

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

_____	)	
HYDRAFACIAL LLC, formerly known as	)	Civil Action No. 2:24-cv-4253
EDGE SYSTEMS LLC,	)	
	)	
Plaintiff,	)	<b>COMPLAINT FOR</b>
	)	<b>PATENT INFRINGEMENT</b>
v.	)	
	)	
CARTESSA AESTHETICS, LLC,	)	<b>DEMAND FOR JURY TRIAL</b>
	)	
Defendant.	)	
_____	)	

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

**I. THE PARTIES**

1. Plaintiff HydraFacial is a limited liability company organized and existing under the laws of the State of California, with its principal place of business located at 2165 E. Spring Street, Long Beach, California 90806. HydraFacial LLC recently changed its name from Edge Systems LLC.

2. Plaintiff is informed and believes, and thereon alleges, that Defendant Cartessa Aesthetics, LLC is a New York limited liability company having a principal place of business at 175 Broadhollow Road, Suite 185, Melville, NY 11747.

**II. JURISDICTION AND VENUE**

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

4. This Court has original subject matter jurisdiction over the claims in this action pursuant to 35 U.S.C. §§ 271 and 281 and 28 U.S.C. §§ 1331 and 1338(a), as these claims arise under the laws of the United States.

5. This Court has personal jurisdiction over Defendant because Defendant resides in this judicial district or has a principal place of business in this judicial district, and Defendant has a continuous, systematic, and substantial presence within this judicial district. For example, Defendant has a principal place of business in this judicial district at 175 Broadhollow Road, Melville, NY 11747. Plaintiff is informed and believes, and thereon alleges, that Defendant imports infringing products to this judicial district and/or distributes such products into the stream of commerce knowing they will be sold in New York and this judicial district.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(b) because Defendant has a regular and established place of business in this judicial district and because Defendant has committed acts of infringement by importing, selling, and/or offering to sell infringing products in this judicial district. Venue is also proper because Defendant resides in this district.

### **III. GENERAL ALLEGATIONS**

#### **A. The HydraFacial Patents and Technology**

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

8. HydraFacial's latest flagship system is its revolutionary HydraFacial Syndeo® system, which is the premier hydrodermabrasion system sold in the United States. HydraFacial's revolutionary HydraFacial Syndeo® system is protected by numerous United States patents, including U.S. Patent No. 11,865,287 (the "'287 Patent"). In addition to the HydraFacial Syndeo® system, HydraFacial designs, develops, manufactures and sells other patented hydrodermabrasion systems, including the HydraFacial® Allegro™ and the HydraFacial® Elite™. These HydraFacial hydrodermabrasion systems are referred to herein collectively as "the HydraFacial® Systems."

9. On January 9, 2024, the USPTO duly and lawfully issued the '287 Patent, titled "DEVICES AND METHODS FOR TREATING SKIN." A true and correct copy of the '287 Patent is attached hereto as **Exhibit 1**.

10. HydraFacial is the owner of all right, title, and interest in the '287 Patent.

**B. Defendant's Infringing Skinwave System**

11. Defendant is in the business of sourcing and selling aesthetic medical devices manufactured by others, including hydrodermabrasion devices that compete with the HydraFacial® Systems. Defendant markets and sells these medical devices throughout the United States to end users, such as dermatologists, plastic surgeons, cosmetic physicians and aestheticians at medical spas.

12. One of the competing hydrodermabrasion devices used, sold, offered for sale, and/or imported into the United States by Defendant is known as the Skinwave (referred to herein as the "Skinwave System"). Defendant has offered and is continuing to offer the Skinwave System for sale on its website. *See* <https://www.cartessaesthetics.com/skinwave> (last visited May 30, 2024) (**Exhibit 2**).

13. The Skinwave System is a hydrodermabrasion system for treating the skin surface of a patient. The Skinwave System, shown in the image below, includes a console that is configured to receive at least two containers containing skin treatment fluids, a handpiece that is configured to contact the skin tissue of a subject, and a vacuum source.



Exhibit 2.

14. The Skinwave System console allows a user to control the selection of solutions, flow of solutions, and vacuum suction. See **Exhibit 3** (photos of Skinwave System with knobs controlling “flow” and “vacuum”). The Skinwave System vacuum source creates suction for drawing the patient’s skin against the tip of the handpiece. Cartessa’s advertising explains that the Skinwave System uses “vacuum-suction” for “eliminating dead skin cells and impurities,” thus exfoliating and cleansing the skin. CARTESSA-0000250 (**Exhibit 4**).

15. The Skinwave System delivers the skin treatment fluids from the containers to the skin. Defendants sells skin treatment fluids including “solutions rich in Alpha Hydroxy Acid (AHA), Beta Hydroxy Acid (BHA), Natural Moisturizing Factors (NMF), potent plant extracts,

and Hydrogen (H<sub>2</sub>).” **Exhibit 2**; *see also* **Exhibit 4** at 17 (describing “[t]here nutrient-enriched solutions designed for Skinwave treatments).

16. Defendant either had constructive knowledge of the ’287 Patent (or its respective application) when it was offering for sale and selling the infringing Skinwave System, or it acted with willful blindness to its infringement. Defendant had actual knowledge of the ’287 Patent at least as early as its receipt of a letter sent by HydraFacial to Defendant dated May 29, 2024 concerning Defendant’s infringement of the ’287 Patent by selling and/or offering to sale the Skinwave System in the United States. A true and correct copy of this letter is attached hereto as **Exhibit 5**.

17. In addition, Defendant was a competitor of HydraFacial in the aesthetic skin resurfacing equipment industry when it launched its Skinwave System. Defendant therefore knew that Plaintiff was an industry leader. Further, Plaintiff and Defendant are members of some of the same trade organizations and attend some of the same trade shows.

18. Defendant was therefore familiar with Plaintiff and its aesthetic skin-resurfacing products when it launched its Skinwave System for aesthetic skin resurfacing.

19. Defendant has infringed and continues to infringe the ’287 Patent.

20. Plaintiff has never authorized Defendant’s offer for sale, importation, or sale of the Skinwave System.

21. Defendant’s acts of infringement are and have been willful, intentional, and deliberate. Defendant has infringed the ’287 Patent with reckless disregard for Plaintiff’s patent rights. Defendant knew, or should have known, that its actions constituted infringement of the ’287 Patent.

**IV. COUNT I**

**INFRINGEMENT OF THE '287 PATENT**

22. Plaintiff incorporates by reference and realleges each of the allegations set forth in Paragraphs 1-21 above.

23. Defendant knowingly and intentionally infringed the '287 Patent in violation of 35 U.S.C. § 271(a) through, for example, the use, sale, offer for sale, and/or importation into the United States of the Skinwave System during the term of the '287 Patent.

24. For example, as set forth in the claim chart below, the Skinwave System infringes at least Claim 1 of the '287 Patent.

Claim Language	Skinwave System
<p>1. A system for treating skin, the system comprising:</p>	<p>The Skinwave System is a system for treating the skin surface of a patient. For example, Defendant’s website describes the Skinwave System as “Skinwave – Multi-Dimensional Aqua Delivery System. <b>Exhibit 2.</b></p> <p>Defendant’s website also describes the Skinwave System as</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>The Skinwave combines an aqua-delivery system, skin revitalizing solutions and Hydrogen therapy for a multi-dimensional skincare treatment. This professional skincare machine incorporates solutions rich in Alpha Hydroxy Acid (AHA), Beta Hydroxy Acid (BHA), Natural Moisturizing Factors (NMF), potent plant extracts, and Hydrogen (H2) using hydradermabrasion. Solutions are infused deep into the skin, while gentle extraction removes impurities.</p> </div>

(a) a console configured to receive a first container and at least one additional container;





Exhibit 2. The Skinwave System includes a console configured to receive a first container and at least one additional container (e.g., containers with solutions rich in Alpha Hydroxy Acid (AHA), Beta Hydroxy Acid (BHA), Natural Moisturizing Factors (NMF), potent plant extracts, and Hydrogen (H<sub>2</sub>)). *See e.g.*, Exhibits 2, 4; <https://www.facebook.com/cartessaaesthetics/videos/361807448055124/> (last visited May 30, 2024).

(b) a handpiece configured to contact skin tissue of a subject;

The Skinwave System has a handpiece configured to contact skin tissue of a subject.



Exhibit 2.

	<div style="text-align: right;"> <h3><i>Skinwave Handpiece</i></h3> </div> <div style="display: flex; justify-content: space-around; align-items: center;">  <div style="text-align: right;"> <p>Quantity</p> <input style="width: 30px; text-align: center;" type="text" value="1"/> </div> </div> <div style="margin-top: 20px;"> <p>Details</p> <p><small>The Aqua-Delivery Handpiece reimagined! NEW ergonomic design and fiberoptic cord enhance provider mobility and allow for improved suction and flow for an optimal experience for both patient and provider.</small></p> </div> <div style="margin-top: 20px;"> <p><a href="https://cartessastore.com/NEW-Skinwave-Handpiece">https://cartessastore.com/NEW-Skinwave-Handpiece</a> (last visited June 11, 2024) (Exhibit 6); <i>see also</i> <a href="https://www.facebook.com/cartessaaesthetics/videos/361807448055124/">https://www.facebook.com/cartessaaesthetics/videos/361807448055124/</a> (last visited May 30, 2024) (contacting skin with handpiece).</p> </div>
<p>(c) a block in the console,</p>	<p>The Skinwave System has a block in the console.</p> <div style="text-align: center; margin-top: 20px;">  </div> <p>Exhibit 2.</p>
<p>(c)(1) wherein the block is: configured to selectively receive fluid from the first container when the first container is connected to the</p>	<p>The block of the Skinwave System is configured to selectively receive fluid from the first container when the first container is connected to the console.</p>



<p>console;</p>	<div data-bbox="506 226 1321 720" data-label="Image"> </div> <p>Exhibit 2; <i>see also</i>  <a href="https://www.facebook.com/cartessaaesthetics/videos/361807448055124/">https://www.facebook.com/cartessaaesthetics/videos/361807448055124/</a>          (last visited May 30, 2024) (stating that block received Alpha Hydroxy Acid (AHA) from first container)  <a href="https://www.youtube.com/watch?v=eMX3FAovqK8">https://www.youtube.com/watch?v=eMX3FAovqK8</a> (last visited May 30, 2024) (showing operation of the Skinwave System receiving fluid from first container). During treatment and after a user selects a container from which to draw treatment fluid, the block of the Skinwave System receives fluid from the selected container, as indicated in the image below:</p> <div data-bbox="695 1180 1243 1507" data-label="Image"> </div> <p>Exhibit 3.</p>
<p>(c)(2) configured to selectively receive fluid from the at least one additional container when the at least one additional container is connected to the console; and,</p>	<p>The block of the Skinwave System is configured to selectively receive fluid from the at least one additional container when the at least one additional container is connected to the console.</p>



Exhibit 2; *see also* <https://www.facebook.com/cartessaaesthetics/videos/361807448055124/> (last visited May 30, 2024) (stating that block received Beta Hydroxy Acid (AHA) from the second container and Hyaluronic Acid from the third container) <https://www.youtube.com/watch?v=eMX3FAovqK8> (last visited May 30, 2024) (showing operation of the Skinwave System receiving fluid from second and third containers). During treatment and after a user selects a container from which to draw treatment fluid, the block of the Skinwave System receives fluid from the selected container, as indicated in the image below:



Exhibit 3.

<p>(c)(3) configured to selectively be in fluid communication with the handpiece through a first conduit when the handpiece is connected to the</p>	<p>The block of the Skinwave System is configured to selectively be in fluid communication with the handpiece through a first conduit when the handpiece is connected to the console.</p>
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console;

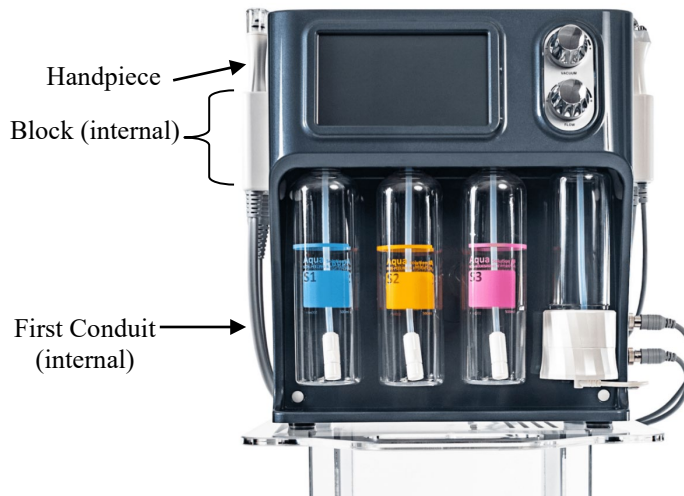
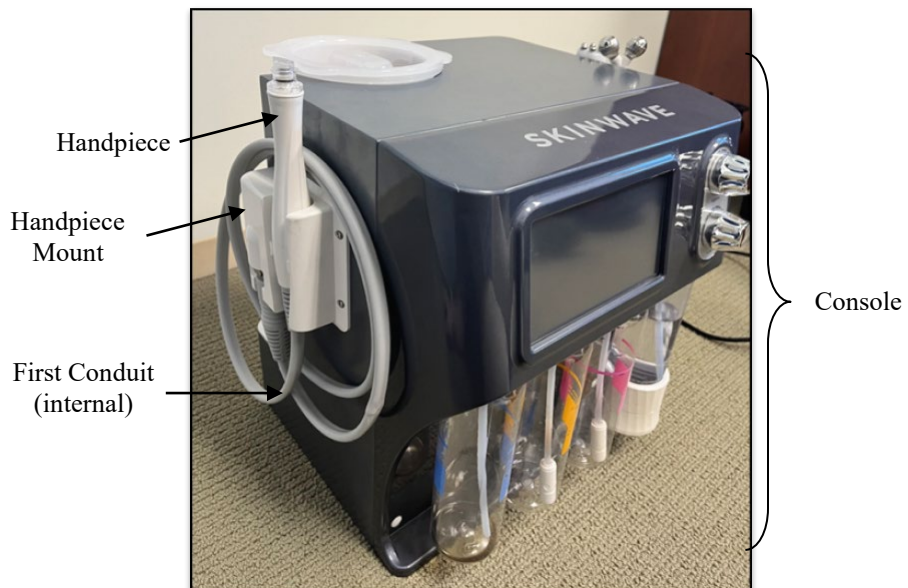
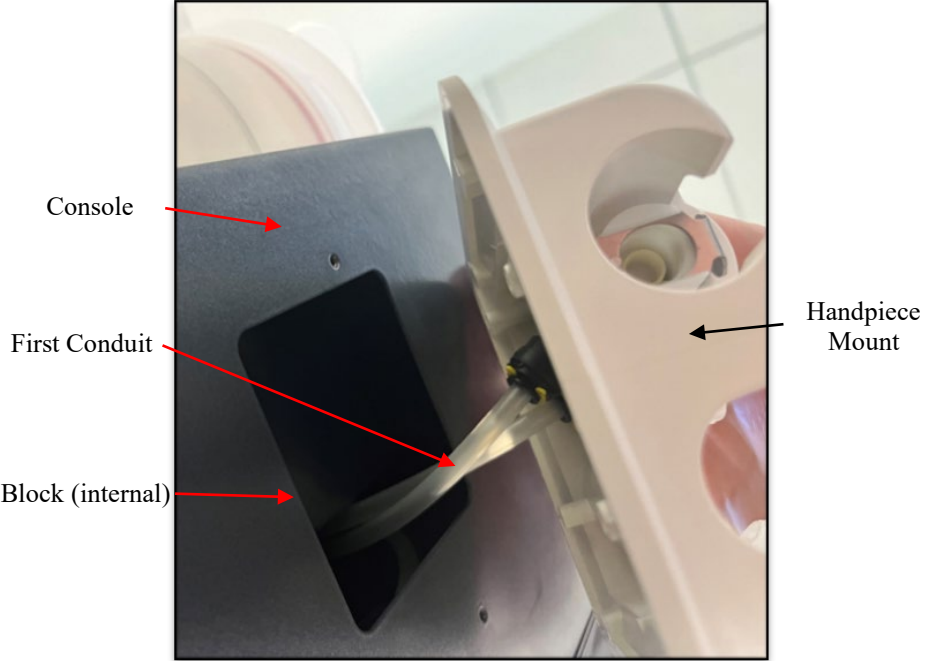
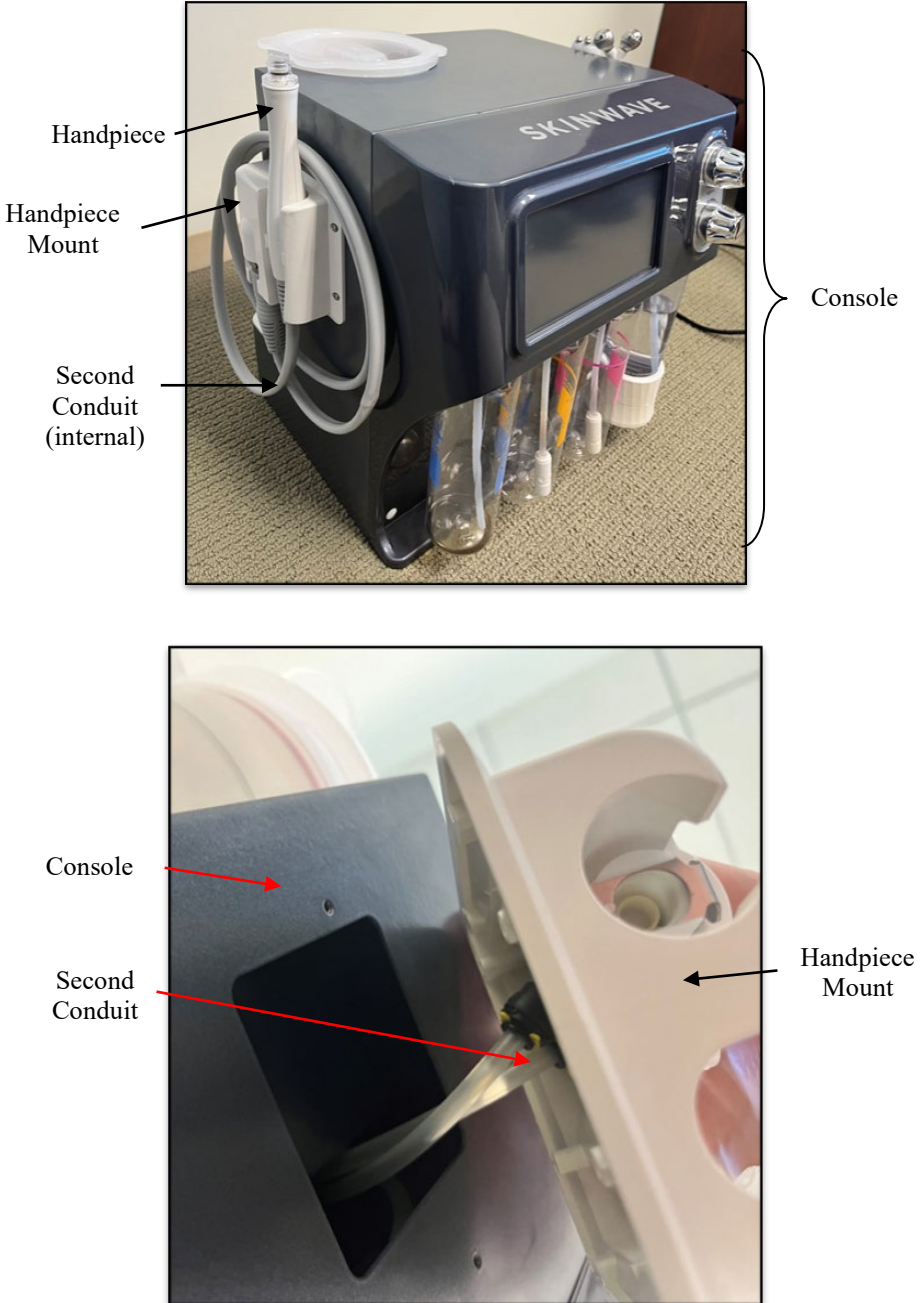


Exhibit 2; *see also*

<https://www.facebook.com/cartessaaesthetics/videos/361807448055124/> (last visited May 30, 2024) (showing fluid communication between the block and the handpiece via the first conduit) <https://www.youtube.com/watch?v=eMX3FAovqK8>, at 0:20 (last visited May 30, 2024) (showing set-up of the Skinwave System wherein a conduit connects a handpiece to a block of the console). Cartessa touts the “Skinwave Handpiece” as providing “improved suction and flow,” so the handpiece is in fluid communication with the block when the handpiece is connected to the console. Exhibit 6. As further shown below, the handpiece is selectively in fluid communication with the handpiece through a first conduit that passes through a handpiece mount:



	 <p>Exhibit 3.</p>
<p>(d) a vacuum source, wherein the console comprises the vacuum source; and</p>	<p>The Skinwave System has a console comprising a vacuum source.</p> <p>The Skinwave System uses “vacuum-suction” for “eliminating dead skin cells and impurities,” thus exfoliating and cleansing the skin. Exhibit 4; <i>see also</i> Exhibit 6 (touting the Skinwave System’s handpiece as facilitating “improved suction”). The vacuum source is located within the console.</p>
<p>(e) wherein the handpiece is configured to be in fluid communication with the vacuum source through a second conduit when the handpiece is connected to the console;</p>	<p>The handpiece of the Skinwave System is configured to be in fluid communication with the vacuum source through a second conduit when the handpiece is connected to the console.</p> <p>The Skinwave System uses “vacuum-suction” for “eliminating dead skin cells and impurities,” thus exfoliating and cleansing the skin. Exhibit 4; <i>see also</i> Exhibit 6 (touting the Skinwave System’s handpiece as facilitating “improved suction”). To provide improved suction, the handpiece of the Skinwave System is in fluid communication with the vacuum source.</p> <p>As shown in the images below, the handpiece is in fluid communication with the vacuum source through a second conduit via the handpiece mount when the handpiece is connected to the console.</p>

	 <p>Handpiece</p> <p>Handpiece Mount</p> <p>Second Conduit (internal)</p> <p>Console</p> <p>Console</p> <p>Second Conduit</p> <p>Handpiece Mount</p> <p>Exhibit 3.</p>
<p>(f)(1) wherein when the handpiece, the first container, the at least one additional container and a waste container are each connected to the console of the Skinwave System, the first container contains a first treatment fluid, and the at least one additional container contains an additional treatment fluid, the handpiece is in fluid communication with the vacuum source</p>	<p>When the handpiece, the first container, the at least one additional container and a waste container are each connected to the console of the Skinwave System, the first container contains a first treatment fluid, and the at least one additional container contains an additional treatment fluid, the handpiece is in fluid communication with the vacuum source</p>

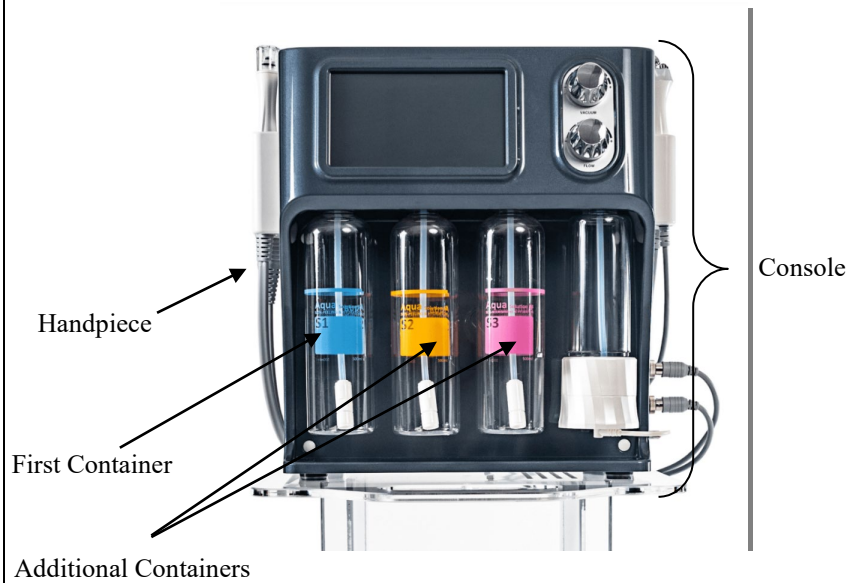
container are each connected to the console, the first container contains a first treatment fluid, and the at least one additional container contains an additional treatment fluid, the handpiece is in fluid communication with the vacuum source and the waste container through the second conduit; and

and the waste container through the second conduit.

Cartessa touts that its Skinwave System has containers that each contain a treatment fluid, as shown below.

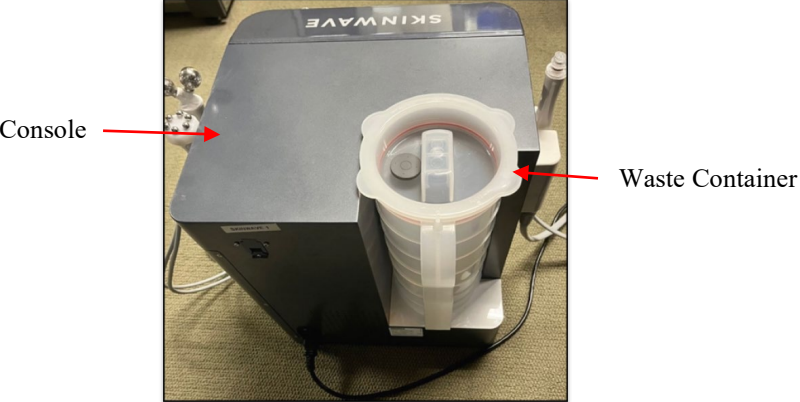
The Skinwave combines an aqua-delivery system, skin revitalizing solutions and Hydrogen therapy for a multi-dimensional skincare treatment. This professional skincare machine incorporates solutions rich in Alpha Hydroxy Acid (AHA), Beta Hydroxy Acid (BHA), Natural Moisturizing Factors (NMF), potent plant extracts, and Hydrogen (H2) using hydradermabrasion. Solutions are infused deep into the skin, while gentle extraction removes impurities.


Exhibit 2. The Skinwave System has a handpiece, a first container, and at least one additional container that are each connected to the console.



*Id.*; see also <https://www.facebook.com/reel/2388376627981977> (last visited May 30, 2024) (explaining solutions contained within containers of Skinwave System).

As shown in the image below, the Skinwave System also has a waste container connected to the console:

	 <p>Exhibit 3. The Skinwave System uses “vacuum-suction” for “eliminating dead skin cells and impurities,” thus exfoliating and cleansing the skin. Exhibit 4; <i>see also</i> Exhibit 6 (touting the Skinwave System’s handpiece as facilitating “improved suction”). When the first container and the at least one additional container contain treatment fluid, the handpiece of the Skinwave System is in fluid communication with the vacuum source to remove such impurities, and the dead skin cells and impurities are deposited from the handpiece to the waste container via the vacuum source.</p>
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<p>(f)(2) the system is configured to deliver the first treatment fluid contained in the first container and the additional treatment fluid contained in the at least one additional container to the handpiece sequentially.</p>	<p>The Skinwave System is configured to deliver the first treatment fluid contained in the first container and the additional treatment fluid contained in the at least one additional container to the handpiece sequentially.</p> <p><i>See</i> <a href="https://www.facebook.com/cartessaesthetics/videos/361807448055124/">https://www.facebook.com/cartessaesthetics/videos/361807448055124/</a> (last visited May 30, 2024) (discussing the “three-step process” where the first step uses AHA, the second step uses BHA, and the third step uses Hyaluronic Acid). During treatment, a user selects a container from which to receive treatment fluid, the treatment fluid being delivered sequentially to the handpiece, as indicated in the image below:</p>  <p>Exhibit 3.</p>
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25. Cartessa has been aware of the '287 Patent and its contents, including, for example, through the prior written communication from HydraFacial notifying Cartessa of its infringement of the '287 Patent. **Exhibit 5.** Despite receiving this notice, Cartessa has continued its infringing activity.

26. Upon information and belief, Cartessa has actively induced others to infringe the '287 Patent by marketing, offering for sale, and selling the Skinwave System, knowing and intending that the Skinwave System would be used by end users in a manner that infringes the '287 Patent. To that end, upon information and belief, Cartessa provides instructions and information to its customers and end users that the Skinwave System be used to infringe the '287 Patent. These acts constitute infringement of the '287 Patent in violation of 35 U.S.C. § 271(b).

27. Upon information and belief, the acts of Cartessa constitute contributory infringement of the '287 Patent in violation of 35 U.S.C. § 271(c). Upon information and belief, Cartessa contributorily infringes because it offers to sell and/or sells within the United States the Skinwave System that in material part constitutes the invention of the asserted claims of the '287 Patent, that is not a staple article or commodity of commerce suitable for substantial non-infringing use, and that is known by Cartessa to be especially made or especially adapted for use in an infringement of the '287 Patent.

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



29. Defendant's infringement has been and continues to be 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.

30. 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 action.

#### **V. PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for the following relief:

- A. A judgment in favor of Plaintiff and against Defendant on all claims alleged herein;
- B. A judgment that Defendant has infringed the '287 Patent under 35 U.S.C. § 271;
- C. A preliminary and permanent injunction enjoining Defendant, its officers, directors, agents, servants, employees, and attorneys, and those persons in active concert or participation with Defendant, from (1) making, using, selling, offering to sell, and/or importing into the United States the Skinwave System, and (2) infringing the '287 Patent in violation of 35 U.S.C. § 271;
- D. An accounting of all Defendant's gains, profits, and advantages derived from its infringement of the '287 Patent in violation of 35 U.S.C. § 271, and an order that Defendant pay to Plaintiff actual damages in the form of lost profits, or, in the alternative, other damages adequate to compensate for the infringement, but in no event less than a reasonable royalty for the use made of the patented inventions by Defendant, in accordance with 35 U.S.C. § 284;
- E. An order finding that Defendant's infringement has been willful and trebling or otherwise increasing damages pursuant to 35 U.S.C. § 284 because of Defendant's willful infringement;
- F. An order finding this case exceptional under 35 U.S.C. § 285 and ordering Defendant to pay Plaintiff its reasonable attorneys' fees incurred in this action;

G. An award of pre-judgment and post-judgment interest and costs as fixed by the Court; and

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

**VI. DEMAND FOR JURY TRIAL**

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

Dated: June 14, 2024

By: /s/ Ali S. Razai

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