” in the ’477 patent claims versus “fluid control member” or “collection lumen” in the ’287 patent claims—affirms the claim overlap. The ITC construed “fluid control member” as a means-plus-function term whose corresponding structures include “manifold system 24,” “switches 29,” “lumen 171,” or “valves, fluid lines, and the like,” and equivalents of those structures. Ex.2161, 19; *see also id.*, 170-171. The ’477 patent claims recite by name the specific fluid control member claimed in the ’287 patent: a manifold system in communication with multiple containers. Ex.1001, 21:15-22:63. Thus, the ’477 patent “manifold system” limitation is a more specific implementation of the same fluid-control structure the ITC analyzed under the ’287 patent. Adjudicating whether the same art discloses or renders obvious the ’477 patent manifold system would require the Board to revisit the same supply-side control structure, the same multi-container modification, and the same alleged motivation the ITC already adjudicated.

The same is true for the '287 patent “collection lumen” language. The ITC construed “collection lumen” according to its plain and ordinary meaning—“an interior space or pathway that receives fluid.” Ex.2161, 173. Such a lumen is part of the manifold system and provides the same fluid pathway by which treatment material from multiple containers is routed to the handpiece. It therefore overlaps with the '477 patent claims' manifold system limitations. The shared dispute remains whether the asserted art would have led a skilled artisan to modify a skin-treatment system to include the claimed multi-container, user-selectable fluid path to a skin-contacting handpiece.

The dependent claims reinforce the overlap. Claims 2-5, 11-13, and 17-19 of the '477 patent add a computing device/user-input device with a touch screen and display—the same type of computer/user-input/touch-screen limitations included in the corresponding '287 patent claims. Ex.1001, 21:41-50, 22:17-26, 22:51-59; Ex.2161, 11-13. Claims 8, 14, and 20 concern sequential or simultaneous delivery from multiple containers; the 145 IPR already involved the closely related sequential-delivery limitations in claim 12 and claim element 22[f] of the '287 patent. Ex.1001, 21:56-22:63; Ex.2161, 11-12.

Dependent claim 7's releasable coupling and claim 6's four containers specify how the same multi-container manifold is implemented and maintained with additional containers. Ex.1001, 21:51-55. Claims 10 and 16 merely state that the

manifold system is positioned in a console—a feature already recited in claim 1 and part of the same hydrodermabrasion architecture. Ex.1001, 22:16-17, 22:48-50. These features may add implementation detail, but they do not create a separate validity dispute divorced from the core issues already adjudicated.

Petitioners’ own grounds confirm that the dependent claim limitations are not independent inventions requiring a separate PTAB trial. Every ground in this IPR starts from the same two core theories the ITC rejected: Karasuik-Palmer or Greenberg, with Trueba and Wunsch added only as secondary references. Paper 2 (“Pet.”), 1-2, 42-96. That overlap confirms that maintaining this IPR would require the Board to revisit the same validity disputes. Petitioners are still trying to reconstruct the same hydrodermabrasion platform from the same core art that the ITC considered and rejected.

The Director already held that trial in the 145 IPR was unwarranted where the ITC had adjudicated the same prior-art challenges because continuing the IPR would create “significant duplication of effort, additional expense for the parties, and a risk of inconsistent decisions.” 145 IPR, Paper 41, 2. The same rationale applies here.

II. THE ASSERTED PRIOR ART IS CLOSELY RELATED TO THE ART AT ISSUE IN THE 145 IPR

As Petitioners admit, this “IPR petition[] rel[ies] upon the same prior art and grounds for unpatentability as the [] ’287 patent IPR.” *Hydrafacial LLC v. Aesthetic Management Partners et al.*, Case No. 2:24-cv-02480-SHL-tmp, Dkt. 127-1 at 7.

Every ground in this Petition depends on either the Karasuik-Palmer base theory and the Greenburg base theory. Pet., 1-2.

Even in the context of this IPR, Petitioners framed this IPR as overlapping with the 145 IPR, arguing that the 145 IPR institution “strongly supports institution” here and that review would be efficient given the Board’s “ongoing review of the closely-related ’287 patent.” Paper 8, 8-9. That premise now cuts the other way: maintaining this IPR would require the Board to revisit the same Karasiuk-Palmer and Greenberg disputes the ITC already adjudicated and the Director already found too duplicative to relitigate. Pet., 1-2; Ex.2161, 99-161; 145 Paper 41, 2.

This Petition relies almost exclusively on the same core invalidity theories the ITC already decided and the Director already treated as too duplicative to justify maintaining the 145 IPR: (1) whether it would be obvious to modify Karasiuk’s skin treatment device in view of Palmer’s multiple-container dental irrigation system, and (2) whether Greenberg, alone or with Trueba, supplies the claimed treatment-material/fluid-path limitations. Ex.2161, 126-161; 145 IPR, Paper 41, 2.

It is a threshold issue that non-analogous art cannot be used in an obviousness combination. The ITC held that Palmer is non-analogous and reliance on its dental irrigation system reflects “classic impermissible hindsight.” Ex.2161, 148-155.

The ITC’s non-analogous art findings defeat the same core theories, and the inquiry is no different here. The ’477 and ’287 patents share the same specification,

field of endeavor, and identified problems: improving skin-treatment systems by reducing the pain, mess, redness, and recovery time of prior dermabrasion/microdermabrasion techniques while delivering treatment material to skin through a handpiece. Ex.1001, 1:19-2:15, 5:15-6:30; Ex.2161, 150-152. The prior-art inquiry is anchored to the same time period: both proceedings involve family-member claims with priority to the same December 2005 disclosure, and Petitioners rely on pre-2005 references. Pet., 1-2; Ex.2161, 9. Thus, the ITC's analogous-art findings were not tied to a unique feature of the '287 patent claims, but to the shared field, problem, and invention disclosure that apply here.

Those findings defeat most of the grounds in this IPR. In Grounds 1A-1D, Palmer is a crucial reference. Petitioners rely on Palmer as the source of the multiple-container selection structure in each of those grounds, including the Trueba and Wunsch grounds. Pet., 1-2, 8-33, 42-65. If Palmer is non-analogous art—as the ITC already held—then the Karasiuk-Palmer foundation collapses, and the later-added references cannot cure that threshold defect. Maintaining this IPR would require the Office to revisit the same Palmer-centered dispute the Director already found sufficiently overlapping to warrant de-institution. 145 IPR, Paper 41, 2.

Moreover, the ITC rejected the same motivation theory Petitioners advance in the Karasiuk-Palmer grounds. Petitioners contend that a skilled artisan would have modified Karasiuk's single-reservoir skin-treatment device with Palmer's multiple-

container dental irrigation structure to allow selection among treatment fluids. Pet., 8-14. The ITC rejected that reasoning because there was no evidence that a skilled artisan would have viewed Karasiuk's single container as a problem, and because defining the problem as "choosing among multiple containers" simply restated the patented solution with hindsight. Ex.2161, 155-158. The same defect undermines most of the grounds here. Petitioners again begin with Karasiuk, import Palmer's multiple-container selection structure, and call the result predictable. Pet., 8-14.

The ITC also rejected the same Greenberg-based theories underlying Grounds 2A-2B. Ex.2161, 99-115, 126-147. Petitioners contend Greenberg's dry particles satisfy the treatment-material/fluid limitations, or that using fluids would have been obvious. Pet., 77-79. The ITC found otherwise: Greenberg's dry-particle system does not meet those limitations and "expressly teaches away from using liquids." Ex.2161, 133-137. Nor does the Petition rely on Trueba or any secondary reference to cure that defect. Thus, the ITC's Greenberg findings defeat Grounds 2A-2B or, at minimum, require revisiting the same Greenberg disputes the ITC resolved.

Petitioners add Trueba as a secondary reference. Pet., 1-2, 42-48, 62-65, 93-96. But Trueba was also before the ITC, which held Trueba is not analogous art to the '287 patent. Ex.2161, 140-143. Nor does Trueba cure the defects the ITC found in the Karasiuk-Palmer and Greenberg theories. Ex.2161, 139-143, 161.

Wunsch is merely a secondary add-on to the same rejected Karasiuk-Palmer combination. Petitioners add Wunsch to the Karasiuk-Palmer combination as a backup attempt to address the same manifold/fluid-control dispute. Pet., 1-2, 48-65. Those grounds still depend on Palmer for multiple-container selection and on Karasiuk for the skin-treatment/vacuum architecture. *Id.*

The overlap is affirmed by objective indicia. The ITC credited PO's commercial success based on its practice of the claimed multi-container technology since 2005, strong revenue and sales growth, comparative success over PO's simpler single-container Nectre product, and nexus to the patented innovations. Ex.2161, 174-184. PO raises those arguments here. POPR, 66-81. Maintaining this IPR would therefore duplicate the prior-art analysis and objective-indicia issues.

The record confirms duplication. The POPR raises the same core issues the ITC resolved: Palmer is non-analogous art; Karasiuk-Palmer is hindsight-driven and inoperable; Palmer lacks the required manifold; Greenberg lacks the claimed treatment material in the required fluid path; and objective indicia confirm nonobviousness. POPR, 15-81; Ex.2161, 100-184. These are the core disputes here, as in the ITC and 145 IPR. Because the district court proceeding is not stayed, maintaining this IPR would result in significant duplication of effort, additional expense, and a risk of inconsistent decisions.

Respectfully submitted,

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Dated: May 8, 2026

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of **PATENT OWNER'S BRIEF ON DIRECTOR REVIEW** is being served on May 8, 2026, via email pursuant to 37 C.F.R. § 42.6(e), to counsel for Petitioners as addressed below:

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