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21 **UNITED STATES DISTRICT COURT**  
22 **DISTRICT OF NEVADA**

23 HYDRAFACIAL LLC, formerly known as  
24 EDGE SYSTEMS LLC, a California limited  
25 liability company,

26 Plaintiff,

27 v.

28 MEDICREATIONS LLC, a New York limited  
liability company,

Defendant.

Case Number: 2:24-cv-00855

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

Plaintiff Hydrafacial LLC (“Hydrafacial” or “Plaintiff”), formerly known as Edge Systems LLC, hereby complains of Defendant Medicreations LLC (“Defendant” or “Medicreations”) and alleges as follows:

1 **I. THE PARTIES**

2 1. Hydrafacial is a California limited liability company having a principal place of  
3 business at 2165 E. Spring Street, Long Beach, California 90806. Hydrafacial was formerly  
4 known as Edge Systems LLC.

5 2. Plaintiff is informed and believes, and thereon alleges, that Defendant  
6 Medicreations is a New York limited liability company having a principal place of business at  
7 6370 Annie Oakley Drive, Las Vegas, Nevada, 89120.

8 **II. JURISDICTION AND VENUE**

9 3. This is an action for patent infringement arising under the Patent Laws of the  
10 United States, 35 U.S.C. §§ 100, et seq.

11 4. As such, this is a civil action arising under the Constitution, laws, or treaties of  
12 the United States and a civil action arising under any Act of Congress relating to patents, and  
13 this Court has original subject matter jurisdiction over the claims in this action pursuant to 28  
14 U.S.C. §§ 1331 and 1338(a).

15 5. According to Defendant’s website, Defendant’s “corporate headquarters and  
16 manufacturing facility is in Las Vegas, Nevada” (**Exhibit 20** at 8). According to Defendant’s  
17 website and marketing materials, “every Medicreations device is made in [] FDA-audited  
18 facilities in Las Vegas, Nevada” (**Exhibit 18** at 2).

19 6. As such, this Court has personal jurisdiction over Defendant because Defendant  
20 has a continuous, systematic, and substantial presence within Nevada and this judicial district.  
21 For example, Defendant has a principal place of business in this judicial district at 6370 Annie  
22 Oakley Drive, Las Vegas, Nevada, 89120. Plaintiff is informed and believes, and thereon  
23 alleges, that Defendant also making, using, selling, and/or offering to sell infringing products  
24 in this judicial district and/or sells such products into the stream of commerce knowing they  
25 will be sold in Nevada and this judicial district.

26 7. Further, venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(b)  
27 because Defendant has a regular and established place of business in this judicial district and  
28

1 because Defendant has committed acts of infringement by making, using, selling, and/or  
2 offering to sell infringing products in this judicial district.

### 3 **III. GENERAL ALLEGATIONS**

#### 4 **A. The Hydrafacial Patents and Technology**

5 8. Hydrafacial is a worldwide leader in the design, development, manufacture and  
6 sale of high-quality skin resurfacing and rejuvenation systems, including microdermabrasion  
7 and hydradermabrasion systems. These systems rejuvenate skin by cleaning and exfoliating the  
8 skin surface, extracting debris from pores, and nourishing the skin's surface with a therapeutic  
9 solution, called a "serum," that moisturizes and protects the treated skin surface. Hydrafacial  
10 markets and sells these systems throughout the United States to end users such as dermatologists,  
11 plastic surgeons, cosmetic physicians and aestheticians at medical spas.

12 9. Hydrafacial's flagship systems include the Syndeo™ system. Hydrafacial's  
13 systems are the premier hydradermabrasion systems sold in the United States and are protected  
14 by numerous United States patents. In addition to the Syndeo™ and system, Hydrafacial has  
15 designed, developed, manufactured and sold other patented hydradermabrasion systems,  
16 including the HydraFacial MD®, the HydraFacial® Tower™, the HydraFacial® Allegro™, the  
17 HydraFacial® Wave™, the HydraFacial® Elite™, HydraFacial® Nectre™ and the  
18 HydraFacial® Core™ systems. These Hydrafacial hydradermabrasion systems are referred to  
19 herein collectively as "the HydraFacial® Systems."

20 10. On January 24, 2017, the USPTO duly and lawfully issued U.S. Patent No.  
21 9,550,052 ("the '052 Patent"), titled "CONSOLE SYSTEM FOR THE TREATMENT OF  
22 SKIN." A true and correct copy of the '052 Patent is attached hereto as **Exhibit 1**.

23 11. On November 4, 2003, the USPTO duly and lawfully issued U.S. Patent No.  
24 6,641,591 ("the '591 Patent"), titled "INSTRUMENTS AND TECHNIQUES FOR  
25 CONTROLLED REMOVAL OF EPIDERMAL LAYERS." A true and correct copy of  
26 the '591 Patent is attached hereto as **Exhibit 2**.

27 12. On March 16, 2010, the USPTO duly and lawfully issued U.S. Patent No.  
28 7,678,120 ("the '120 Patent"), titled "INSTRUMENTS AND TECHNIQUES FOR

1 CONTROLLED REMOVAL OF EPIDERMAL LAYERS.” A true and correct copy of  
2 the ’120 Patent is attached hereto as **Exhibit 3**.

3 13. On Sep. 7, 2010, the USPTO duly and lawfully issued U.S. Patent No. 7,789,886  
4 (“the ’886 Patent”), titled “INSTRUMENTS AND TECHNIQUES FOR CONTROLLED  
5 REMOVAL OF EPIDERMAL LAYERS.” A true and correct copy of the ’886 Patent is  
6 attached hereto as **Exhibit 4**.

7 14. On November 29, 2011, the USPTO duly and lawfully issued U.S. Patent No.  
8 8,066,716 (“the ’716 Patent”), titled “INSTRUMENTS AND TECHNIQUES FOR  
9 CONTROLLED REMOVAL OF EPIDERMAL LAYERS.” A true and correct copy of  
10 the ’716 Patent is attached hereto as **Exhibit 5**.

11 15. On December 25, 2012, the USPTO duly and lawfully issued U.S. Patent No.  
12 8,337,513 (“the ’513 Patent”), titled “INSTRUMENTS AND TECHNIQUES FOR  
13 CONTROLLED REMOVAL OF EPIDERMAL LAYERS.” A true and correct copy of  
14 the ’513 Patent is attached hereto as **Exhibit 6**.

15 16. On October 18, 2016, the USPTO duly and lawfully issued U.S. Patent No.  
16 9,468,464 (“the ’464 Patent”), titled “METHODS FOR TREATING THE SKIN USING  
17 VACUUM.” A true and correct copy of the ’464 Patent is attached hereto as **Exhibit 7**.

18 17. On October 3, 2017, the USPTO duly and lawfully issued U.S. Patent No.  
19 9,775,646 (“the ’646 Patent”), titled “DEVICES AND SYSTEMS FOR TREATING THE  
20 SKIN USING VACUUM.” A true and correct copy of the ’646 Patent is attached hereto as  
21 **Exhibit 8**.

22 18. On Nov 1, 2011, the USPTO duly and lawfully issued U.S. Patent No. 8,048,089  
23 (“the ’089 Patent”), titled “APPARATUS AND METHODS FOR TREATING THE SKIN.”  
24 A true and correct copy of the ’089 Patent is attached hereto as **Exhibit 9**.

25 19. On July 23, 2019, the USPTO duly and lawfully issued U.S. Patent No.  
26 10,357,641 (“the ’641 Patent”), titled “TIPS FOR SKIN TREATMENT DEVICE.” A true and  
27 correct copy of the ’641 Patent is attached hereto as **Exhibit 10**.

1           20.     On July 23, 2019, the USPTO duly and lawfully issued U.S. Patent No.  
2 10,357,642 (“the ’642 Patent”), titled “REMOVABLE TIPS FOR USE WITH SKIN  
3 TREATMENT SYSTEMS.” A true and correct copy of the ’642 Patent is attached hereto as  
4 **Exhibit 11.**

5           21.     On September 20, 2022, the USPTO duly and lawfully issued U.S. Patent No.  
6 11,446,477 (“the ’477 Patent”), titled “DEVICES AND METHODS FOR TREATING SKIN.”  
7 A true and correct copy of the ’477 Patent is attached hereto as **Exhibit 12.**

8           22.     The ’591 Patent, the ’120 Patent, the ’886 Patent, the ’716 Patent, the ’513 Patent,  
9 the ’464 Patent, and the ’646 Patent (collectively, the “Shadduck Patents”) expired in August  
10 2020 or later. Defendant introduced its infringing products in the United States on or before  
11 March 13, 2020, and therefore infringed the Shadduck Patents while those patents were in effect.

12           23.     Hydrafacial is the owner of all right, title, and interest in the ’052 Patent, the ’089  
13 Patent, the ’641 Patent, the ’642 Patent, and the ’477 Patent (collectively, the “Ignon Patents”).  
14 Hydrafacial was the owner of all right, title, and interest in the Shadduck Patents during the  
15 period of infringement while those patents were in effect. Hydrafacial therefore is the patentee  
16 for purposes of standing to assert the ’052 Patent, the ’591 Patent, the ’120 Patent, the ’886  
17 Patent, the ’716 Patent, the ’513 Patent, the ’464 Patent, the ’646 Patent, the ’089 Patent,  
18 the ’641 Patent, the ’642 Patent, and the ’477 Patent (collectively, the “Asserted Patents”) in  
19 this action under 35 U.S. Code § 281.

20 **B. Defendant’s Infringing MediSpa System and AquaPeel Handpiece Tips**

21           24.     Defendant is in the business of sourcing, manufacturing and selling aesthetic  
22 medical devices manufactured in its Las Vegas facilities, including hydradermabrasion devices  
23 that compete with Hydrafacial’s HydraFacial® Systems.

24           25.     Defendant markets and sells these hydradermabrasion devices throughout the  
25 United States to end users, such as dermatologists, plastic surgeons, cosmetic physicians and  
26 aestheticians at medical spas. Defendant also offers replacement components, repairs,  
27 warranties, and training and installation services for end users.

1           26. One of the competing hydradermabrasion devices used, sold, offered for sale,  
2 and/or imported into the United States by Defendant is known as the MediSpa system, a skin  
3 treatment system. Defendant has offered the MediSpa system for sale on its website,  
4 <medicreations.com>, and elsewhere online including social media platforms such as YouTube,  
5 Instagram, Facebook, and LinkedIn. Defendant has also used brand representatives to advertise  
6 and sell its products and services.

7           27. An example of a brochure distributed by Defendant on its website dated March  
8 13, 2020, is attached as **Exhibit 13**. **Exhibit 13** is an example of one of Defendant's  
9 advertisements for the MediSpa system.

10           28. Another brochure for the MediSpa system that is offered through Defendant's  
11 website as of this Complaint is attached as **Exhibit 14**. **Exhibit 14** is another example of  
12 Defendant's advertisements for the MediSpa system.

13           29. **Exhibit 15** includes screenshots of the product page on Defendant's website for  
14 the MediSpa system. The webpage depicted in **Exhibit 15** is another example of Defendant's  
15 advertisements for the MediSpa system. A Vimeo video entitled "The MediSpa: 7 Amazing  
16 Treatments. 1 Device." (<https://vimeo.com/552484204>) ("Vimeo Video") is embedded in this  
17 webpage which depicts the MediSpa system. This video was published May 19, 2021. On  
18 information and belief, portions of this video depicting the MediSpa system were filmed and/or  
19 published in 2020 and reuploaded in this longer video in 2021. Screenshots of this webpage  
20 are attached as **Exhibit 16**, with the video paused at 1:09 on page 2 ("**Exhibit 16.1**"), 1:13 on  
21 page 5 ("**Exhibit 16.2**"), 1:13 on page 8 ("**Exhibit 16.3**"), and 1:15 on page 11 ("**Exhibit 16.4**"),  
22 respectively. The webpage also shows that customers have indeed purchased and used the  
23 device, as demonstrated by a customer testimonial by Zee Khan. **Exhibit 15** at 4-5.

24           30. On July 9, 2020, Defendant posted a video on its Facebook page depicting the  
25 MediSpa system in action ([https://www.facebook.com/medicreations/  
26 videos/301490397882213/](https://www.facebook.com/medicreations/videos/301490397882213/)). This is another example of one of Defendant's advertisements for  
27 the MediSpa system. Screenshots of this webpage are attached as **Exhibit 17**, with the video  
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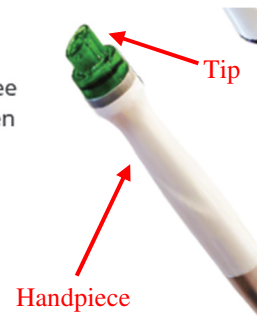
1 paused at 0:23 on page 2 (**Exhibit 17.1**), 0:26 on page 5 (**Exhibit 17.2**), and 0:28 on page 8  
2 (**Exhibit 17.3**), respectively.

3 31. The MediSpa system is a hydrademabrasion device for treating the skin surface  
4 of a patient. The MediSpa system, shown in the images below, includes a handpiece that is  
5 configured to receive a tip at the end of the handpiece. Defendant refers to this tip as the  
6 “AquaPeel” tip (**Exhibits 12 and 13**). Defendant also refers to the hydradermabrasion  
7 functionality of the MediSpa system as “AquaPeel.”

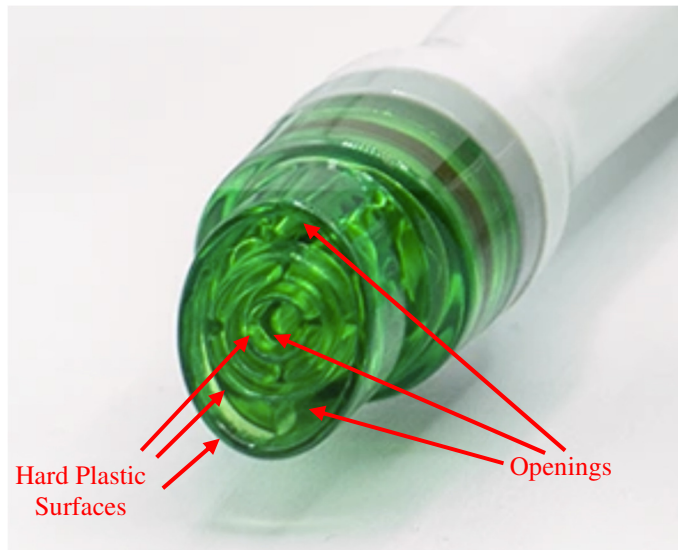


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**AquaPeel:**

The Aquapeel provides a second layer of exfoliation and comes with three different chemical solutions that respectively smooth, clean, and brighten the skin. It is an unrivaled extraction tool, with its potent vacuum suctioning out oil, dirt, and dead skin cells, while reaching deeper to extract blackheads and cleanse pores.



1           32.     The AquaPeel tip includes several openings. Fluid is delivered, and waste is  
2 suctioned away, through these openings. *See Exhibit 13* (the AquaPeel “comes with three  
3 different chemical solutions” and “a potent vacuum suctioning out oil, dirt, and dead skin cells”).  
4 The AquaPeel Tip is made of hard plastic and includes a working surface with a pattern of  
5 raised surfaces and ports. The raised surfaces include edges that are sharp enough to abrade  
6 and exfoliate skin. *See Exhibit 13* (the AquaPeel provides “exfoliation”). On information and  
7 belief, Defendant’s AquaPeel Tips can be attached and detached to the handpiece of the  
8 MediSpa system. *Compare, e.g., Exhibit 13* at 1 (not showing green tip attached to any  
9 handpieces) *with Exhibit 13* at 7 (showing green tip attached to handpiece).

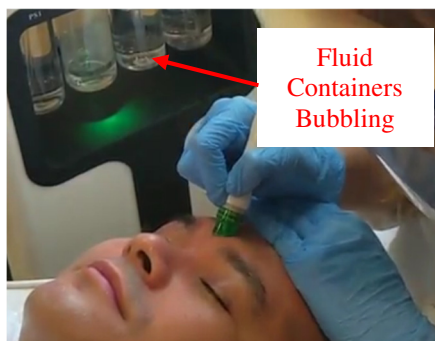


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19           33.     The MediSpa system includes a manifold and a console that allow a user to select  
20 the AquaPeel functionalities, including controlling the selection of solutions, flow of solutions,  
21 and vacuum suction. The MediSpa system also includes a vacuum source that creates suction  
22 for drawing the patient’s skin against the AquaPeel tip and removing material from the skin  
23 (**Exhibit 13, Exhibit 14, and Exhibit 16.1**).





34. The MediSpa system delivers fluid from treatment media containers to the skin. Defendant sells skin treatment media. See **Exhibit 13** at 7 (“comes with three different chemical solutions that respectively smooth, clean, and brighten the skin”); **Exhibit 17.1**; **Exhibit 16.4**.



35. Defendant also offers training and demonstrations on the use of the MediSpa system to end users and customers. In doing so, Defendant has used the MediSpa system at least to demonstrate its operation, as evidenced by the videos cited above. Further, Defendant offers a variety of services along with their products to induce users to use the MediSpa system as designed. For example, Defendant included the below advertisement in its 2020 and 2022 MediSpa brochures. **Exhibit 13** at 12; **Exhibit 14** at 12.

# We'll Teach You Everything About Your Device (And More Besides).

We *love* helping people learn the science and use behind our products. Seriously. So much so we actually built a little academy here in Vegas to do it better.

You'll receive a comprehensive onboarding process when you get any of our lineup at no additional cost. Everything you need to know about usage and care of your devices will be included. That's expected, a given. But we offer more.

Regular Webinars With Top Doctors On The Science

In-Person Seminars With Use-Cases

Live Demonstrations

Q&A Sessions

Marketing Help

36. Defendant either had actual knowledge of the Asserted Patents (or their respective applications) when it began making, using, offering for sale and/or selling the infringing products, or it acted with willful blindness to its infringement.

37. Defendant was a competitor in the aesthetic skin resurfacing equipment industry when it launched its MediSpa system and AquaPeel tips. Defendant was familiar with the industry when founding Medicreations.<sup>1</sup> Defendant knew that Plaintiff was an industry leader at the time.

38. Defendant was familiar with Plaintiff and its aesthetic skin-resurfacing products when it launched its MediSpa system and AquaPeel tips for aesthetic skin resurfacing.

<sup>1</sup> See Screenshots of the Medicreations website attached as **Exhibit 18** at 1 (<https://medicreations.com/about/>) (“Medicreations was founded after decades of combined experience in the field of medical aesthetics and engineering.” “We saw practitioners experience lackluster service while device manufacturers refused to honor warranties for their careless quality.”), **Exhibit 19** at 3 (<https://medicreations.com/top-10-necessary-features-in-facial-machines-for-estheticians/>) (“There are plenty of companies that create reliable facial machines for estheticians.”), and **Exhibit 20** at 8 (<https://medicreations.com/which-medicreations-facial-rejuvenation-device-should-you-purchase/>) (“Although there are several American companies that sell these types of devices, most facial rejuvenation machines are manufactured outside of the country.”).

1           39.     Given this familiarity, Defendant necessarily would have researched Plaintiff  
2 and its patent portfolio before introducing the infringing products. As part of that research,  
3 Defendant would have visited Plaintiff's website, where at least the '052 Patent, '591 Patent,  
4 the '120 Patent, the '886 Patent, the '716 Patent, the '513 Patent, and the '089 Patent were  
5 prominently listed at least as early as June 2018 (**Exhibit 21**), and where Plaintiff continues to  
6 list patents. *See* [www.hydracial.com/patents/](http://www.hydracial.com/patents/). Defendant additionally would have discovered  
7 the patents and any published pending patents not listed through investigation. *See id.*  
8 (“Additional patent applications pending”).

9           40.     At a minimum, Defendant had actual knowledge of the Asserted Patents no later  
10 than about October 21, 2020, when it received a letter from Plaintiff informing Defendant of  
11 the Asserted Patents (barring the '477 Patent, which had not yet issued) and its infringement  
12 thereof. A copy of the letter transmitted to Defendant by Plaintiff (then known as Edge Systems  
13 LLC) is attached hereto as **Exhibit 22**.

14           41.     On information and belief, the MediSpa system's infringing hydradermabrasion  
15 AquaPeel tips and functionality have not substantially changed between March 2020 (or earlier)  
16 and the date of this Complaint. This is confirmed by comparing **Exhibit 13**, the March 2020  
17 brochure, with **Exhibit 14**, the current brochure. While the photograph of the MediSpa on the  
18 first page is updated between the brochures, and while the fluid containers and AquaPeel tip are  
19 not as clearly visible in the photograph in **Exhibit 13**, the identical images and descriptions of  
20 the AquaPeel tip and functionality between the brochures confirm the presence of the infringing  
21 aspects of the MediSpa system prior to the August 2020 expiration of the Shadduck patents.  
22 The Facebook video posted in July 2020 further confirms that the fluid containers and AquaPeel  
23 tip and functionality predate the expiration of the Shadduck patents.

March 2020 Brochure

Exhibit 13 at 1



Exhibit 13 at 3

The MediSpa:	
Hydra-Dermabrasion	Yes
Quantity of Serum Bottles	3
Device cleaning material	1
Ultrasound Handpiece	Yes
Bi-Polar RF Handpiece	Yes, 6 Contact Points
Spray Handpiece (i.e. Oxygen)	Yes
Electro ION, Cold & Hot	Yes
Automatic clean system	Yes

Current Brochure

Exhibit 14 at 1

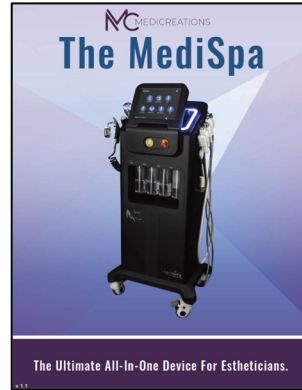


Exhibit 14 at 3

The MediSpa:	
Hydra-Dermabrasion	Yes
Quantity of Serum Bottles	3 + 1 cleansing bottle
Device cleaning material	1
Ultrasound Handpiece	Yes
Bi-Polar RF Handpiece	Yes, 6 Contact Points
Spray Handpiece (i.e. Oxygen)	Yes
Electro ION, Cold & Hot	Yes
Automatic clean system	Yes

Exhibit 13 at 7

**AquaPeel:**

The Aqua Peel provides a second layer of exfoliation and comes with three different chemical solutions that respectively smooth, clean, and brighten the skin. It is an unrivaled extraction tool, with its potent vacuum suctioning out oil, dirt, and dead skin cells, while reaching deeper to extract blackheads and cleanse pores.





Exhibit 14 at 7

**AquaPeel:**

The Aqua Peel provides a second layer of exfoliation and comes with three different chemical solutions that respectively smooth, clean, and brighten the skin. It is an unrivaled extraction tool, with its potent vacuum suctioning out oil, dirt, and dead skin cells, while reaching deeper to extract blackheads and cleanse pores.



July 2020 Facebook Video

Exhibit 17



42. Defendant has infringed and infringes the Ignon Patents. Defendant infringed each of the Shaddock Patents before those patents expired.

43. Plaintiff has never authorized Defendant’s making, use, offer for sale, importation, or sale of the MediSpa system or AquaPeel or other associated tips or devices that perform the accused functionalities.

44. Defendant’s acts of infringement are and were willful, intentional, and deliberate. Defendant has infringed each of the Asserted Patents with reckless disregard for Plaintiff’s patent rights and continues to infringe the Ignon Patents with reckless disregard for Plaintiff’s patent rights. Defendant knows, or should know, and knew, or should have known, that its actions constituted and continue to constitute infringement of the Asserted Patents.

**IV. COUNT I**

**(Infringement of the ’052 Patent)**

45. Plaintiff incorporates by reference and realleges each of the allegations set forth in Paragraphs 1-44 above.

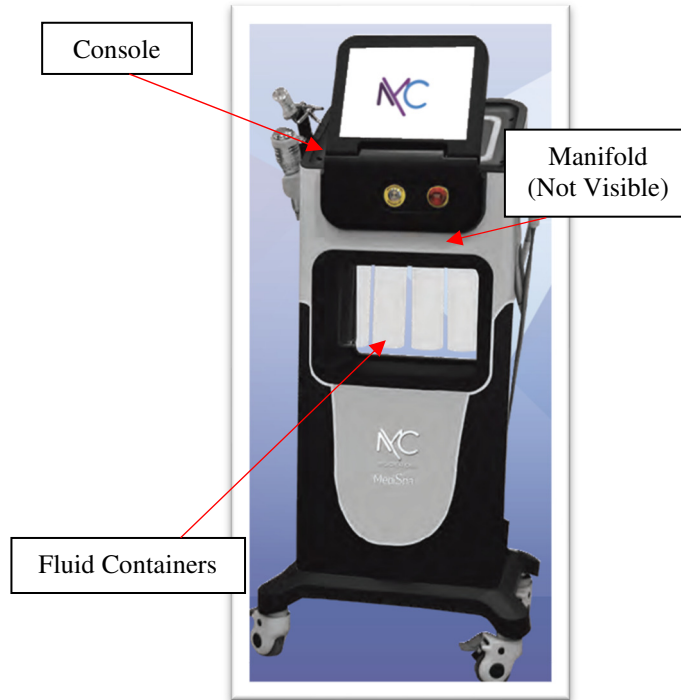
46. Defendant knowingly and intentionally has infringed and continues to infringe the ’052 Patent under 35 U.S.C. § 271(a) through, for example, the manufacture, use, sale, offer for sale, and/or importation into the United States of the MediSpa system.

47. For example, as set forth in the claim chart below, the MediSpa system infringes at least Claim 1 of the ’052 Patent.

Claim Language	Accused Product
1. A system for performing a skin treatment procedure, the system comprising:	The MediSpa is a system for performing a skin treatment procedure. <i>See Exhibit 13</i> at 2. (Medicreations advertises that the “MediSpa packs practically everything you can do for someone’s face into a single device . . .” and that it “exfoliates (twice over)”, “infuses serums,” “tightens skin,” and “clears pores.”).
a console including a manifold, the manifold being in fluid communication with a first fluid container and at least a second fluid container, the first fluid container and the at least the second fluid container being configured to contain a treatment material for a skin	The MediSpa system includes a console with a manifold in fluid communication with multiple fluid containers. The fluid containers contain treatment material for the skin treatment procedure that is liquid.

1 treatment procedure,  
 2 wherein the treatment  
 3 material comprises a  
 4 liquid;

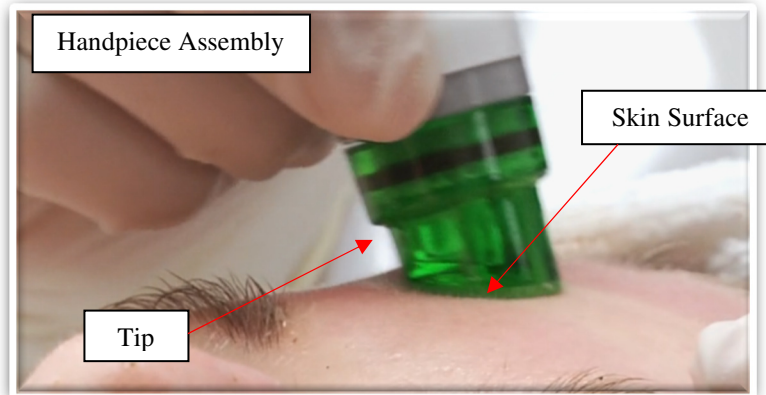
**Exhibit 13** at 1:



13 a handpiece assembly  
 14 comprising a tip, the tip  
 15 being configured to  
 16 contact a skin surface of a  
 17 subject;

The MediSpa system includes a handpiece assembly with a tip that is configured to contact the skin surface.

**Exhibit 16.2:**



23 a supply conduit placing  
 24 the manifold of the  
 25 console in fluid  
 26 communication with the  
 27 handpiece assembly,  
 28 wherein a distal end of  
 the supply conduit is  
 configured to couple to  
 the handpiece assembly;

The MediSpa supply conduit places the manifold of the console in fluid communication with the handpiece assembly. The distal end of the supply conduit is configured to couple to the handpiece assembly.

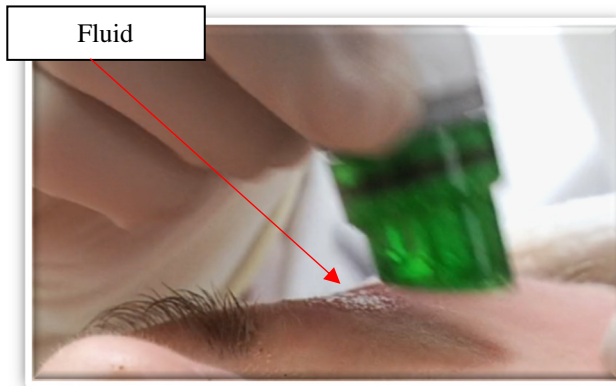
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**Exhibit 13 at 1:**



The MediSpa supply conduit connects the handpiece to the fluid containers via the manifold. During use fluid is supplied from the containers to the handpiece. For example, the below image depicts liquid being delivered through the handpiece.

**Exhibit 16.4:**



wherein the manifold is configured to control a flow of treatment material from the first fluid container and at least the second fluid container through the supply conduit; and

The flow of treatment material is controlled by the manifold, which is controlled by the console where the user inputs the treatment flow selection. The manifold controls the flow of treatment material from the first fluid container and at least the second fluid container through the supply conduit.

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**Exhibit 13 at 1:**



**Exhibit 16.1:**



<p>a vacuum source;</p>	<p>The MediSpa system includes a vacuum source.</p> <p>For example, the Medicreations Pamphlet stats the AquaPeel Handpiece has a “potent vacuum [that] suction[s] out oil, dirt and dead skin cells, while reaching deeper to extract blackheads and cleanse pores.” <b>Exhibit 13</b> at 7.</p>
<p>a waste conduit in fluid communication with the tip of the handpiece assembly to remove waste away from a skin surface of a subject during a skin treatment procedure, wherein the waste conduit is operatively coupled to the vacuum source; and</p>	<p>The MediSpa system’s AquaPeel Handpiece includes a waste conduit in fluid communication with the tip of the handpiece assembly. This removes waste away from the skin of the patient. It is operatively coupled to the vacuum source.</p> <p>For example, the Medicreations Pamphlet stats the AquaPeel Handpiece has a “potent vacuum [that] suction[s] out oil, dirt and dead skin cells, while reaching deeper to extract blackheads and cleanse pores.” <b>Exhibit 13</b> at 7. The “oil, direct and dead skin cells,” as well as used treatment fluid is delivered to a waste container through a conduit.</p>



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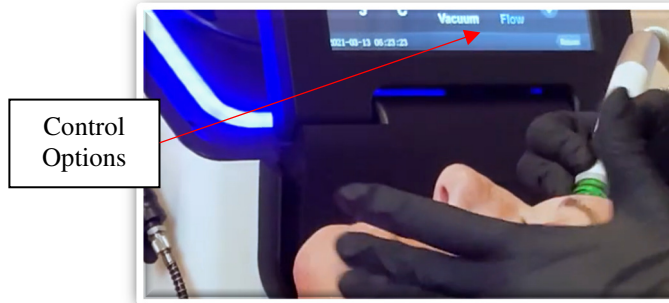
**Exhibit 13** at 1:



wherein the system is configured to permit a user to select the treatment material from the first fluid container or the at least second fluid container to be delivered through the supply conduit to the handpiece assembly; and

The MediSpa system is configured to permit a user to select the treatment material from the fluid containers to be delivered through the supply conduit to the handpiece assembly. The flow of treatment material is controlled by the manifold, which is in turn controlled by the user console.

**Exhibit 16.1:**



wherein, when the vacuum source is activated and the tip contacts the skin surface, a suction force is created within the waste conduit and along the tip, thereby removing waste from the skin surface via the waste conduit while drawing treatment material from the first fluid container or the second fluid container

When the MediSpa vacuum source is activated and the AquaPeel tip contacts the skin surface, a suction force is created within the waste conduit and along the tip, thereby removing waste from the skin surface via the waste conduit while drawing treatment material from the first fluid container or the second fluid container to the tip via the supply conduit.

The vacuum source of the MediSpa creates a vacuum within the waste passageway and the tip. This vacuum source delivers a treatment media from the fluid containers to the tip. Simultaneously, the vacuum source also removes spent treatment media (i.e., waste) away from the working end portion through the waste passageway.

to the tip via the supply conduit.	When the vacuum source is activated, it lowers the atmospheric pressure in the tubes through which the fluid must pass. The suction force of the vacuum draws waste through the waste conduit and also draws treatment fluid from the fluid containers, which allows the treatment fluid to be delivered to the skin.
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48. Defendant is liable under 35 U.S.C. § 271(b) for actively inducing others to infringe the '052 Patent because, among other things, Defendant has marketed, sold, and offered for sale, and continues to market, sell, and offer for sale, the accused hydradermabrasion products and components thereof knowing and intending that such hydradermabrasion products would be assembled or used by customers and end users in a manner that infringes at least claim 1 of the '052 Patent. *See Exhibits 21 and 22.* To that end, Defendant provided and provides instructions and information to its customers and end users of the accused hydradermabrasion products and components thereof, encouraging assembly and use of the accused hydradermabrasion products and components thereof in a manner that infringes the '052 Patent. **Exhibits 13 and 14** (Defendant offers customers “a comprehensive onboarding process when you get any of our lineup,” teaching “[e]verything [customers] need to know about usage and care of [their] devices,” “In-Person Seminars With Use-Cases” and “Live Demonstrations.”). Further, customers and users have assembled and/or used the accused hydradermabrasion products and components thereof in a manner that infringes the '052 Patent (and continue to do so). *See Exhibit 15* at 4-5 (Zee Khan customer testimonial).

49. Defendant is liable for contributory infringement under 35 U.S.C. § 271(c) because, among other things, Defendant has sold or offered for sale, and continues to sell and/or offers for sale within the United States and/or has imported and continues to import into the United States, the accused hydradermabrasion products and components thereof constituting material parts of the invention of at least claim 1 of the '052 Patent, that are not staple articles or commodities of commerce suitable for substantial non-infringing use. *See supra*; **Exhibits 13 and 14.** Defendant has and continues to so act, knowing that the accused hydradermabrasion products and components thereof are especially made for or adapted for use in an infringement of the '052 Patent. *See Exhibits 21 and 22.* Further, customers and users have assembled

1 and/or used the accused hydradermabrasion products and components thereof in a manner that  
 2 infringes the '052 Patent (and continue to do so). *See Exhibit 15* at 4-5 (Zee Khan customer  
 3 testimonial).

4 50. As a direct and proximate result of Defendant’s acts of infringement, Defendant  
 5 has derived and received gains, profits, and advantages. Plaintiff has been damaged by  
 6 Defendant’s activities, in an amount to be determined at trial, but in no event less than a  
 7 reasonable royalty.

8 51. Defendant’s infringement was and is willful. Pursuant to 35 U.S.C. § 284,  
 9 Plaintiff is entitled to damages for Defendant’s infringing acts and treble damages together with  
 10 interests and costs as fixed by this Court.

11 52. This is an exceptional case. Pursuant to 35 U.S.C. § 285, Plaintiff is entitled to  
 12 reasonable attorneys’ fees for the necessity of bringing this claim.

13 53. Due to the aforesaid infringing acts, Plaintiff has suffered irreparable injury, for  
 14 which Plaintiff has no adequate remedy at law.

15 54. Unless enjoined by this Court, Defendant will continue to infringe Plaintiff’s  
 16 patent rights and cause Plaintiff further irreparable injury.

17 **V. COUNT II**

18 **(Infringement of the '591 Patent)**

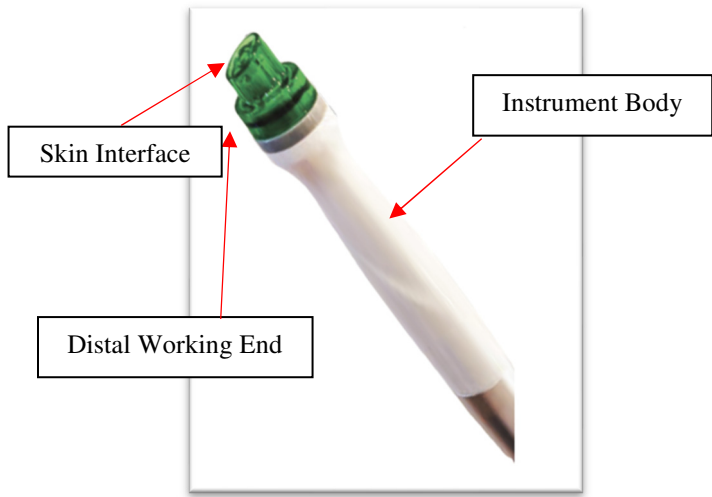
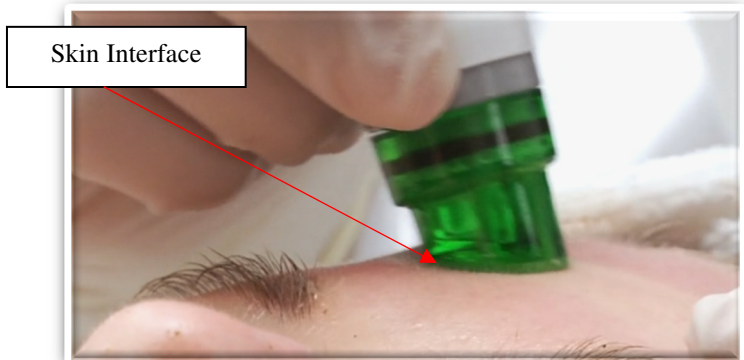
19 55. Plaintiff incorporates by reference and realleges each of the allegations set forth  
 20 in Paragraphs 1-54 above.

21 56. Defendant knowingly and intentionally infringed the '591 Patent under 35 U.S.C.  
 22 § 271(a) through, for example, the manufacture, use, sale, offer for sale, and/or importation into  
 23 the United States of the MediSpa system during the term of the '591 Patent.

24 57. For example, as set forth in the claim chart below, the MediSpa system infringed  
 25 at least Claim 1 of the '591 Patent during the term of the patent.

Claim Language	Accused Product
1. A system for treating the skin surface of a patient, comprising:	The MediSpa is a system for treating skin. For example, Medicreations advertises that the “MediSpa packs practically everything you can do for someone’s face into a single

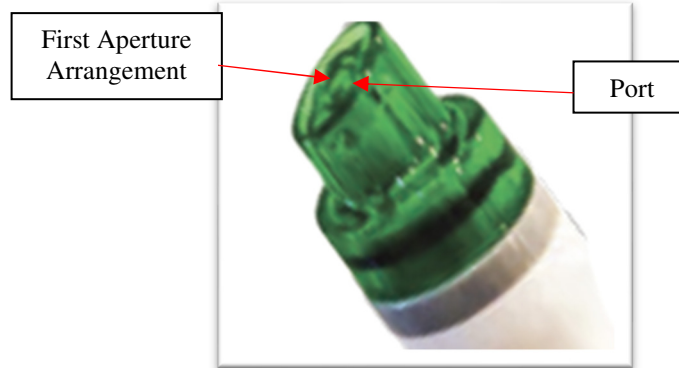
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	<p>device . . .” and that it “exfoliates (twice over)”, “infuses serums,” “tightens skin,” and “clears pores.” <b>Exhibit 13</b> at 2.</p>
<p>(a) an instrument body with a distal working end that defines a skin interface portion for contacting the skin;</p>	<p>The MediSpa system includes a handpiece having an instrument body with a distal working end (AquaPeel tip) that contacts the skin during use. The portion of the tip which contacts the skin forms the skin interface.</p> <p>For example, the Medicreations Pamphlet advertises that the AquaPeel “provides a second layer of exfoliation.” <b>Exhibit 13</b> at 7.</p> <p><b>Exhibit 13</b> at 7:</p>  <p>In addition, as depicted below, the Medicreations Pamphlet shows the AquaPeel Handpiece in use, contacting the skin.</p> <p><b>Exhibit 13</b> at 9.</p> <p><b>Exhibit 16.2:</b></p> 

1 (b) a first aperture  
 2 arrangement in said skin  
 3 interface consisting of at  
 4 least one port in  
 5 communication with a  
 6 treatment media source;

There is a first aperture arrangement in said skin interface consisting of at least one port in communication with a treatment media source.

**Exhibit 13** at 7:



The treatment media is delivered from the treatment media source to the skin through the port. For example, the Medicreations Pamphlet explains that the AquaPeel provides “three different chemical solutions.” **Exhibit 13** at 7. In order to deliver these “solutions” from the treatment media sources (shown below) to the skin, the AquaPeel handpiece must include a first aperture arrangement with at least one port in communication with the treatment media source.

**Exhibit 13** at 1:



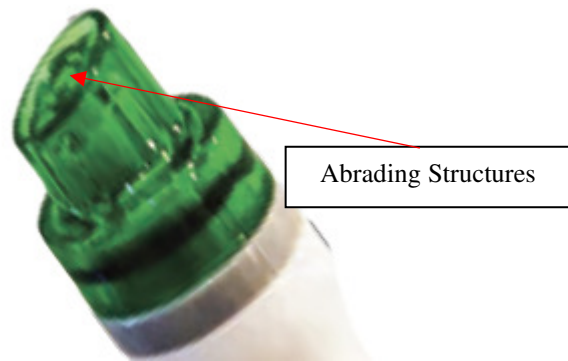
27 (c) a second aperture  
 28 arrangement in said skin

The AquaPeel Handpiece includes a second aperture arrangement with at least one port in communication with a

<p>1 interface consisting of at                  2 least one port in                  3 communication with a                  4 vacuum source for                  5 removing treatment                  6 media and removed                  tissue from the skin                  interface; and</p>	<p>vacuum source for removing treatment media and removed tissue from the skin interface.</p> <p>For example, the Medicreations Pamphlet states that the AquaPeel Handpiece has a “potent vacuum [that] suction[s] out oil, dirt and dead skin cells, while reaching deeper to extract blackheads and cleanse pores.” <b>Exhibit 13</b> at 7.</p> <p>In order for the vacuum to perform its advertised purpose, the tip must include a second aperture arrangement with at least one port in communication with the vacuum source.</p>
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<p>7 (d) wherein the skin                  8 interface comprises an                  9 abrading structure with                  10 substantially sharp edges                  11 for abrading tissue.</p>	<p>The skin interface of the AquaPeel includes a structure made of hard plastic, that is sharp enough to abrade when translated on the skin.</p> <p>For example, the Medicreations Pamphlet explains that the AquaPeel Handpiece “provides a second layer of exfoliation.” <b>Exhibit 13</b> at 7.</p>
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**Exhibit 13** at 7:



**Exhibit 16.2:**



58. Defendant is liable under 35 U.S.C. § 271(b) for actively inducing others to infringe the '591 Patent because, among other things, Defendant has marketed, sold, and offered for sale, and continues to market, sell, and offer for sale, the accused hydradermabrasion products and components thereof knowing and intending that such hydradermabrasion products

1 would be assembled or used by customers and end users in a manner that infringes at least claim  
2 1 of the '591 Patent. *See Exhibits 21 and 22.* To that end, Defendant provided and provides  
3 instructions and information to its customers and end users of the accused hydradermabrasion  
4 products and components thereof, encouraging assembly and use of the accused  
5 hydradermabrasion products and components thereof in a manner that infringes the '591 Patent.  
6 **Exhibits 13 and 14** (Defendant offers customers “a comprehensive onboarding process when  
7 you get any of our lineup,” teaching “[e]verything [customers] need to know about usage and  
8 care of [their] devices,” “In-Person Seminars With Use-Cases” and “Live Demonstrations.”).  
9 Further, customers and users have assembled and/or used the accused hydradermabrasion  
10 products and components thereof in a manner that infringes the '591 Patent (and continue to do  
11 so). *See Exhibit 15* at 4-5 (Zee Khan customer testimonial).

12 59. Defendant is liable for contributory infringement under 35 U.S.C. § 271(c)  
13 because, among other things, Defendant has sold or offered for sale, and continues to sell and/or  
14 offers for sale within the United States and/or has imported and continues to import into the  
15 United States, the accused hydradermabrasion products and components thereof constituting  
16 material parts of the invention of at least claim 1 of the '591 Patent, that are not staple articles  
17 or commodities of commerce suitable for substantial non-infringing use. *See supra; Exhibits*  
18 **13 and 14.** Defendant has and continues to so act, knowing that the accused hydradermabrasion  
19 products and components thereof are especially made for or adapted for use in an infringement  
20 of the '591 Patent. *See Exhibits 21 and 22.* Further, customers and users have assembled  
21 and/or used the accused hydradermabrasion products and components thereof in a manner that  
22 infringes the '591 Patent (and continue to do so). *See Exhibit 15* at 4-5 (Zee Khan customer  
23 testimonial).

24 60. As a direct and proximate result of Defendant's acts of infringement, Defendant  
25 has derived and received gains, profits, and advantages. Plaintiff has been damaged by  
26 Defendant's activities, in an amount to be determined at trial, but in no event less than a  
27 reasonable royalty.  
28

61. Defendant’s infringement was willful. Pursuant to 35 U.S.C. § 284, Plaintiff is entitled to damages for Defendant’s infringing acts and treble damages together with interests and costs as fixed by this Court.

62. This is an exceptional case. Pursuant to 35 U.S.C. § 285, Plaintiff is entitled to reasonable attorneys’ fees for the necessity of bringing this claim.

**VI. COUNT III**

**(Infringement of the ’120 Patent)**

63. Plaintiff incorporates by reference and realleges each of the allegations set forth in Paragraphs 1-62 above.

64. Defendant knowingly and intentionally infringed the ’120 Patent under 35 U.S.C. § 271(a) through, for example, the use and demonstration of the MediSpa system during the term of the ’120 Patent. *See Exhibit 13* at 12 (offering “Live Demonstrations” on the use of the devices). As alleged above, Defendant has advertised its MediSpa systems using video demonstrations of operating the MediSpa system and thus infringing the ’120 Patent. *See Exhibit 16*.

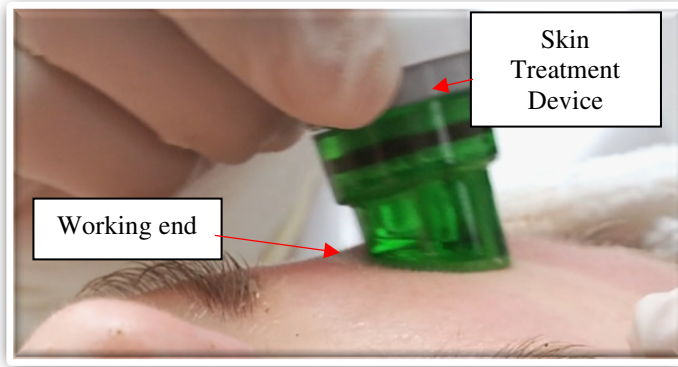
65. For example, as set forth in the claim chart below, the Defendant infringed at least Claim 1 of the ’120 Patent during the term of the patent.

Claim Language	Accused Product
1. A method for abrading skin of a patient, comprising:	The Vimeo Video shows an infringing use of the MediSpa system. <b>Vimeo Video</b> at 1:00-1:16; <b>Exhibit 16</b> . Other marketing materials explain additional detail about the process and device seen in the video. <i>See, e.g., Exhibit 13</i> at 3 (“Hydra-Dermabrasion”), 7 (“The Aqua Peel provides a second layer of exfoliation”). Along with this background information, the video shows the performance of a method for abrading skin of a patient.  As alleged above, on information and belief, this use occurred in 2020. To the extent this use was after the expiration of the ’120 Patent, this use is only exemplary and emblematic of uses that occurred prior to its expiration.
(a) placing a working end of a skin treatment device against the skin of the patient;	The operator places the working end of the AquaPeel tip of the handpiece against the skin of a patient.



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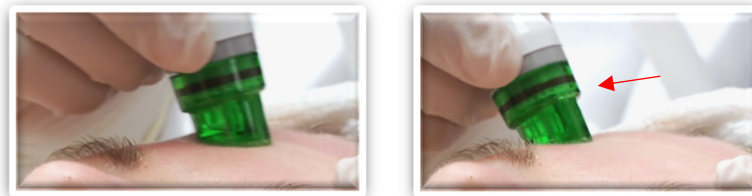
**Exhibit 16.2:**



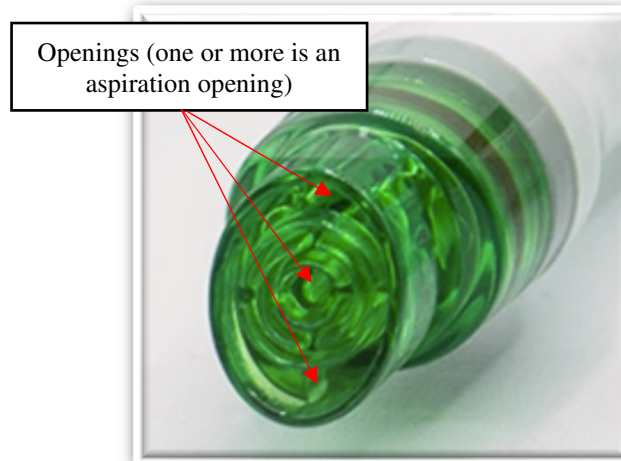
(b) drawing the skin against an abrading surface on a skin interface on the working end of the skin treatment device by applying suction to the skin through an aspiration opening in the working end, the abrading surface comprising apexes extending upwardly from the abrading surface and the apexes having sharp edges;

The operator draws the skin against the abrading surface of the working end of the AquaPeel tip. Suction is applied to the skin through an aspiration opening in the working end. **Vimeo Video** at 1:07-1:10 (“water based suction cleans out pores”); *see also Exhibit 13* at 3 (“Hydra-Dermabrasion”), 7 (“The AquaPeel provides a second layer of exfoliation ... with its potent vacuum suctioning out oil, dirt, and dead skin cells, while reaching deeper to extract blackheads and cleanse pores.”). The abrading surface has hard plastic apexes extending upwardly from the abrading surface with edges sharp enough to abrade skin.

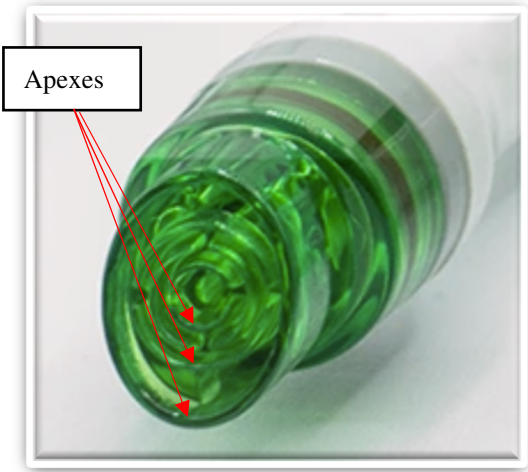
**Exhibit 16.2 and 16.3:**



**Exhibit 15 at 2:**



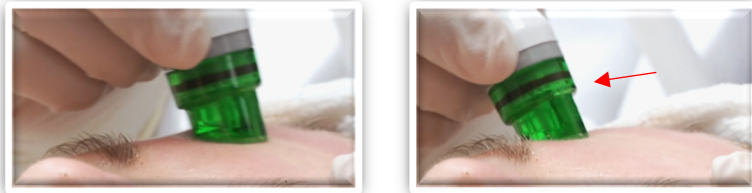
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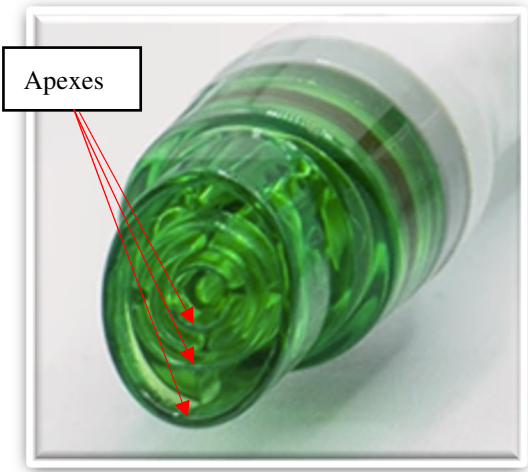
(c) moving the treatment device across the skin while the sharp edge of the apexes remain stationary with respect to the working end of the skin treatment device;

The operator moves the treatment device across the skin. As visible in the images, the apexes are either molded with or rigidly affixed to the working end of the skin treatment device, so they remain stationary with respect to the working end as the treatment device is moved across the skin.

**Exhibit 16.2 and 16.3:**




**Exhibit 15 at 2:**



(d) abrading the skin drawn against the sharp edge of the apexes while continuously applying suction through the aspiration opening.

The process abrades skin drawn against the sharp edge of the apexes while continuously applying suction through the aspiration opening. **Vimeo Video** at 1:07-1:10 (“water based suction cleans out pores”); *see also* **Exhibit 13** at 3 (“Hydra-

<p>suction through the aspiration opening; and</p>	<p>Dermabrasion”), 7 (“The Aquapeel provides a second layer of exfoliation ... with its potent vacuum suctioning out oil, dirt, and dead skin cells, while reaching deeper to extract blackheads and cleanse pores.”).</p> <p><b>Exhibit 16.2:</b></p> 
<p>(e) removing skin debris through the aspiration opening in the working end of the skin treatment device.</p>	<p>The process removes skin debris through the aspiration opening in the working end of the skin treatment device. <b>Vimeo Video</b> at 1:07-1:10 (“water based suction cleans out pores”); <i>see also Exhibit 13</i> at 3 (“Hydra-Dermabrasion”), 7 (“The Aquapeel provides a second layer of exfoliation ... with its potent vacuum suctioning out oil, dirt, and dead skin cells, while reaching deeper to extract blackheads and cleanse pores.”).</p>

66. Defendant is liable under 35 U.S.C. § 271(b) for actively inducing others to infringe the '120 Patent because, among other things, Defendant has marketed, sold, and offered for sale the accused hydradermabrasion products and components thereof knowing and intending that such hydradermabrasion products would be used by customers and end users in a manner that infringes at least claim 1 of the '120 Patent during its term. *See Exhibits 21 and 22.* To that end, Defendant provided instructions and information to its customers and end users of the accused hydradermabrasion products and components thereof, encouraging use of the accused hydradermabrasion products and components thereof in a manner that infringes the '120 Patent during its term. **Exhibit 13** (Defendant offers customers “a comprehensive onboarding process when you get any of our lineup,” teaching “[e]verything [customers] need to know about usage and care of [their] devices,” “In-Person Seminars With Use-Cases” and “Live Demonstrations.”). Further, customers and users have used the accused hydradermabrasion products and components thereof in a manner that infringes the '120 Patent

1 (on information and belief, during its term). *See Exhibit 15* at 4-5 (Zee Khan customer  
2 testimonial).

3 67. Defendant is liable for contributory infringement under 35 U.S.C. § 271(c)  
4 because, among other things, Defendant has sold or offered for sale within the United States  
5 and/or has imported into the United States, the accused hydradermabrasion products and  
6 components thereof constituting material parts of the invention of at least claim 1 of the '120  
7 Patent during its term, that were not staple articles or commodities of commerce suitable for  
8 substantial non-infringing use. *See supra; Exhibit 13*. Defendant did so knowing that the  
9 accused hydradermabrasion products and components thereof were especially made for or  
10 adapted for use in an infringement of the '120 Patent during its term. *See Exhibit 21 and 22*.  
11 Further, customers and users have used the accused hydradermabrasion products and  
12 components thereof in a manner that infringes the '120 Patent (on information and belief, during  
13 its term). *See Exhibit 15* at 4-5 (Zee Khan customer testimonial).

14 68. As a direct and proximate result of Defendant's acts of infringement, Defendant  
15 has derived and received gains, profits, and advantages. Plaintiff has been damaged by  
16 Defendant's activities, in an amount to be determined at trial, but in no event less than a  
17 reasonable royalty.

18 69. Defendant's infringement was willful. Pursuant to 35 U.S.C. § 284, Plaintiff is  
19 entitled to damages for Defendant's infringing acts and treble damages together with interests  
20 and costs as fixed by this Court.

21 70. This is an exceptional case. Pursuant to 35 U.S.C. § 285, Plaintiff is entitled to  
22 reasonable attorneys' fees for the necessity of bringing this claim.

## 23 **VII. COUNT IV**

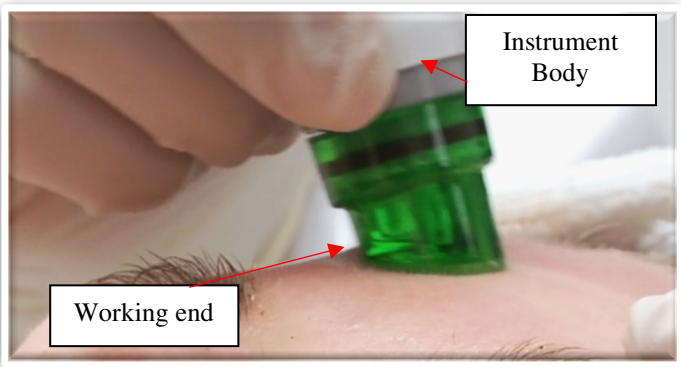
### 24 **(Infringement of the '886 Patent)**

25 71. Plaintiff incorporates by reference and realleges each of the allegations set forth  
26 in Paragraphs 1-70 above.

27 72. Defendant knowingly and intentionally infringed the '886 Patent under 35 U.S.C.  
28 § 271(a) through, for example, the use and demonstration of the MediSpa system during the

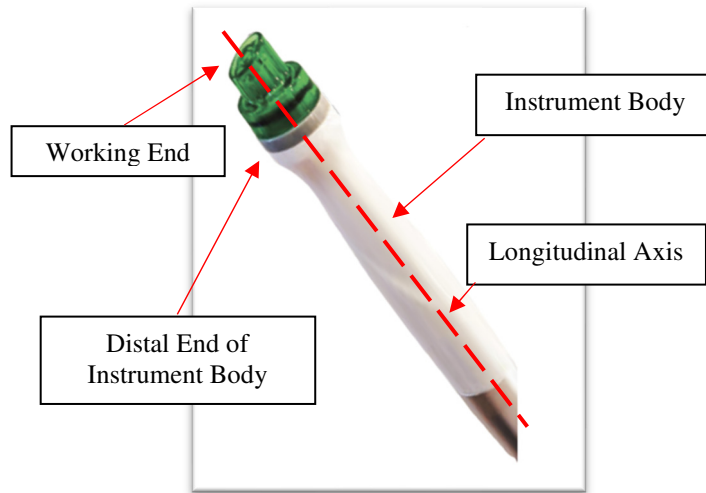
1 term of the '886 Patent. *See* **Exhibit 13 at 12**(offering “Live Demonstrations” on the use of the  
 2 devices). As alleged above, Defendant has advertised its MediSpa systems using video  
 3 demonstrations of operating the MediSpa system and thus infringing the '120 Patent. *See*  
 4 **Exhibit 16**.

5 73. For example, as set forth in the claim chart below, the MediSpa infringed at least  
 6 Claim 11 of the '886 Patent during the term of the patent.

Claim Language	Accused Product
7 11. A method for treating 8 a skin surface of a patient, 9 comprising:	The Vimeo Video shows an infringing use of the MediSpa system. <b>Vimeo Video</b> at 1:00-1:16; <b>Exhibit 16</b> . Other marketing materials explain additional detail about the process and device seen in the video. <i>See, e.g., Exhibit 13</i> at 3 (“Hydra-Dermabrasion”), 7 (“The Aqua Peel provides a second layer of exfoliation”). Along with this background information, the video shows the performance of a method for treating a skin surface of a patient.  As alleged above, on information and belief, this use occurred in 2020. To the extent this use was after the expiration of the '886 Patent, this use is only exemplary and emblematic of uses that occurred prior to its expiration.
15 (a) applying against the 16 skin surface of a patient 17 an instrument body with a 18 longitudinal axis and a 19 distal working end, said 20 distal working end 21 comprising a working 22 surface that carries an 23 abrading structure 24 comprising a plurality of 25 sharp elements for 26 engaging and abrading 27 the skin surface together 28 with a vacuum source coupled to at least one aperture about said working surface, the abrading structure and the at least one aperture positioned within a raised outer periphery that completely circumscribes the abrading structure	The operator applies the handpiece and AquaPeel tip of the MediSpa system against the skin of a patient. The handpiece has an instrument body with a distal working end with a working surface and a longitudinal axis.  <b>Exhibit 16.2:</b>  

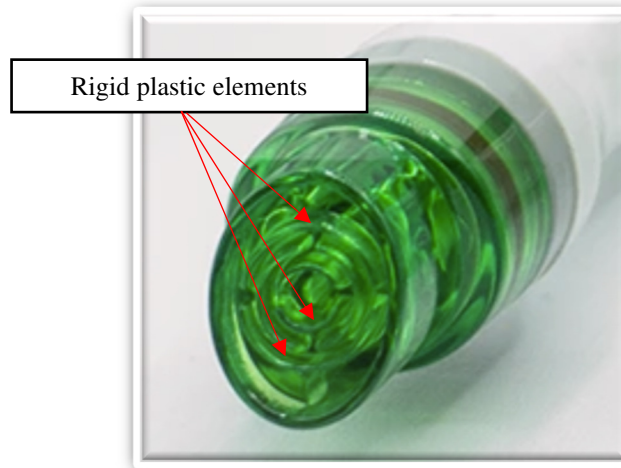
1 and the at least one  
2 aperture;

**Exhibit 13** at 7:

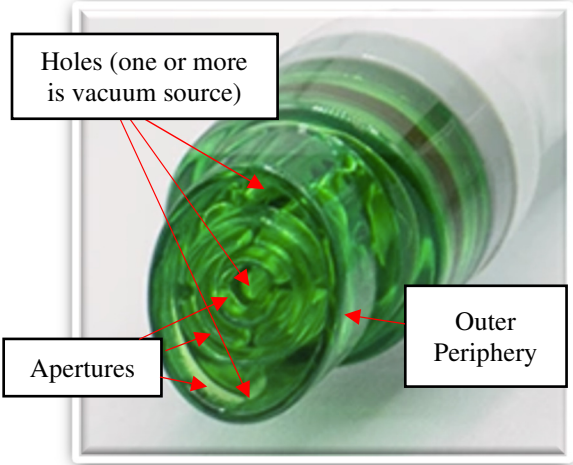
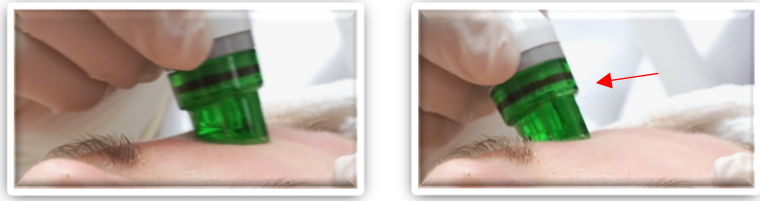


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10 The distal end of the working end of the AquaPeel tip comprises  
11 a working surface comprising a plurality of rigid plastic elements  
12 sharp enough to abrade the skin surface.

**Exhibit 15** at 2:



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21 There is also a vacuum source coupled to at least one aperture  
22 about the working surface. This aperture and the abrading  
23 structure are completely circumscribed within a raised outer  
24 periphery. **Vimeo Video** at 1:07-1:10 (“water-based suction  
25 cleans out pores”); *see also* **Exhibit 13** at 7 (the AquaPeel having  
26 a “potent vacuum suctioning out oil, dirt, and dead skin cells”).  
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<p>1 2 3 4 5 6 7 8 9</p>	<p><b>Exhibit 15</b> at 2:</p> 
<p>10 11 12 13 14 15 16</p>	<p>(b) translating the working surface over the skin surface to thereby abrade the skin surface; and</p> <p>The operator translates the working surface over the ski surface to abrade the skin surface. <i>See Exhibit 13</i> at 3 (“Hydra-Dermabrasion”), 7 (“The Aqua Peel provides a second layer of exfoliation”)</p> <p><b>Exhibit 16.2 and 16.3:</b></p> 
<p>17 18 19 20 21 22 23</p>	<p>(c) contemporaneously actuating the vacuum source to thereby cause suction engagement of the skin surface against the raised outer periphery and the plurality of sharp elements of the working surface and to aspirate skin debris through the at least one aperture.</p> <p>During operation, the vacuum source of the MediSpa is actuated and creates a vacuum within the tip. The vacuum source creates suction engagement of the skin surface against the raised outer periphery and also aspirates skin debris away from the working end portion through the at least one aperture. <b>Vimeo Video</b> at 1:07-1:10 (“water-based suction cleans out pores”); <i>see also Exhibit 13</i> at 7 (the AquaPeel having a “potent vacuum suctioning out oil, dirt, and dead skin cells”).</p>

24           74. Defendant is liable under 35 U.S.C. § 271(b) for actively inducing others to  
25 infringe the '886 Patent because, among other things, Defendant has marketed, sold, and offered  
26 for sale the accused hydradermabrasion products and components thereof knowing and  
27 intending that such hydradermabrasion products would be used by customers and end users in  
28 a manner that infringes at least claim 11 of the '886 Patent during its term. *See Exhibits 21*

1 **and 22.** To that end, Defendant provided instructions and information to its customers and end  
2 users of the accused hydradermabrasion products and components thereof, encouraging use of  
3 the accused hydradermabrasion products and components thereof in a manner that infringes  
4 the '886 Patent during its term. **Exhibit 13** (Defendant offers customers “a comprehensive  
5 onboarding process when you get any of our lineup,” teaching “[e]verything [customers] need  
6 to know about usage and care of [their] devices,” “In-Person Seminars With Use-Cases” and  
7 “Live Demonstrations.”). Further, customers and users have used the accused  
8 hydradermabrasion products and components thereof in a manner that infringes the '886 Patent  
9 (on information and belief, during its term). *See Exhibit 15* at 4-5 (Zee Khan customer  
10 testimonial).

11 75. Defendant is liable for contributory infringement under 35 U.S.C. § 271(c)  
12 because, among other things, Defendant has sold or offered for sale within the United States  
13 and/or has imported into the United States, the accused hydradermabrasion products and  
14 components thereof constituting material parts of the invention of at least claim 11 of the '886  
15 Patent during its term, that were not staple articles or commodities of commerce suitable for  
16 substantial non-infringing use. *See supra*; **Exhibit 13**. Defendant did so knowing that the  
17 accused hydradermabrasion products and components thereof were especially made for or  
18 adapted for use in an infringement of the '886 Patent during its term. *See Exhibit 21 and 22*.  
19 Further, customers and users have used the accused hydradermabrasion products and  
20 components thereof in a manner that infringes the '886 Patent (on information and belief, during  
21 its term). *See Exhibit 15* at 4-5 (Zee Khan customer testimonial).

22 76. As a direct and proximate result of Defendant's acts of infringement, Defendant  
23 has derived and received gains, profits, and advantages. Plaintiff has been damaged by  
24 Defendant's activities, in an amount to be determined at trial, but in no event less than a  
25 reasonable royalty.

26 77. Defendant's infringement was willful. Pursuant to 35 U.S.C. § 284, Plaintiff is  
27 entitled to damages for Defendant's infringing acts and treble damages together with interests  
28 and costs as fixed by this Court.



78. This is an exceptional case. Pursuant to 35 U.S.C. § 285, Plaintiff is entitled to reasonable attorneys’ fees for the necessity of bringing this claim.

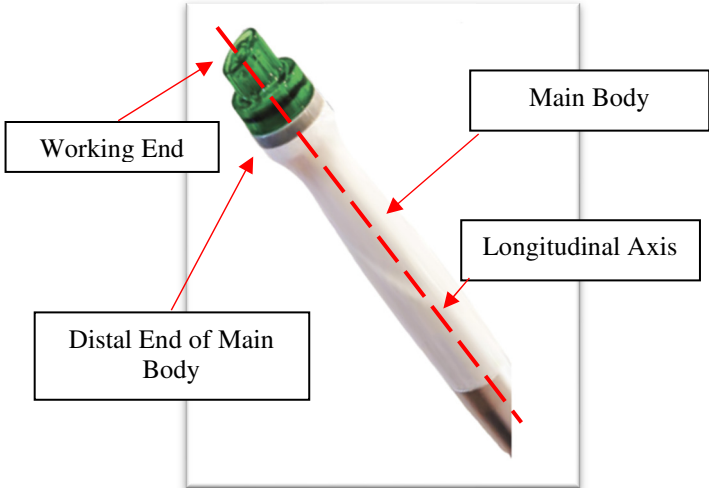
**VIII. COUNT V**

**(Infringement of the ’716 Patent)**

79. Plaintiff incorporates by reference and realleges each of the allegations set forth in Paragraphs 1-78 above.

80. Defendant knowingly and intentionally infringed the ’716 Patent under 35 U.S.C. § 271(a) through, for example, the manufacture, use, sale, offer for sale, and/or importation into the United States of the MediSpa system during the term of the ’716 Patent.

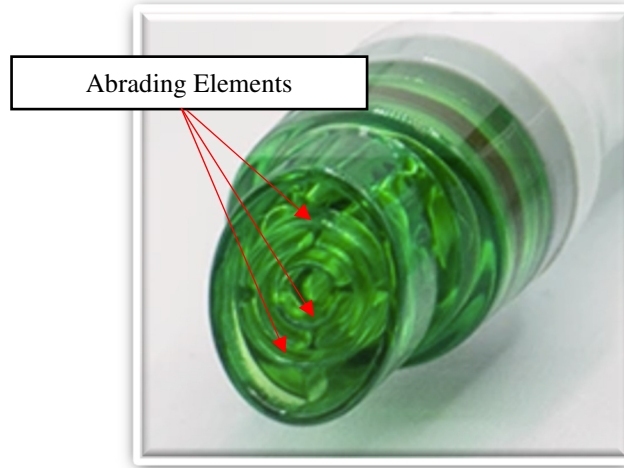
81. For example, as set forth in the claim chart below, the MediSpa system infringed at least Claim 11 of the ’716 Patent during the term of the patent.

Claim Language	Accused Product
<p>11. A system for treating a skin surface of a patient, comprising:</p>	<p>The MediSpa is a system for treating skin. For example, Medicreations advertises that the “MediSpa packs practically everything you can do for someone’s face into a single device . . .” and that it “exfoliates (twice over)”, “infuses serums,” “tightens skin,” and “clears pores.” <b>Exhibit 13</b> at 2.</p>
<p>a handheld device comprising a main body and a working end attached to a distal end of the main body, said main body defining a longitudinal axis, said working end comprising an abrading structure, wherein said abrading structure comprises a plurality of abrading elements configured to abrade skin, wherein each abrading element comprises a sharp edge; and</p>	<p>The MediSpa includes a handpiece with a main body and a working end with the AquaPeel tip at the distal end. The working end is attached to the distal end of the main body of the handpiece. The main body defines a longitudinal axis. <b>Exhibit 13</b> at 7.</p> <p><b>Exhibit 13</b> at 7:</p>  <p>The diagram shows a handpiece with a green top section labeled 'Working End' and a white main section labeled 'Main Body'. A dashed red line runs through the center of the main body, labeled 'Longitudinal Axis'. The bottom tip of the main body is labeled 'Distal End of Main Body'.</p>

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The working end of the AquaPeel tip comprises an abrading structure comprising a plurality of abrading elements configured to abrade skin with each comprising a sharp edge (the hard plastic elements shown below are sharp enough to abrade skin).

**Exhibit 15** at 2:



Demonstrations of the MediSpa show that the tip is configured to abrade skin.

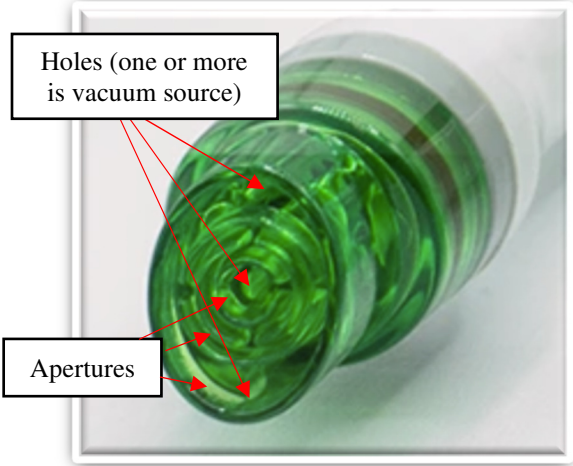

**Exhibit 16.2:**



at least one aperture along the working end, said at least one aperture being in fluid communication with a vacuum source adapted to apply suction to all of the at least one aperture in order to draw abraded skin away from the working end,

There is also a vacuum source in fluid communication with at least one aperture along the working end. The vacuum source is adapted to apply suction to all of the at least one aperture to draw skin debris away from the working end. **Vimeo Video** at 1:07-1:10 (“water-based suction cleans out pores”); *see also Exhibit 13* at 7 (the AquaPeel having a “potent vacuum suctioning out oil, dirt, and dead skin cells”).

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	<p><b>Exhibit 15</b> at 2:</p> 
<p>wherein the at least one aperture and the abrading elements are located completely within a raised outer periphery of the working end.</p>	<p>The at least one aperture and the abrading elements are located completely within a raised outer periphery of the working end.</p> <p><b>Exhibit 15</b> at 2:</p> 

82. Defendant is liable under 35 U.S.C. § 271(b) for actively inducing others to infringe the '716 Patent because, among other things, Defendant has marketed, sold, and offered for sale, and continues to market, sell, and offer for sale, the accused hydradermabrasion products and components thereof knowing and intending that such hydradermabrasion products would be assembled or used by customers and end users in a manner that infringes at least claim 11 of the '716 Patent. *See Exhibits 21 and 22.* To that end, Defendant provided and provides instructions and information to its customers and end users of the accused hydradermabrasion products and components thereof, encouraging assembly and use of the accused

1 hydradermabrasion products and components thereof in a manner that infringes the '716 Patent.  
2 **Exhibits 13 and 14** (Defendant offers customers “a comprehensive onboarding process when  
3 you get any of our lineup,” teaching “[e]verything [customers] need to know about usage and  
4 care of [their] devices,” “In-Person Seminars With Use-Cases” and “Live Demonstrations.”).  
5 Further, customers and users have assembled and/or used the accused hydradermabrasion  
6 products and components thereof in a manner that infringes the '716 Patent (and continue to do  
7 so). *See Exhibit 15* at 4-5 (Zee Khan customer testimonial).

8 83. Defendant is liable for contributory infringement under 35 U.S.C. § 271(c)  
9 because, among other things, Defendant has sold or offered for sale, and continues to sell and/or  
10 offers for sale within the United States and/or has imported and continues to import into the  
11 United States, the accused hydradermabrasion products and components thereof constituting  
12 material parts of the invention of at least claim 11 of the '716 Patent, that are not staple articles  
13 or commodities of commerce suitable for substantial non-infringing use. *See supra; Exhibits*  
14 **13 and 14**. Defendant has and continues to so act, knowing that the accused hydradermabrasion  
15 products and components thereof are especially made for or adapted for use in an infringement  
16 of the '716 Patent. *See Exhibits 21 and 22*. Further, customers and users have assembled  
17 and/or used the accused hydradermabrasion products and components thereof in a manner that  
18 infringes the '716 Patent (and continue to do so). *See Exhibit 15* at 4-5 (Zee Khan customer  
19 testimonial).

20 84. As a direct and proximate result of Defendant's acts of infringement, Defendant  
21 has derived and received gains, profits, and advantages. Plaintiff has been damaged by  
22 Defendant's activities, in an amount to be determined at trial, but in no event less than a  
23 reasonable royalty.

24 85. Defendant's infringement was willful. Pursuant to 35 U.S.C. § 284, Plaintiff is  
25 entitled to damages for Defendant's infringing acts and treble damages together with interests  
26 and costs as fixed by this Court.

27 86. This is an exceptional case. Pursuant to 35 U.S.C. § 285, Plaintiff is entitled to  
28 reasonable attorneys' fees for the necessity of bringing this claim.

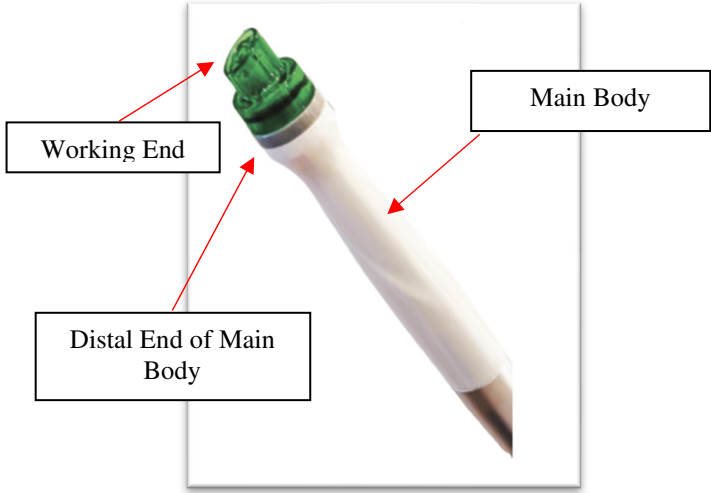
**IX. COUNT VI**

**(Infringement of the '513 Patent)**

87. Plaintiff incorporates by reference and realleges each of the allegations set forth in Paragraphs 1-86 above.

88. Defendant knowingly and intentionally infringed the '513 Patent under 35 U.S.C. § 271(a) through, for example, the manufacture, use, sale, offer for sale, and/or importation into the United States of the MediSpa during the term of the '513 Patent.

89. For example, as set forth in the claim chart below, the MediSpa infringed at least Claim 1 of the '513 Patent during the term of the patent.

Claim Language	Accused Product
1. A system for treating skin, comprising:	The MediSpa is a system for treating skin. For example, Medicreations advertises that the “MediSpa packs practically everything you can do for someone’s face into a single device . . .” and that it “exfoliates (twice over)”, “infuses serums,” “tightens skin,” and “clears pores.” <b>Exhibit 13</b> at 2.
a handheld device comprising a main body and a working end along a distal end of the main body;	<p>The MediSpa includes a handpiece with the AquaPeel tip. The AquaPeel tip has a working end along the distal end of the main body of the handpiece.</p> <p><b>Exhibit 13</b> at 7:</p>  <p>The diagram shows a white, pen-like handpiece with a green AquaPeel tip. Three red arrows point from text boxes to specific parts of the device: 'Working End' points to the green tip, 'Distal End of Main Body' points to the junction where the tip meets the main body, and 'Main Body' points to the white cylindrical part of the handpiece.</p>

1 an outer periphery  
 2 extending along the distal  
 3 end of the handheld  
 4 device;

The AquaPeel tip has an outer periphery extending along the distal end of the handheld device.

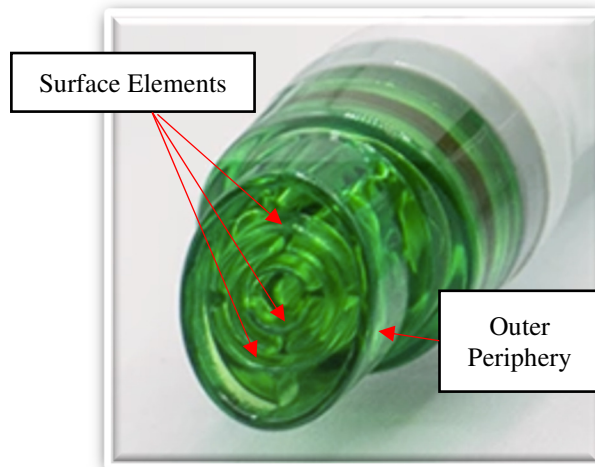
**Exhibit 15** at 2:



11 at least one surface  
 12 element extending  
 13 distally from the working  
 14 end of the handheld  
 15 device, said at least one  
 16 surface element being  
 17 positioned within an  
 18 interior area  
 19 circumscribed by the  
 20 outer periphery;

The AquaPeel tip has multiple surface elements extending distally from the working end of the handpiece. They are positioned within an interior area circumscribed by the outer periphery.

**Exhibit 15** at 2:



23 wherein the at least one  
 24 surface element  
 25 comprises at least one  
 26 sharp edge configured to  
 27 abrade skin when said  
 28 handheld device is  
 moved relative to a skin  
 surface; and

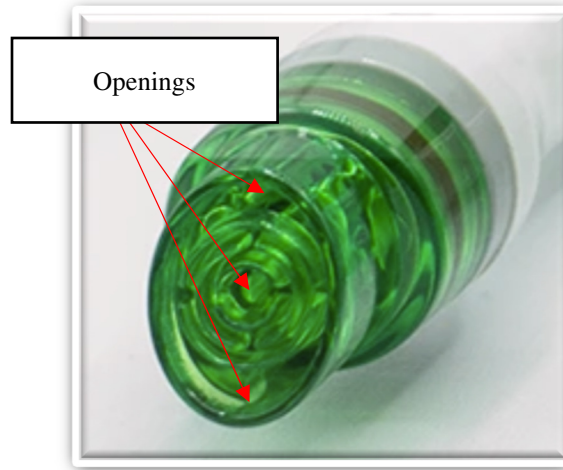
The working end of the AquaPeel includes surface elements made of hard plastic, that is sharp enough to abrade when translated on the skin.

For example, the Medicreations Pamphlet explains that the AquaPeel Handpiece “provides a second layer of exfoliation.” **Exhibit 13** at 7; see also **Exhibit 16.2** and **16.3**.

1 at least one opening along  
 2 the working end of the  
 handheld device;

There are multiple openings along the working end on the AquaPeel tip.

**Exhibit 15** at 2:



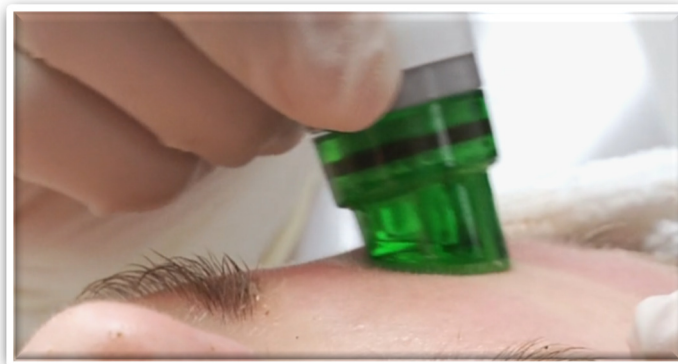
11 wherein the at least one  
 12 opening is configured to  
 13 be placed in fluid  
 14 communication with a  
 15 vacuum source via a  
 16 passageway, said  
 17 passageway being  
 18 configured to convey  
 debris away from the  
 working end when said  
 vacuum source is  
 activated; and

At least one opening is configured to be placed in fluid communication with a vacuum source via a passageway. The passageway is configured to convey debris away from the working end when the vacuum source is activated. **Vimeo Video** at 1:07-1:10 (“water-based suction cleans out pores”); *see also* **Exhibit 13** at 7 (the AquaPeel having a “potent vacuum suctioning out oil, dirt, and dead skin cells”); **Exhibit 15**.

19 wherein substantially an  
 20 entire circumference of  
 21 the outer periphery is  
 22 configured to contact a  
 23 skin surface during a  
 24 treatment procedure.

Substantially the entire circumference of the outer periphery is configured to contact a skin surface during a treatment procedure.

**Exhibit 16.2:**



1           90. Defendant is liable under 35 U.S.C. § 271(b) for actively inducing others to  
2 infringe the '513 Patent because, among other things, Defendant has marketed, sold, and offered  
3 for sale, and continues to market, sell, and offer for sale, the accused hydradermabrasion  
4 products and components thereof knowing and intending that such hydradermabrasion products  
5 would be assembled or used by customers and end users in a manner that infringes at least claim  
6 1 of the '513 Patent. *See Exhibits 21 and 22.* To that end, Defendant provided and provides  
7 instructions and information to its customers and end users of the accused hydradermabrasion  
8 products and components thereof, encouraging assembly and use of the accused  
9 hydradermabrasion products and components thereof in a manner that infringes the '513 Patent.  
10 **Exhibits 13 and 14** (Defendant offers customers “a comprehensive onboarding process when  
11 you get any of our lineup,” teaching “[e]verything [customers] need to know about usage and  
12 care of [their] devices,” “In-Person Seminars With Use-Cases” and “Live Demonstrations.”).  
13 Further, customers and users have assembled and/or used the accused hydradermabrasion  
14 products and components thereof in a manner that infringes the '513 Patent (and continue to do  
15 so). *See Exhibit 15* at 4-5 (Zee Khan customer testimonial).

16           91. Defendant is liable for contributory infringement under 35 U.S.C. § 271(c)  
17 because, among other things, Defendant has sold or offered for sale, and continues to sell and/or  
18 offers for sale within the United States and/or has imported and continues to import into the  
19 United States, the accused hydradermabrasion products and components thereof constituting  
20 material parts of the invention of at least claim 1 of the '513 Patent, that are not staple articles  
21 or commodities of commerce suitable for substantial non-infringing use. *See supra; Exhibits*  
22 **13 and 14.** Defendant has and continues to so act, knowing that the accused hydradermabrasion  
23 products and components thereof are especially made for or adapted for use in an infringement  
24 of the '513 Patent. *See Exhibits 21 and 22.* Further, customers and users have assembled  
25 and/or used the accused hydradermabrasion products and components thereof in a manner that  
26 infringes the '513 Patent (and continue to do so). *See Exhibit 15* at 4-5 (Zee Khan customer  
27 testimonial).



1 92. As a direct and proximate result of Defendant’s acts of infringement, Defendant  
 2 has derived and received gains, profits, and advantages. Plaintiff has been damaged by  
 3 Defendant’s activities, in an amount to be determined at trial, but in no event less than a  
 4 reasonable royalty.

5 93. Defendant’s infringement was willful. Pursuant to 35 U.S.C. § 284, Plaintiff is  
 6 entitled to damages for Defendant’s infringing acts and treble damages together with interests  
 7 and costs as fixed by this Court.

8 94. This is an exceptional case. Pursuant to 35 U.S.C. § 285, Plaintiff is entitled to  
 9 reasonable attorneys’ fees for the necessity of bringing this claim.

10 **X. COUNT VII**

11 **(Infringement of the ’464 Patent)**


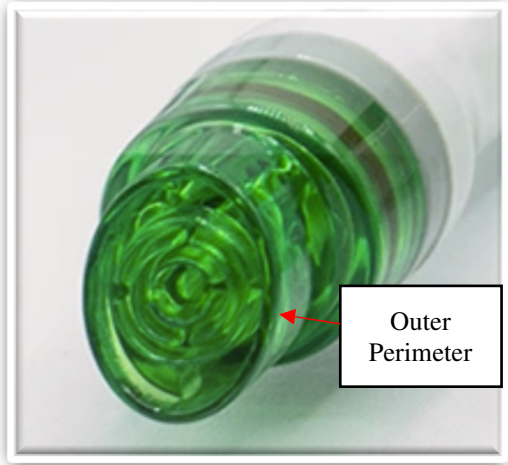
12 95. Plaintiff incorporates by reference and realleges each of the allegations set forth  
 13 in Paragraphs 1-94 above.

14 96. Defendant knowingly and intentionally infringed the ’464 Patent under 35 U.S.C.  
 15 § 271(a) through, for example, the use and demonstration of the MediSpa system during the  
 16 term of the ’464 Patent. *See Exhibit 13* at 12 (offering “Live Demonstrations” on the use of  
 17 the devices). As alleged above, Defendant has advertised its MediSpa systems using video  
 18 demonstrations of operating the MediSpa system and thus infringing the ’464 Patent. *See*  
 19 **Exhibit 16.**

20 97. For example, as set forth in the claim chart below, the MediSpa system infringed  
 21 at least Claim 12 of the ’464 Patent during the term of the patent.

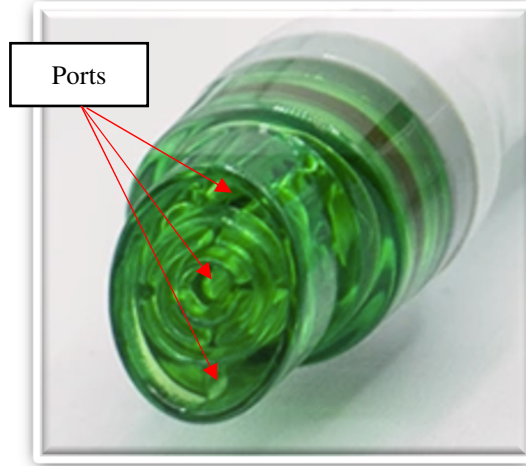
Claim Language	Accused Product
12. A method of treating a skin surface of a subject, comprising:	The Vimeo Video shows an infringing use of the MediSpa system. <b>Exhibit 16.</b> Other marketing materials explain additional detail about the process and device seen in the video. <i>See, e.g., Exhibit 13</i> at 3 (“Hydra-Dermabrasion”), 7 (“The Aquapeel provides a second layer of exfoliation”). Along with this background information, the video shows the performance of a method for treating a skin surface of a patient.  As alleged above, on information and belief, this use occurred in 2020. To the extent this use was after the expiration of the ’464

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	<p>Patent, this use is only exemplary and emblematic of uses that occurred prior to its expiration.</p>
<p>positioning a handheld device against a skin surface of the subject, the handheld device comprising a working end portion positioned along a distal end of the handheld device, the working end portion configured to contact the skin surface, wherein the working end portion comprises an outer perimeter configured to contact the skin surface;</p>	<p>The operator positions the handpiece and AquaPeel tip of the MediSpa system against the skin surface of a patient. The handpiece and AquaPeel tip have a working end portion along a distal end of the handpiece, which is configured to contact the skin surface. The working end comprises an outer perimeter which contacts the skin surface.</p> <p><b>Exhibit 16.2:</b></p>  <p><b>Exhibit 15 at 2:</b></p> 
<p>wherein the handheld device further comprises a at least one first port and at least one second port located along or near the working end portion, the at least one first port being in fluid communication with a vacuum source, and the at</p>	<p>The handpiece has multiple ports along the working end. One is in fluid communication with a vacuum source. Another is in fluid communication with a treatment media source.</p>

1 least one second port  
 2 being in fluid  
 3 communication with a  
 4 treatment media source;

**Exhibit 15** at 2:



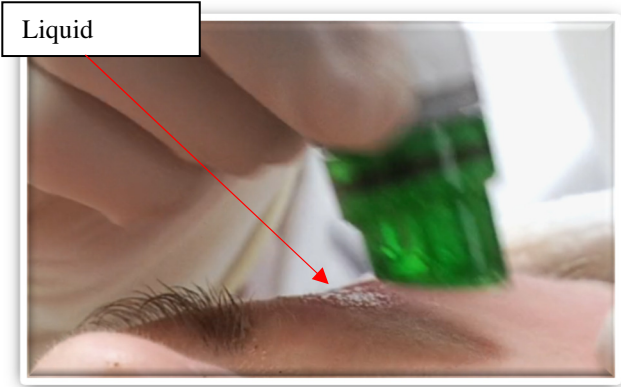
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 10 The vacuum conveys fluids and debris away from the distal end  
 11 (and skin) to through the handpiece and to a waste container. For  
 12 example, the Medicreations Pamphlet states the AquaPeel  
 13 Handpiece has a “potent vacuum [that] suction[s] out oil, dirt and  
 14 dead skin cells, while reaching deeper to extract blackheads and  
 15 cleanse pores.” **Exhibit 13** at 7. In order for the vacuum to  
 16 perform its advertised purpose, the tip must include at least a first  
 17 port being in fluid communication with a vacuum source.

18 The treatment media is delivered from the treatment media  
 19 source to the skin through the tip. For example, the  
 20 Medicreations Pamphlet explains that the AquaPeel provides  
 21 “three different chemical solutions.” **Exhibit 13** at 7. In order to  
 22 deliver these “solutions” from the treatment media sources to the  
 23 skin, the AquaPeel handpiece must include at least a second port  
 24 located along or near the working end portion and being in fluid  
 25 communication with a treatment media source.

26 activating the vacuum  
 27 source to simultaneously  
 28 deliver a treatment media  
 to the skin surface  
 through the at least  
 second port, and to  
 aspirate spent treatment  
 media through the at least  
 one first port, thereby  
 selectively providing a  
 volume of the treatment  
 media to the skin surface  
 of the subject, wherein  
 the treatment media  
 comprises a liquid;

The vacuum is activated, causing treatment media to be  
 simultaneously delivered to the skin surface through one port and  
 aspirated from the skin surface on the first port. This selectively  
 provides a volume of the liquid treatment media to the skin  
 surface of the subject.

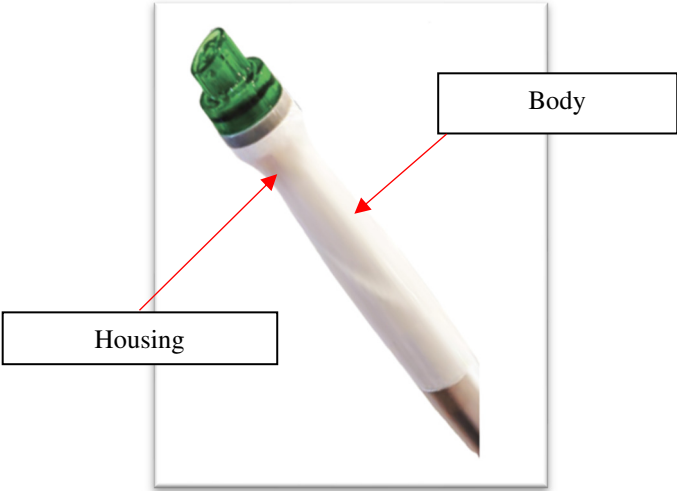
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	<p><b>Exhibit 16.4:</b></p> 
<p>wherein activating the vacuum source facilitates delivery of treatment media to subsurface skin tissue of the subject to facilitate the treatment method.</p>	<p>This facilitates delivery of treatment media to subsurface skin, thus “infusing the skin” with treatment media. <i>See Vimeo Video</i> at 1:07-1:13 (“water-based suction cleans out pores while also infusing the skin with up to four different serums”).</p>

98. Defendant is liable under 35 U.S.C. § 271(b) for actively inducing others to infringe the '464 Patent because, among other things, Defendant has marketed, sold, and offered for sale the accused hydradermabrasion products and components thereof knowing and intending that such hydradermabrasion products would be used by customers and end users in a manner that infringes at least claim 12 of the '464 Patent during its term. *See Exhibits 21 and 22.* To that end, Defendant provided instructions and information to its customers and end users of the accused hydradermabrasion products and components thereof, encouraging use of the accused hydradermabrasion products and components thereof in a manner that infringes the '464 Patent during its term. **Exhibit 13** (Defendant offers customers “a comprehensive onboarding process when you get any of our lineup,” teaching “[e]verything [customers] need to know about usage and care of [their] devices,” “In-Person Seminars With Use-Cases” and “Live Demonstrations.”). Further, customers and users have used the accused hydradermabrasion products and components thereof in a manner that infringes the '464 Patent (on information and belief, during its term). *See Exhibit 15* at 4-5 (Zee Khan customer testimonial).



105. For example, as set forth in the claim chart below, the MediSpa system infringed at least Claim 1 of the '646 Patent during the term of the patent.

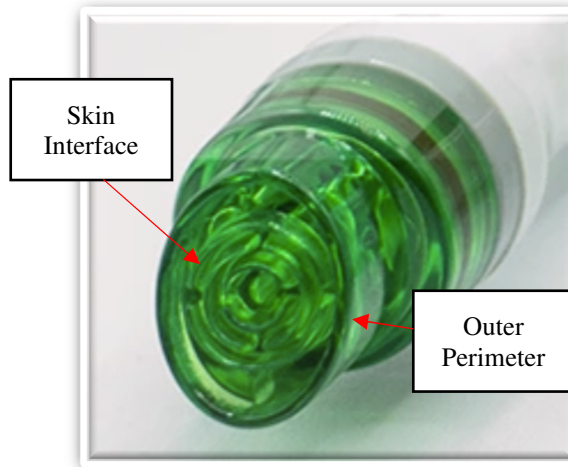
Claim Language	Accused Product
<p>1. A handheld device for treating a skin surface, comprising:</p>	<p>The MediSpa is a system for treating a skin surface. For example, Medicreations advertises that the “MediSpa packs practically everything you can do for someone’s face into a single device . . .” and that it “exfoliates (twice over)”, “infuses serums,” “tightens skin,” and “clears pores.” <b>Exhibit 13</b> at 2. There is a handpiece with the AquaPeel tip at the end for effectuating the treatment.</p>
<p>a body comprising a housing;</p>	<p>The handpiece has a body comprising a housing. <b>Exhibit 13</b> at 7:</p>  <p>The diagram shows a white, cylindrical handpiece with a green, textured tip. A red arrow points from a box labeled 'Body' to the main white section of the handpiece. Another red arrow points from a box labeled 'Housing' to the green tip area.</p>
<p>a working end portion positioned along a first end of the body, the working end portion comprising a distal end configured to contact a skin surface, wherein the working end portion comprises a perimeter along the distal end configured to contact the skin surface, a skin interface positioned along the interior of the perimeter, wherein the skin interface is configured to contact the skin surface during use;</p>	<p>The MediSpa includes a handpiece with the AquaPeel tip. The AquaPeel tip has a working end with a distal end configured to contact a skin surface. Both an outer perimeter and skin interface along the interior of the perimeter are configured to contact the skin surface during use.</p>

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**Exhibit 16.2:**



**Exhibit 15 at 2:**

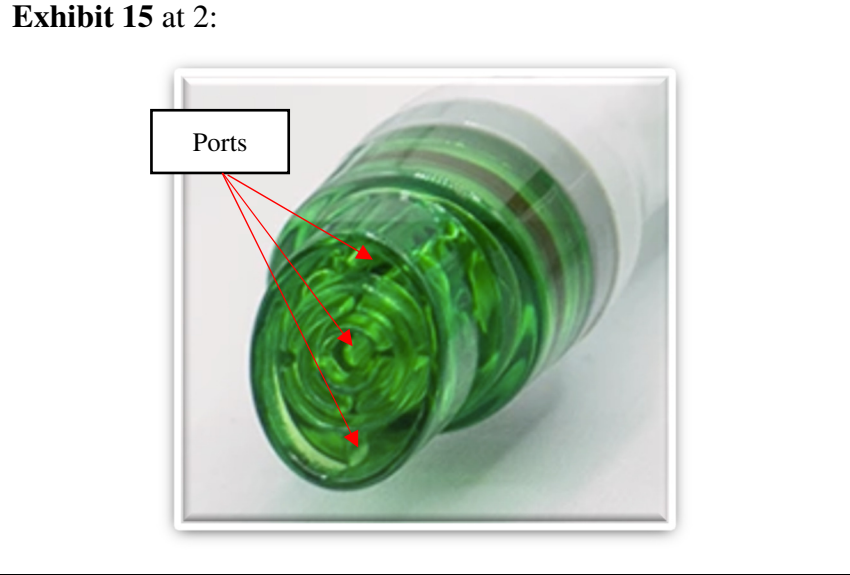


a first aperture arrangement comprising at least one first port located along or near the working end portion, the at least one first port being in fluid communication with a vacuum source via at least one waste passageway extending through the housing; and

There are multiple aperture arrangements with a port along the working end portion. One port is in fluid communication with a vacuum source via a waste passageway extending through the housing.

A vacuum conveys fluids and debris away from the distal end (and skin) to through the handpiece and to a waste container. For example, the Medicreations Pamphlet states the AquaPeel Handpiece has a “potent vacuum [that] suction[s] out oil, dirt and dead skin cells, while reaching deeper to extract blackheads and cleanse pores.” **Exhibit 13** at 7. In order for the vacuum to perform its advertised purpose, the tip must include at least a first aperture arrangement comprising a first port being in fluid communication with a vacuum source via at least one waste passageway extending through the housing.

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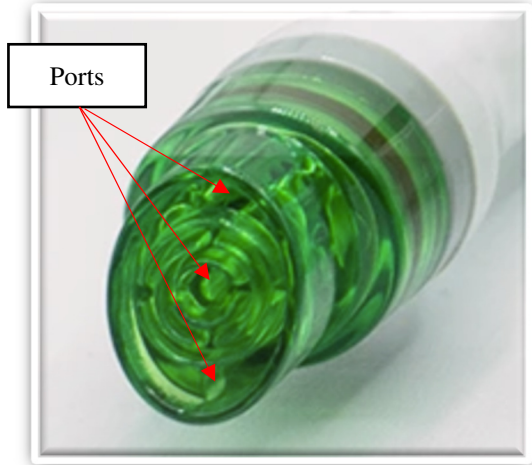


a second aperture arrangement comprising at least one second port located along or near the working end portion, the at least one second port being in fluid communication with a hydration treatment media source;

Another aperture arrangement has a port in fluid communication with a hydration treatment media source.

The treatment media is delivered from the treatment media source to the skin through the tip. For example, the Medicreations Pamphlet explains that the AquaPeel provides “three different chemical solutions.” **Exhibit 13** at 7. In order to deliver these “solutions” from the treatment media sources to the skin, the AquaPeel handpiece includes at least a second aperture arrangement comprising a second port located along or near the working end portion and being in fluid communication with a hydration treatment media source. *See also Exhibit 15.*

**Exhibit 15** at 2:



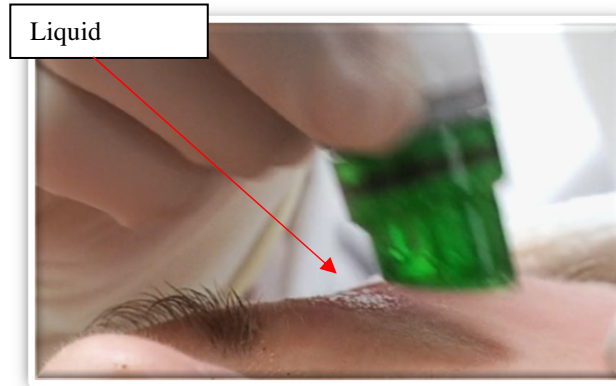
The treatment media is hydrating. *See Exhibit 13* at 7 (the AquaPeel functionality “clean[s] ... the skin” and “cleanse[s] pores”).



1 wherein the vacuum  
 2 source is configured to  
 3 create a vacuum within  
 4 the at least one waste  
 5 passageway and the  
 6 working end portion, and  
 7 wherein the vacuum  
 8 source is configured to  
 9 simultaneously deliver a  
 10 treatment media from the  
 11 hydration treatment  
 12 media source to the  
 13 working end portion and  
 14 remove spent treatment  
 15 media away from the  
 16 working end portion via  
 17 the at least one waste  
 18 passageway;

The vacuum source is configured to create a vacuum. The MediSpa system uses the vacuum to simultaneously deliver treatment media from the hydration treatment media source to the working end portion and remove spent treatment via the waste passageway, as can be seen from the thin layer of liquid left behind on the skin during use.

**Exhibit 16.4:**



**Vimeo Video** at 1:07-1:13 (“water-based suction cleans out pores while also infusing the skin with up to four different serums”).

14 wherein, when the  
 15 vacuum source is  
 16 activated and the working  
 17 end portion of the device  
 18 is positioned along a skin  
 19 surface, hydration  
 20 treatment media is  
 21 delivered to the skin  
 22 surface through the at  
 23 least one passageway and  
 24 the at least one second  
 25 port due to the vacuum  
 26 generated along the  
 27 working end portion by  
 28 the vacuum source, and  
 spent treatment media is,  
 at least partially,  
 simultaneously aspirated  
 away from the working  
 end portion through the at  
 least one first port by the  
 same suction force  
 generated by the vacuum  
 source.

See previous limitation.

1           106. Defendant is liable under 35 U.S.C. § 271(b) for actively inducing others to  
2 infringe the '646 Patent because, among other things, Defendant has marketed, sold, and offered  
3 for sale, and continues to market, sell, and offer for sale, the accused hydradermabrasion  
4 products and components thereof knowing and intending that such hydradermabrasion products  
5 would be assembled or used by customers and end users in a manner that infringes at least claim  
6 1 of the '646 Patent. *See supra*. To that end, Defendant provided and provides instructions and  
7 information to its customers and end users of the accused hydradermabrasion products and  
8 components thereof, encouraging assembly and use of the accused hydradermabrasion products  
9 and components thereof in a manner that infringes the '646 Patent. **Exhibit 13** (Defendant  
10 offers customers “a comprehensive onboarding process when you get any of our lineup,”  
11 teaching “[e]verything [customers] need to know about usage and care of [their] devices,” “In-  
12 Person Seminars With Use-Cases” and “Live Demonstrations.”). Further, customers and users  
13 have assembled and/or used the accused hydradermabrasion products and components thereof  
14 in a manner that infringes the '646 Patent (and continue to do so). *See Exhibit 15* at 4-5 (Zee  
15 Khan customer testimonial).

16           107. Defendant is liable for contributory infringement under 35 U.S.C. § 271(c)  
17 because, among other things, Defendant has sold or offered for sale, and continues to sell and/or  
18 offers for sale within the United States and/or has imported and continues to import into the  
19 United States, the accused hydradermabrasion products and components thereof constituting  
20 material parts of the invention of at least claim 1 of the '646 Patent, that are not staple articles  
21 or commodities of commerce suitable for substantial non-infringing use. *See supra*; **Exhibit**  
22 **13**. Defendant has and continues to so act, knowing that the accused hydradermabrasion  
23 products and components thereof are especially made for or adapted for use in an infringement  
24 of the '646 Patent. *See supra*. Further, customers and users have assembled and/or used the  
25 accused hydradermabrasion products and components thereof in a manner that infringes  
26 the '646 Patent (and continue to do so). *See Exhibit 15* at 4-5 (Zee Khan customer testimonial).

27           108. As a direct and proximate result of Defendant's acts of infringement, Defendant  
28 has derived and received gains, profits, and advantages. Plaintiff has been damaged by

1 Defendant’s activities, in an amount to be determined at trial, but in no event less than a  
 2 reasonable royalty.

3 109. Defendant’s infringement was willful. Pursuant to 35 U.S.C. § 284, Plaintiff is  
 4 entitled to damages for Defendant’s infringing acts and treble damages together with interests  
 5 and costs as fixed by this Court.

6 110. This is an exceptional case. Pursuant to 35 U.S.C. § 285, Plaintiff is entitled to  
 7 reasonable attorneys’ fees for the necessity of bringing this claim.

8 **XII. COUNT IX**

9 **(Infringement of the ’089 Patent)**

10 111. Plaintiff incorporates by reference and realleges each of the allegations set forth  
 11 in Paragraphs 1-110 above.

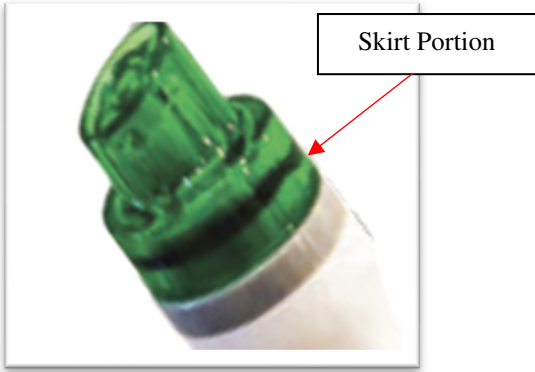
12 112. Defendant knowingly and intentionally has infringed and continues to infringe  
 13 the ’089 Patent under 35 U.S.C. § 271(a) through, for example, the manufacture, use, sale, offer  
 14 for sale, and/or importation into the United States of products including the AquaPeel tip and  
 15 replacement AquaPeel tips.

16 113. For example, as set forth in the claim chart below, the AquaPeel tip infringes at  
 17 least Claim 1 of the ’089 Patent.

Claim Language	Accused Product
1. A tip configured for use in a skin treatment system, comprising:	The MediSpa skin treatment system uses the AquaPeel handpiece, with a removeable tip for the treatment of skin. <i>See Exhibit 13</i> at 7.
a skirt portion configured to removably couple to a handpiece of the skin treatment system;	The AquaPeel handpiece with its removable tip includes a skirt portion that removably couples to the handpiece of the MediSpa skin treatment system.

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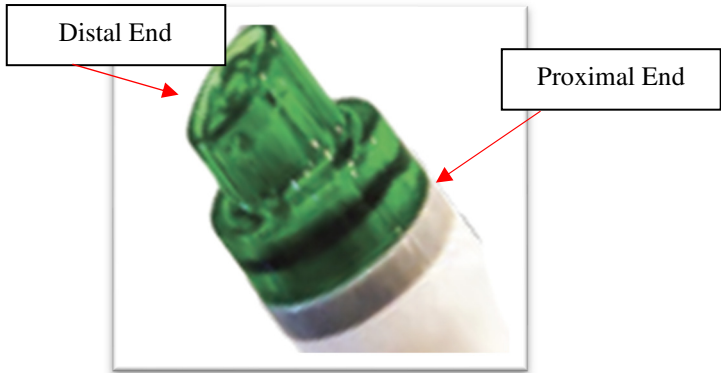
**Exhibit 13** at 7:



wherein the tip comprises a proximal end a distal end, the skirt portion being positioned along the proximal end of the tip;

The AquaPeel tip includes a proximal end and a distal end. The skirt portion is positioned along the proximal end of the tip.

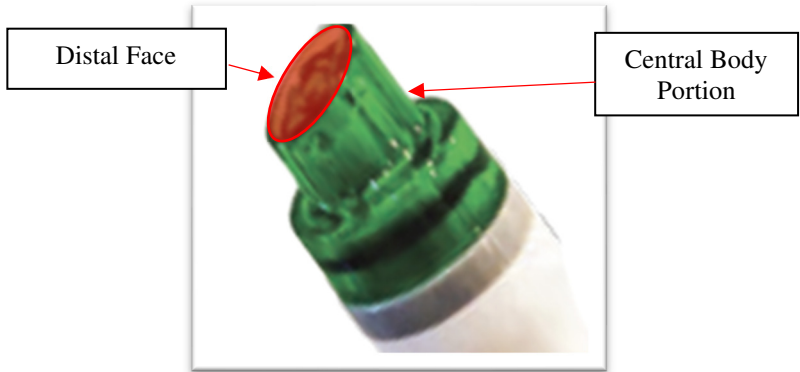
**Exhibit 13** at 7:



a central body portion extending from the skirt portion and terminating at a distal face along the distal end of the tip, a portion of the distal end being configured to contact a skin surface during a treatment procedure;

The AquaPeel tip include a central body portion extending from the skirt portion and terminating at a distal face along the distal end of the tip.

**Exhibit 13** at 7:

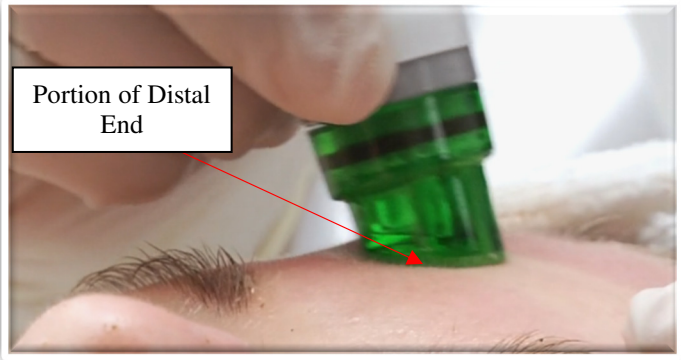


The distal end of the tip contacts the skin surface during a treatment procedure. For example, as depicted below, the

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Medicreations Pamphlet shows the AquaPeel Handpiece in use, contacting the skin. **Exhibit 13** at 9; **Vimeo Video** at 1:13.

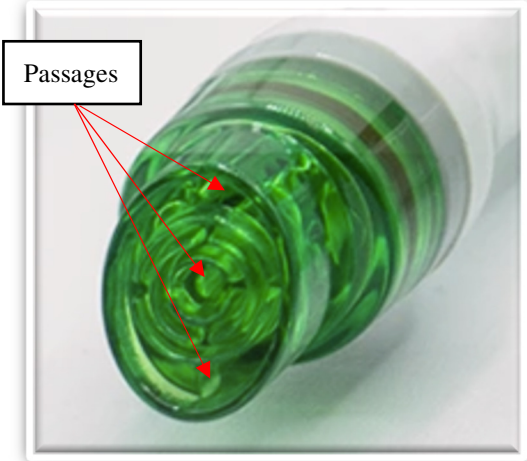
**Exhibit 16.2:**



at least one first passage extending through an interior of the central body portion and configured to receive a fluid from the handpiece and to deliver said fluid to the distal end of the tip;

The treatment media is delivered from the treatment media source to the skin through the tip. For example, the Medicreations Pamphlet explains that the AquaPeel provides “three different chemical solutions.” **Exhibit 13** at 7. In order to deliver these “solutions” from the treatment media sources to the skin, the AquaPeel handpiece must include a passage through the central body of the tip, which is configured to receive fluids from the handpiece and deliver those fluids to the skin, through the distal end of the tip.

**Exhibit 15** at 2:



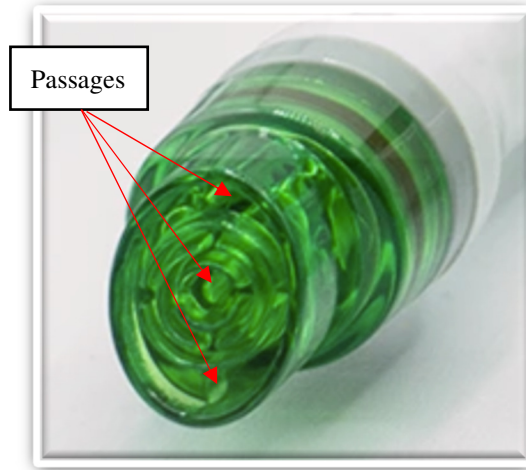
at least one second passage extending through an interior of the central body portion and configured to convey the fluids and debris from the

A second passage through the central body is connected to a vacuum and conveys fluids and debris away from the distal end (and skin) to through the handpiece and to a waste container. For example, the Medicreations Pamphlet states the AquaPeel Handpiece has a “potent vacuum [that] suction[s] out oil, dirt and dead skin cells, while reaching deeper to extract blackheads and cleanse pores.” **Exhibit 13** at 7. In order for the vacuum to perform its advertised purpose, the tip must include a second

1 distal end of the tip to the  
2 handpiece; and

passage for fluids and debris to pass through from the distal end of the tip to the handpiece.

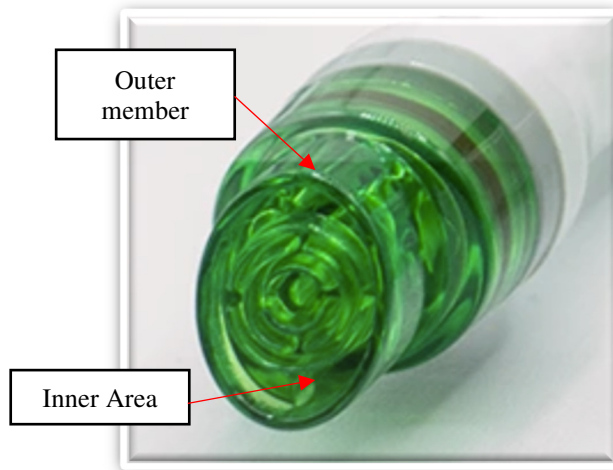
**Exhibit 15** at 2:



11 an outer member  
12 extending around a  
13 periphery of the distal  
14 face, said outer member  
15 defining an inner area

The AquaPeel tip include an outer member extending around a periphery of the distal face and defines an inner area.

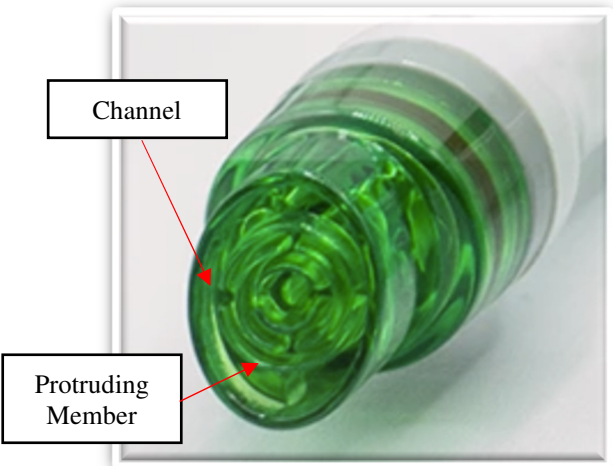
**Exhibit 15** at 2:



22 a protruding member  
23 extending in a generally  
24 spiral fashion across at  
25 least a portion of the  
26 inner area of the distal  
27 face, the protruding  
28 member defining a  
channel between the at  
least one first passage and  
the at least one second  
passage;

The AquaPeel tip includes protruding members in the inner area of the distal face of the tip. As shown in the image below, are

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	<p>shaped in a generally spiral fashion and define a channel between the passages.</p> <p><b>Exhibit 15</b> at 2:</p> 
<p>wherein the protruding member comprises at least one sharp edge configured to abrade skin tissue.</p>	<p>The protruding members of the tip include a structure made of hard plastic, that is sharp enough to abrade when translated on the skin.</p> <p>For example, the Medicreations brochure explains that the AquaPeel Handpiece “provides a second layer of exfoliation.” <b>Exhibit 13</b> at 7.</p>

114. Defendant is liable under 35 U.S.C. § 271(b) for actively inducing others to infringe the '089 Patent because, among other things, Defendant has marketed, sold, and offered for sale, and continues to market, sell, and offer for sale, the accused hydradermabrasion products and components thereof knowing and intending that such hydradermabrasion products would be assembled or used by customers and end users in a manner that infringes at least claim 1 of the '089 Patent. *See Exhibits 21 and 22.* To that end, Defendant provided and provides instructions and information to its customers and end users of the accused hydradermabrasion products and components thereof, encouraging assembly and use of the accused hydradermabrasion products and components thereof in a manner that infringes the '089 Patent. **Exhibits 13 and 14** (Defendant offers customers “a comprehensive onboarding process when you get any of our lineup,” teaching “[e]verything [customers] need to know about usage and care of [their] devices,” “In-Person Seminars With Use-Cases” and “Live Demonstrations.”). Further, customers and users have assembled and/or used the accused hydradermabrasion

1 products and components thereof in a manner that infringes the '089 Patent (and continue to do  
2 so). *See Exhibit 15* at 4-5 (Zee Khan customer testimonial).

3 115. Defendant is liable for contributory infringement under 35 U.S.C. § 271(c)  
4 because, among other things, Defendant has sold or offered for sale, and continues to sell and/or  
5 offers for sale within the United States and/or has imported and continues to import into the  
6 United States, the accused hydradermabrasion products and components thereof constituting  
7 material parts of the invention of at least claim 1 of the '089 Patent, that are not staple articles  
8 or commodities of commerce suitable for substantial non-infringing use. *See supra; Exhibits*  
9 **13 and 14**. Defendant has and continues to so act, knowing that the accused hydradermabrasion  
10 products and components thereof are especially made for or adapted for use in an infringement  
11 of the '089 Patent. *See Exhibits 21 and 22*. Further, customers and users have assembled  
12 and/or used the accused hydradermabrasion products and components thereof in a manner that  
13 infringes the '089 Patent (and continue to do so). *See Exhibit 15* at 4-5 (Zee Khan customer  
14 testimonial).

15 116. As a direct and proximate result of Defendant's acts of infringement, Defendant  
16 has derived and received gains, profits, and advantages. Plaintiff has been damaged by  
17 Defendant's activities, in an amount to be determined at trial, but in no event less than a  
18 reasonable royalty.

19 117. Defendant's infringement was and is willful. Pursuant to 35 U.S.C. § 284,  
20 Plaintiff is entitled to damages for Defendant's infringing acts and treble damages together with  
21 interests and costs as fixed by this Court.

22 118. This is an exceptional case. Pursuant to 35 U.S.C. § 285, Plaintiff is entitled to  
23 reasonable attorneys' fees for the necessity of bringing this claim.

24 119. Due to the aforesaid infringing acts, Plaintiff has suffered irreparable injury, for  
25 which Plaintiff has no adequate remedy at law.

26 120. Unless enjoined by this Court, Defendant will continue to infringe Plaintiff's  
27 patent rights and cause Plaintiff further irreparable injury.  
28



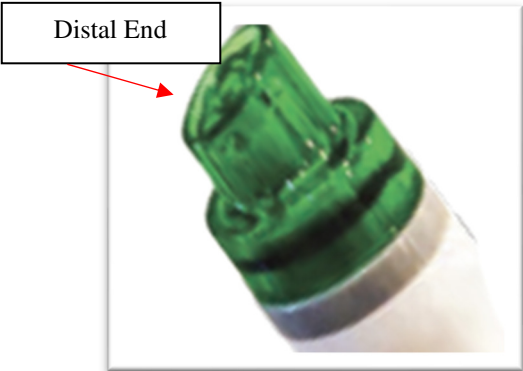
**XIII. COUNT X**

**(Infringement of the '641 Patent)**

121. Plaintiff incorporates by reference and realleges each of the allegations set forth in Paragraphs 1-120 above.

122. Defendant knowingly and intentionally has infringed and continues to infringe the '641 Patent under 35 U.S.C. § 271(a) through, for example, the manufacture, use, sale, offer for sale, and/or importation into the United States of products including the AquaPeel tip and replacement AquaPeel tips.

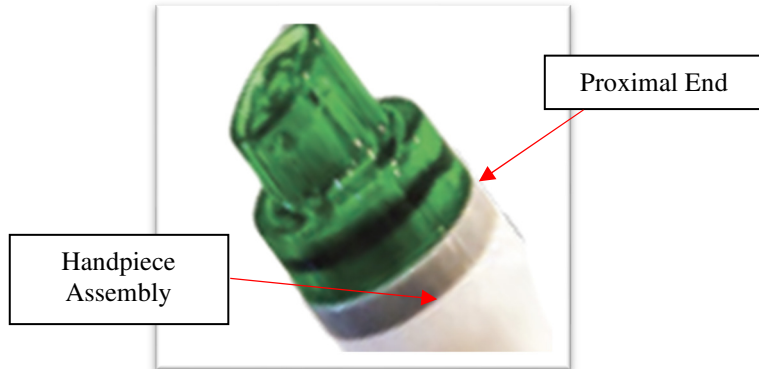
123. For example, as set forth in the claim chart below, the AquaPeel tip infringes at least Claim 15 of the '641 Patent.

Claim Language	Accused Product
15. A tip configured for use in a skin treatment system, comprising:	The MediSpa skin treatment system uses the AquaPeel handpiece, with a removeable AquaPeel tip for the treatment of skin. See <b>Exhibit 13</b> at 7.
a distal end;	The AquaPeel tip has a distal end. <b>Exhibit 13</b> at 7: 

1 a proximal end  
2 configured to couple to a  
handpiece assembly;

The AquaPeel tip has a proximal end which couples to a handpiece assembly.

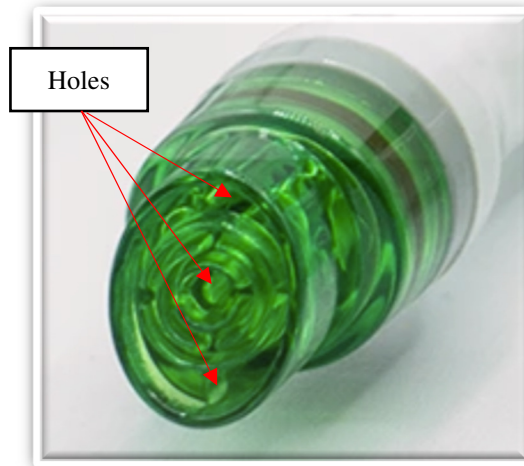
**Exhibit 13** at 7:

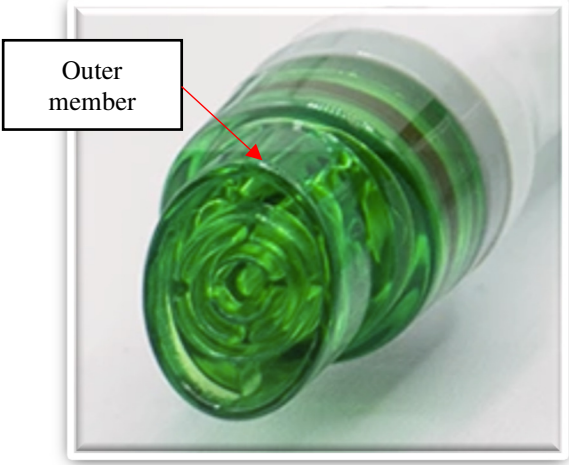
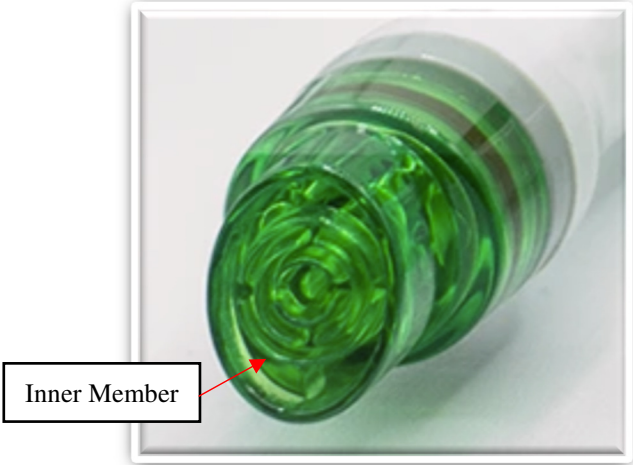


10 at least one hole through  
11 which fluid is configured  
12 to be conveyed to or  
away from the distal end;

The treatment media is delivered from the treatment media source to the skin through the tip. For example, the Medicreations Pamphlet explains that the AquaPeel provides “three different chemical solutions” and “potent vacuum [that] suction[s] out oil, dirt and dead skin cells, while reaching deeper to extract blackheads and cleanse pores.” **Exhibit 13** at 7. In order for the vacuum to perform its advertised purpose, the tip must include a hole for the solutions and/or debris to pass in/out of.

**Exhibit 15** at 2:



<p>1 an outer member defining 2 a periphery along the 3 distal end; and</p>	<p>The AquaPeel tip has an outer member which defines a periphery along the distal end. <b>Exhibit 15</b> at 2:</p> 
<p>11 at least one inner member 12 located within an interior 13 area of the outer member, 14 wherein the at least one 15 inner member comprises 16 a spiral-like pattern;</p>	<p>The tip includes inner members in the interior area. As shown in the image below, at least one inner member comprises a spiral-like pattern. <b>Exhibit 15</b> at 2:</p> 
<p>22 wherein the at least one 23 inner member is 24 configured to abrade 25 skin.</p>	<p>The inner members of the tip include structure made of hard plastic, that is sharp enough to abrade when translated on the skin. For example, the Medicreations brochure explains that the AquaPeel Handpiece “provides a second layer of exfoliation.” <b>Exhibit 13</b> at 7.</p>

26 124. Defendant is liable under 35 U.S.C. § 271(b) for actively inducing others to  
27 infringe the '641 Patent because, among other things, Defendant has marketed, sold, and offered  
28 for sale, and continues to market, sell, and offer for sale, the accused hydradermabrasion

1 products and components thereof knowing and intending that such hydradermabrasion products  
2 would be assembled or used by customers and end users in a manner that infringes at least claim  
3 15 of the '641 Patent. *See Exhibit 22.* To that end, Defendant provided and provides  
4 instructions and information to its customers and end users of the accused hydradermabrasion  
5 products and components thereof, encouraging assembly and use of the accused  
6 hydradermabrasion products and components thereof in a manner that infringes the '641 Patent.  
7 **Exhibits 13 and 14** (Defendant offers customers “a comprehensive onboarding process when  
8 you get any of our lineup,” teaching “[e]verything [customers] need to know about usage and  
9 care of [their] devices,” “In-Person Seminars With Use-Cases” and “Live Demonstrations.”).  
10 Further, customers and users have assembled and/or used the accused hydradermabrasion  
11 products and components thereof in a manner that infringes the '641 Patent (and continue to do  
12 so). *See Exhibit 15* at 4-5 (Zee Khan customer testimonial).

13 125. Defendant is liable for contributory infringement under 35 U.S.C. § 271(c)  
14 because, among other things, Defendant has sold or offered for sale, and continues to sell and/or  
15 offers for sale within the United States and/or has imported and continues to import into the  
16 United States, the accused hydradermabrasion products and components thereof constituting  
17 material parts of the invention of at least claim 15 of the '641 Patent, that are not staple articles  
18 or commodities of commerce suitable for substantial non-infringing use. *See supra; Exhibits*  
19 **13 and 14.** Defendant has and continues to so act, knowing that the accused hydradermabrasion  
20 products and components thereof are especially made for or adapted for use in an infringement  
21 of the '641 Patent. *See Exhibits 22.* Further, customers and users have assembled and/or used  
22 the accused hydradermabrasion products and components thereof in a manner that infringes  
23 the '641 Patent (and continue to do so). *See Exhibit 15* at 4-5 (Zee Khan customer testimonial).

24 126. As a direct and proximate result of Defendant's acts of infringement, Defendant  
25 has derived and received gains, profits, and advantages. Plaintiff has been damaged by  
26 Defendant's activities, in an amount to be determined at trial, but in no event less than a  
27 reasonable royalty.  
28

1 127. Defendant’s infringement was and is willful. Pursuant to 35 U.S.C. § 284,  
 2 Plaintiff is entitled to damages for Defendant’s infringing acts and treble damages together with  
 3 interests and costs as fixed by this Court.

4 128. This is an exceptional case. Pursuant to 35 U.S.C. § 285, Plaintiff is entitled to  
 5 reasonable attorneys’ fees for the necessity of bringing this claim.

6 129. Due to the aforesaid infringing acts, Plaintiff has suffered irreparable injury, for  
 7 which Plaintiff has no adequate remedy at law.

8 130. Unless enjoined by this Court, Defendant will continue to infringe Plaintiff’s  
 9 patent rights and cause Plaintiff further irreparable injury.

10 **XIV. COUNT XI**

11 **(Infringement of the ’642 Patent)**

12 131. Plaintiff incorporates by reference and realleges each of the allegations set forth  
 13 in Paragraphs 1-130 above.

14 132. Defendant knowingly and intentionally has infringed and continues to infringe  
 15 the ’642 Patent under 35 U.S.C. § 271(a) through, for example, the manufacture, use, sale, offer  
 16 for sale, and/or importation into the United States of products including the AquaPeel tip and  
 17 replacement AquaPeel tips.

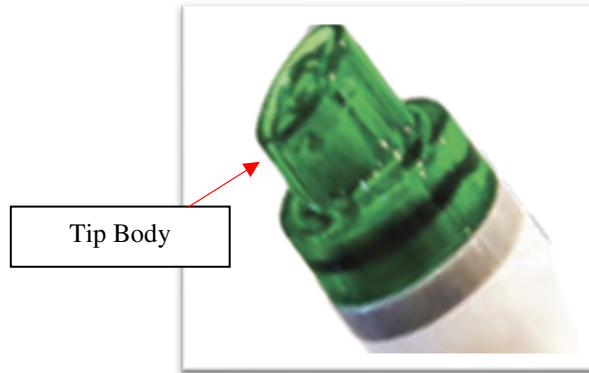
18 133. For example, as set forth in the claim chart below, the AquaPeel tip infringes at  
 19 least Claim 1 of the ’642 Patent.

Claim Language	Accused Product
1. A tip configured for use in a skin treatment system, comprising:	The MediSpa skin treatment system uses the AquaPeel handpiece, with a removeable AquaPeel tip for the treatment of skin. See <b>Exhibit 13</b> at 7.

1 a tip body;

The AquaPeel tip has a tip body.

**Exhibit 13** at 7:

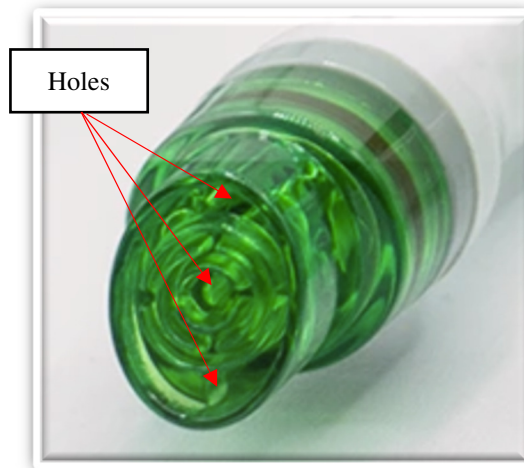


9 at least one vacuum hole  
10 configured to receive  
11 fluid and debris being  
12 transferred away from a  
13 distal end of the tip body;

A passage through the tip body is connected to a vacuum and conveys fluids and debris away from the distal end (and skin) to through the handpiece and to a waste container. For example, the Medicreations Pamphlet explains that the AquaPeel uses a “potent vacuum [that] suction[s] out oil, dirt and dead skin cells, while reaching deeper to extract blackheads and cleanse pores.”

**Exhibit 13** at 7. In order for the vacuum to perform its advertised purpose, the tip body must include a vacuum hole for the debris and fluid to pass into.

**Exhibit 15** at 2:

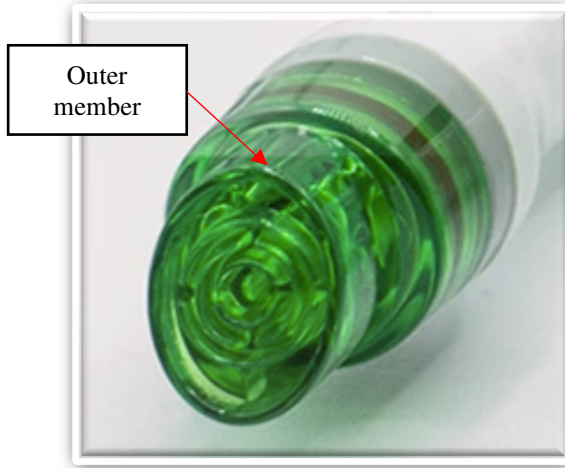


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an outer member defining a periphery along the distal end; and

The AquaPeel tip has an outer member defining a periphery along the distal end.

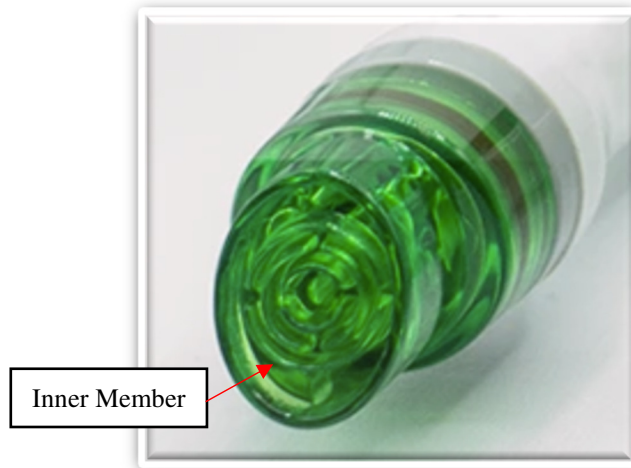
**Exhibit 15** at 2:



at least one inner member located within an interior area of the outer member, the at least one inner member being configured to abrade skin;

The AquaPeel tip includes inner members in the interior area. The inner members of the tip include structure made of hard plastic, that is sharp enough to and is configured to abrade when translated on the skin. For example, the Medicreations brochure explains that the AquaPeel Handpiece “provides a second layer of exfoliation.” **Exhibit 13** at 7.

**Exhibit 15** at 2:



1 wherein the tip body, the  
2 outer member and the at  
3 least one inner member  
4 are monolithically  
5 formed;

As seen in the below image, the tip body, outer member, and inner members appear to be monolithically formed of manufactured plastic.

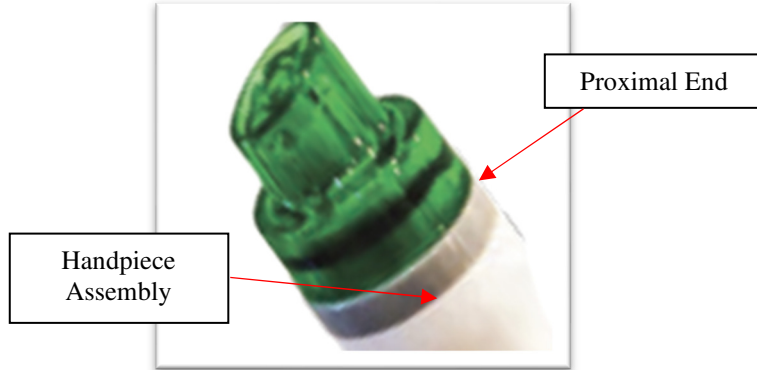
**Exhibit 15** at 2:



12 wherein a proximal end  
13 of the tip is configured to  
14 couple to a handpiece  
15 assembly; and

A proximal end of the tip couples to a distal end of a handpiece assembly.

**Exhibit 13** at 7:

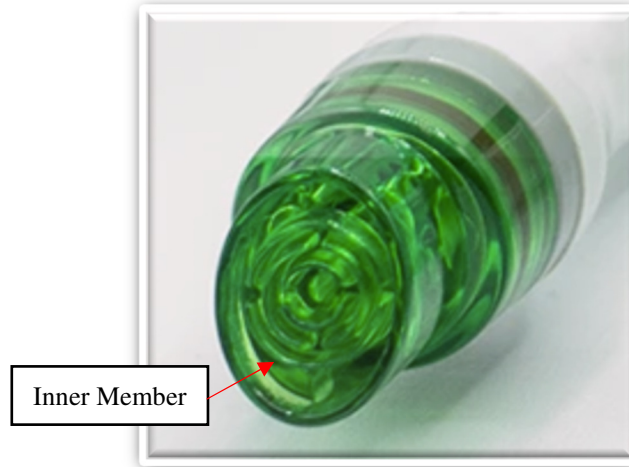




1 wherein the at least one  
2 inner member comprises  
3 a spiral-like pattern.

The tip includes inner members in the interior area. As shown in  
the image below, at least one inner member comprises a spiral-  
like pattern.

**Exhibit 15** at 2:



12 134. Defendant is liable under 35 U.S.C. § 271(b) for actively inducing others to  
13 infringe the '642 Patent because, among other things, Defendant has marketed, sold, and offered  
14 for sale, and continues to market, sell, and offer for sale, the accused hydradermabrasion  
15 products and components thereof knowing and intending that such hydradermabrasion products  
16 would be assembled or used by customers and end users in a manner that infringes at least claim  
17 1 of the '642 Patent. *See Exhibit 22.* To that end, Defendant provided and provides instructions  
18 and information to its customers and end users of the accused hydradermabrasion products and  
19 components thereof, encouraging assembly and use of the accused hydradermabrasion products  
20 and components thereof in a manner that infringes the '642 Patent. **Exhibits 13 and 14**  
21 (Defendant offers customers “a comprehensive onboarding process when you get any of our  
22 lineup,” teaching “[e]verything [customers] need to know about usage and care of [their]  
23 devices,” “In-Person Seminars With Use-Cases” and “Live Demonstrations.”). Further,  
24 customers and users have assembled and/or used the accused hydradermabrasion products and  
25 components thereof in a manner that infringes the '642 Patent (and continue to do so). *See*  
26 **Exhibit 15** at 4-5 (Zee Khan customer testimonial).

27 135. Defendant is liable for contributory infringement under 35 U.S.C. § 271(c)  
28 because, among other things, Defendant has sold or offered for sale, and continues to sell and/or

1 offers for sale within the United States and/or has imported and continues to import into the  
2 United States, the accused hydradermabrasion products and components thereof constituting  
3 material parts of the invention of at least claim 1 of the '642 Patent, that are not staple articles  
4 or commodities of commerce suitable for substantial non-infringing use. *See supra*; **Exhibits**  
5 **13 and 14**. Defendant has and continues to so act, knowing that the accused hydradermabrasion  
6 products and components thereof are especially made for or adapted for use in an infringement  
7 of the '642 Patent. *See Exhibits 22*. Further, customers and users have assembled and/or used  
8 the accused hydradermabrasion products and components thereof in a manner that infringes  
9 the '642 Patent (and continue to do so). *See Exhibit 15* at 4-5 (Zee Khan customer testimonial).

10 136. As a direct and proximate result of Defendant's acts of infringement, Defendant  
11 has derived and received gains, profits, and advantages. Plaintiff has been damaged by  
12 Defendant's activities, in an amount to be determined at trial, but in no event less than a  
13 reasonable royalty.

14 137. Defendant's infringement was and is willful. Pursuant to 35 U.S.C. § 284,  
15 Plaintiff is entitled to damages for Defendant's infringing acts and treble damages together with  
16 interests and costs as fixed by this Court.

17 138. This is an exceptional case. Pursuant to 35 U.S.C. § 285, Plaintiff is entitled to  
18 reasonable attorneys' fees for the necessity of bringing this claim.

19 139. Due to the aforesaid infringing acts, Plaintiff has suffered irreparable injury, for  
20 which Plaintiff has no adequate remedy at law.

21 140. Unless enjoined by this Court, Defendant will continue to infringe Plaintiff's  
22 patent rights and cause Plaintiff further irreparable injury.

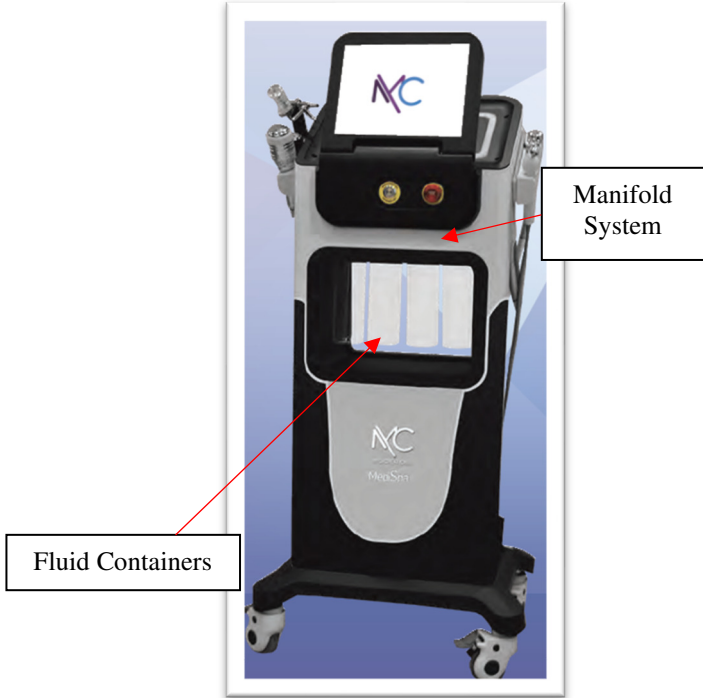
## 23 **XV. COUNT XII**

### 24 **(Infringement of the '477 Patent)**

25 141. Plaintiff incorporates by reference and realleges each of the allegations set forth  
26 in Paragraphs 1-140 above.

1 142. Defendant knowingly and intentionally has infringed and continues to infringe  
 2 the '477 Patent under 35 U.S.C. § 271(a) through, for example, the manufacture, use, sale, offer  
 3 for sale, and/or importation into the United States of the MediSpa system.

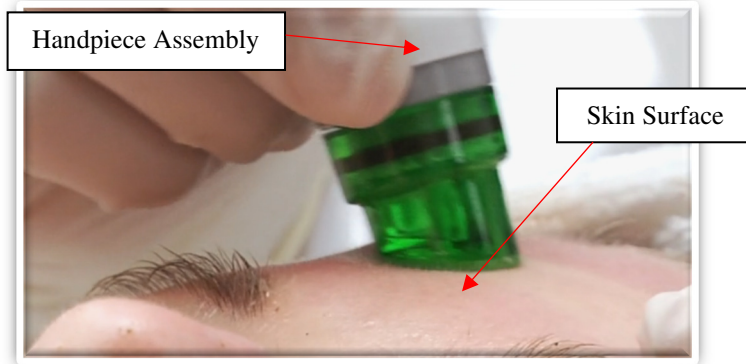
4 143. For example, as set forth in the claim chart below, the AquaPeel tip infringes at  
 5 least Claim 15 of the '477 Patent.

Claim Language	Accused Product
6 15. A skin treatment 7 system comprising: 8 9	The MediSpa is a system for treating skin. For example, Medicreations advertises that the “MediSpa packs practically everything you can do for someone’s face into a single device . . .” and that it “exfoliates (twice over)”, “infuses serums,” “tightens skin,” and “clears pores.” <b>Exhibit 13</b> at 2.
10 a manifold system in 11 communication with at 12 least two containers, 13 wherein each of the at 14 least two containers is 15 configured to contain a 16 treatment material; 17 18 19 20 21 22 23 24	The MediSpa system includes a manifold system in fluid communication with at least two fluid containers. The fluid containers contain treatment material. <b>Exhibit 13</b> at 1: 

1 a handpiece assembly  
2 configured to contact a  
3 skin surface of a subject;

The MediSpa system includes a handpiece assembly configured to contact a skin surface of a patient.

**Exhibit 16.2:**



10 a supply conduit placing  
11 the manifold system, and  
12 thus the at least two  
13 containers, in fluid  
14 communication with the  
15 handpiece assembly; and

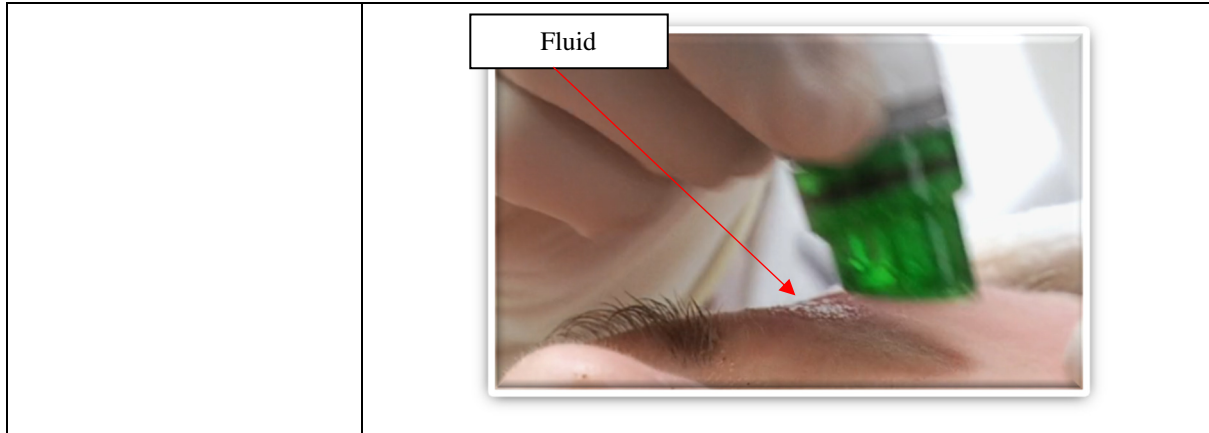
The MediSpa system includes a supply conduit placing the manifold system and the fluid containers in fluid communication with the handpiece assembly.

**Exhibit 13 at 1:**



24 During use liquid is supplied from the containers to the  
25 handpiece. For example, the below image depicts fluid being  
26 delivered through the handpiece. **Vimeo Video** at 1:15.

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a waste conduit in fluid communication with the handpiece assembly and a vacuum source to move waste away from the handpiece assembly; and

The AquaPeel Handpiece includes a waste conduit in fluid communication with the handpiece assembly and a vacuum source to move waste away from the handpiece assembly.

For example, the Medicreations Pamphlet states the AquaPeel Handpiece has a “potent vacuum [that] suction[s] out oil, dirt and dead skin cells, while reaching deeper to extract blackheads and cleanse pores.” **Exhibit 13** at 7. The “oil, dirt and dead skin cells,” as well as used treatment fluid is delivered to a waste container through a conduit. *See also Vimeo Video* at 1:07-1:10 (“water-based suction cleans out pores”).

**Exhibit 13** at 1:



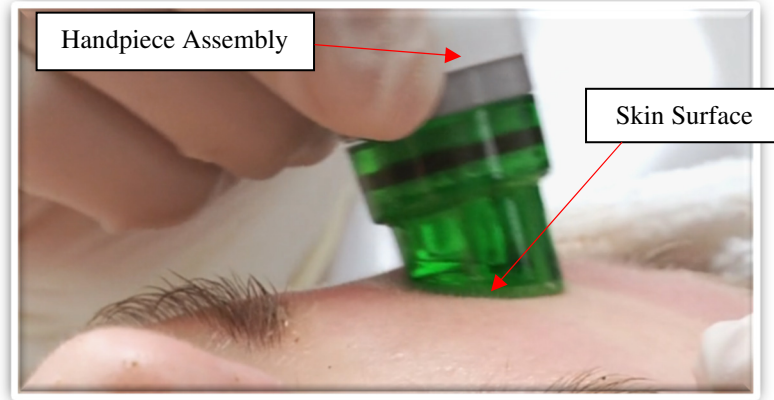
wherein the system is configured to deliver treatment materials from at least one of the at least two containers to the handpiece assembly via the supply conduit using,

The vacuum source of the MediSpa creates a vacuum within the waste passageway and the tip created along a distal end of the handpiece assembly. This vacuum source delivers a treatment material from the fluid containers to the tip. Simultaneously, the vacuum source also removes spent treatment media (i.e., waste) away from the working end portion through the waste passageway.

1 at least in part, a vacuum  
 2 created along a distal end  
 3 of the handpiece  
 4 assembly by the vacuum  
 5 source.

When the vacuum source is activated, it lowers the atmospheric pressure in the tubes through which the fluid must pass. The suction force of the vacuum draws waste through the waste conduit and also draws treatment fluid from the fluid containers, which allows the treatment fluid to be delivered to the skin.

**Exhibit 16.2:**



12 144. Defendant is liable under 35 U.S.C. § 271(b) for actively inducing others to  
 13 infringe the '477 Patent because, among other things, Defendant has marketed, sold, and offered  
 14 for sale, and continues to market, sell, and offer for sale, the accused hydradermabrasion  
 15 products and components thereof knowing and intending that such hydradermabrasion products  
 16 would be assembled or used by customers and end users in a manner that infringes at least claim  
 17 15 of the '477 Patent. *See supra*. To that end, Defendant provided and provides instructions  
 18 and information to its customers and end users of the accused hydradermabrasion products and  
 19 components thereof, encouraging assembly and use of the accused hydradermabrasion products  
 20 and components thereof in a manner that infringes the '477 Patent. **Exhibits 13 and 14**  
 21 (Defendant offers customers “a comprehensive onboarding process when you get any of our  
 22 lineup,” teaching “[e]verything [customers] need to know about usage and care of [their]  
 23 devices,” “In-Person Seminars With Use-Cases” and “Live Demonstrations.”). Further,  
 24 customers and users have assembled and/or used the accused hydradermabrasion products and  
 25 components thereof in a manner that infringes the '477 Patent (and continue to do so). *See*  
 26 **Exhibit 15** at 4-5 (Zee Khan customer testimonial).

1 145. Defendant is liable for contributory infringement under 35 U.S.C. § 271(c)  
2 because, among other things, Defendant has sold or offered for sale, and continues to sell and/or  
3 offers for sale within the United States and/or has imported and continues to import into the  
4 United States, the accused hydradermabrasion products and components thereof constituting  
5 material parts of the invention of at least claim 15 of the '477 Patent, that are not staple articles  
6 or commodities of commerce suitable for substantial non-infringing use. *See supra*; **Exhibits**  
7 **13 and 14**. Defendant has and continues to so act, knowing that the accused hydradermabrasion  
8 products and components thereof are especially made for or adapted for use in an infringement  
9 of the '477 Patent. *See supra*. Further, customers and users have assembled and/or used the  
10 accused hydradermabrasion products and components thereof in a manner that infringes  
11 the '477 Patent (and continue to do so). *See Exhibit 15* at 4-5 (Zee Khan customer testimonial).

12 146. As a direct and proximate result of Defendant's acts of infringement, Defendant  
13 has derived and received gains, profits, and advantages. Plaintiff has been damaged by  
14 Defendant's activities, in an amount to be determined at trial, but in no event less than a  
15 reasonable royalty.

16 147. Defendant's infringement was and is willful. Pursuant to 35 U.S.C. § 284,  
17 Plaintiff is entitled to damages for Defendant's infringing acts and treble damages together with  
18 interests and costs as fixed by this Court.

19 148. This is an exceptional case. Pursuant to 35 U.S.C. § 285, Plaintiff is entitled to  
20 reasonable attorneys' fees for the necessity of bringing this claim.

21 149. Due to the aforesaid infringing acts, Plaintiff has suffered irreparable injury, for  
22 which Plaintiff has no adequate remedy at law.

23 150. Unless enjoined by this Court, Defendant will continue to infringe Plaintiff's  
24 patent rights and cause Plaintiff further irreparable injury.

#### 25 **XVI. PRAYER FOR RELIEF**

26 WHEREFORE, Plaintiff prays for the following relief:

27 A. A judgment in favor of Plaintiff and against Defendant on all claims alleged  
28 herein;

1 B. A judgment that Defendant has infringed the Shadduck Patents under 35 U.S.C.  
2 § 271 during the term of the Shadduck Patents;

3 C. A judgment that Defendant has infringed and continues to infringe the Ignon  
4 Patents under 35 U.S.C. § 271;

5 D. A preliminary and permanent injunction enjoining Defendant, its officers,  
6 directors, agents, servants, employees, and attorneys, and those persons in active concert or  
7 participation with Defendant, from (1) making, using, selling, offering to sell, and/or importing  
8 into the United States the MediSpa systems and AquaPeel handpiece tips or inducing others to  
9 use them in an infringing manner, and (2) infringing the Ignon Patents in violation of 35 U.S.C.  
10 § 271;

11 E. An accounting of all Defendant's gains, profits, and advantages derived from its  
12 infringement of the Asserted Patents in violation of 35 U.S.C. § 271, and an Order that  
13 Defendant pay to Plaintiff actual damages in the form of lost profits, or in the alternative, other  
14 damages adequate to compensate for the infringement, but in no event less than a reasonable  
15 royalty for the use made of the patented inventions by Defendant, in accordance with 35 U.S.C.  
16 § 284;

17 F. An order trebling or otherwise increasing damages pursuant to 35 U.S.C. § 284  
18 because of Defendant's willful infringement;

19 G. An order finding this case exceptional under 35 U.S.C. § 285 and ordering  
20 Defendant to pay Plaintiff its reasonable attorney fees incurred in this action;

21 H. Pre-judgment and post-judgement interest and costs as fixed by the Court; and

22 I. Such other and further relief as this Court may deem just and proper.

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**XVII. DEMAND FOR JURY TRIAL**

Plaintiff Hydrafacial LLC hereby demands a trial by jury of all issues so triable.

Dated: May 6, 2024

By: /s/ F. Christopher Austin

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