

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE**

HYDRAFACIAL LLC,)	
)	
Plaintiff,)	Case No. _____
)	
v.)	COMPLAINT FOR PATENT
)	INFRINGEMENT
AESTHETIC MANAGEMENT PARTNERS, LLC and AESTHETIC MANAGEMENT PARTNERS INC.,)	DEMAND FOR JURY TRIAL
)	
Defendants.)	
)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff HydraFacial LLC (“Plaintiff” or “HydraFacial”) by and through its undersigned attorneys, hereby complains of Defendants Aesthetic Management Partners, LLC and Aesthetic Management Partners Inc. (collectively “Defendants” or “AMP”) for infringement of the United States Patents identified herein, and alleges as follow:

JURISDICTION AND VENUE

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

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

3. This Court has personal jurisdiction over Defendants because Defendants reside in this judicial district or has a principal place of business in this judicial district, and Defendants have a continuous, systematic, and substantial presence within this judicial district. For example,

Defendants are incorporated under Tennessee law and have their principal place of business in this judicial district.

4. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(b) because Defendants have a regular and established place of business in this judicial district and have committed acts of infringement by making, using, selling, and/or offering to sell infringing products in this judicial district.

THE PARTIES

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

6. Plaintiff is informed and believes, and thereon alleges, that Defendant Aesthetic Management Partners Inc. is a Tennessee corporation with a principal place of business at 9109 Macon Road, Cordova, TN 38016 and Defendant Aesthetic Management Partners, LLC is a Delaware limited liability company with the same principal address.

THE ASSERTED PATENTS

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

8. On September 20, 2022, the USPTO duly and lawfully issued U.S. Patent No. 11,446,477 (“the ’477 Patent”), titled “DEVICES AND METHODS FOR TREATING SKIN.” A true and correct copy of the ’477 Patent is attached hereto as **Exhibit 2**.

9. On January 9, 2024, the USPTO duly and lawfully issued U.S. Patent No. 11,865,287 (“the ’287 Patent”), titled “DEVICES AND METHODS FOR TREATING SKIN.” A true and correct copy of the ’287 Patent is attached hereto as **Exhibit 3**.

10. On July 23, 2019, the USPTO duly and lawfully issued U.S. Patent No. 10,357,641 (“the ’641 Patent”), titled “TIPS FOR SKIN TREATMENT DEVICE.” A true and correct copy of the ’641 Patent is attached hereto as **Exhibit 4**.

11. On July 23, 2019, the USPTO duly and lawfully issued U.S. Patent No. 10,357,642 (“the ’642 Patent”), titled “REMOVABLE TIPS FOR USE WITH SKIN TREATMENT SYSTEMS.” A true and correct copy of the ’642 Patent is attached hereto as **Exhibit 5**.

12. HydraFacial is the owner of all right, title, and interest in the ’052 Patent, the ’477 Patent, the ’287 Patent, the ’641 Patent, and the ’642 Patent. HydraFacial therefore is the patentee for purposes of standing to assert the ’052 Patent, the ’477 Patent, the ’287 Patent, the ’641 Patent, and the ’642 Patent (collectively, the “Asserted Patents”) in this action under 35 U.S.C. § 281.

FACTUAL ALLEGATIONS

13. 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.

14. 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. In addition to the Syndeo™ system, HydraFacial has designed, developed, manufactured and sold other patented hydrodermabrasion systems, including the HydraFacial MD®, the HydraFacial® Tower™, the HydraFacial® Allegro™, the HydraFacial® Wave™, the HydraFacial® Elite™, HydraFacial® Nectre™ and the HydraFacial® Core™ systems. These HydraFacial hydrodermabrasion systems are referred to herein collectively as “the HydraFacial® Systems.”

15. Defendants are in the business of sourcing and selling aesthetic medical devices, including a hydrodermabrasion device that competes with the HydraFacial® Systems.

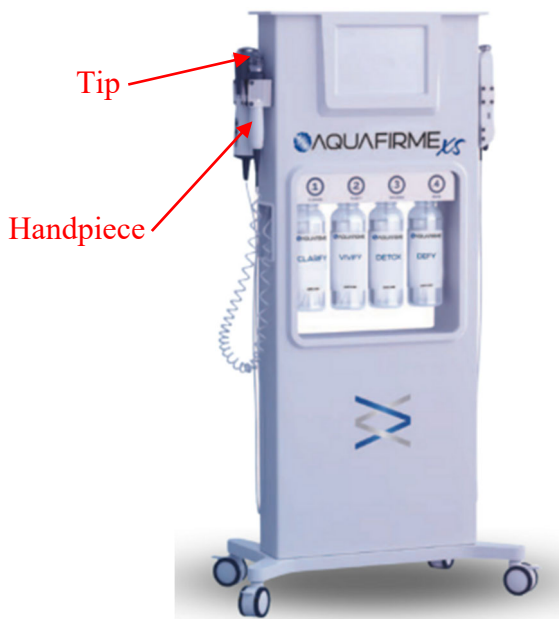
16. Defendants market and sell these medical devices throughout the United States to end users, such as dermatologists, plastic surgeons, cosmetic physicians and aestheticians at medical spas. Defendants also offer replacement components, repairs, warranties, and training services for end users.

17. One of the competing hydrodermabrasion devices used, sold, offered for sale, and/or imported into the United States by Defendants is known as the AquaFirmeXS system, a skin treatment system. Defendants have offered the AquaFirmeXS system for sale on its website, <aestheticmanagementpartners.com>, and elsewhere online including social media platforms such as YouTube, Instagram, Facebook, and LinkedIn. Defendants have also used brand representatives to advertise and sell their products and services.

18. Defendants’ current webpage describing the AquaFirmeXS system is attached as **Exhibit 6**. A web archive copy of Defendants’ webpage describing the AquaFirmeXS system on November 26, 2022 is attached as **Exhibit 7**. An entity selling AquaFirmeXS systems in the United Kingdom’s webpage describing the AquaFirmeXS system and handpieces is attached as **Exhibit 8**. Defendants’ current webpage selling the EVO handpiece tips is attached as **Exhibit 9**.

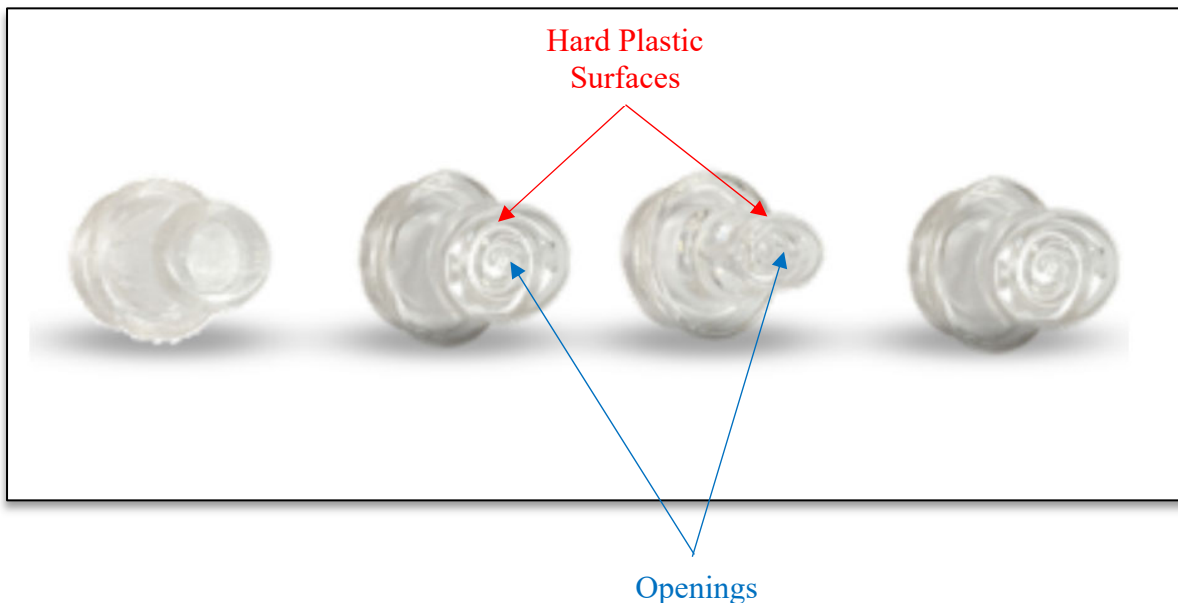
19. Defendants and their employees and affiliated spas have posted several instructive posts and videos on social media platforms. Defendants’ video showing the AquaFirmeXS system in use is attached as **Exhibit 10**. One of Defendants’ employees’ posts describing the functions of the AquaFirmeXS system is attached as **Exhibit 11**. Images from one of Defendants’ instructive videos are attached as **Exhibits 12 and 18**. Three of Defendants’ end user spas’ webpages covering the AquaFirmeXS system are attached as **Exhibits 17, 19, and 22**. Defendants’ customer spa’s social media posts using the AquaFirmeXS system are attached as **Exhibits 20 and 21**.

20. The AquaFirmeXS is a hydrodermabrasion device for treating the skin surface of a patient. The AquaFirmeXS system, shown in the images below, includes a handpiece that is configured to receive a tip at the end of the Handpiece. **Exhibit 6**. Defendants refer to this handpiece as the “EVO” handpiece **Exhibit 7**; *see also* **Exhibit 8**. Defendants also refer to the hydrodermabrasion functionality of the AquaFirmeXS as the “EVO” function. *Id.*





21. The EVO tip includes several openings. Fluid is delivered, and waste is suctioned away, through these openings. *See Exhibit 7.* The EVO tip is made of hard plastic and includes a working surface with a pattern of raised surfaces and ports. The raised surfaces include edges that are sharp enough to abrade and exfoliate skin. *See Exhibit 8.* On information and belief, Defendants' EVO tips can be attached to and detached from the handpiece of the AquaFirmeXS system. *See Exhibit 9.*



22. The AquaFirmeXS system includes a manifold and a console that allows a user to select the EVO functionalities, including controlling the selection of solutions, flow of solutions, and vacuum suction. The AquaFirmeXS system also includes a vacuum source that creates suction for drawing the patient's skin against the EVO tip and removing material from the skin. **Exhibits 6 and 10.**



23. The AquaFirmeXS delivers fluid from treatment media containers to the Skin. Defendants sell skin treatment media. *See Exhibit 11* ("nutrient rich AquaFirmeXS Solutions"); *see also Exhibit 12.*



24. Defendants also offer training and demonstrations on the use of the AquaFirmeXS system to end users and customers. In doing so, Defendants have used the AquaFirmeXS system at least to demonstrate its operation, as evidenced by the videos cited above. **Exhibit 13**.

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

26. Defendants were competitors in the skin resurfacing equipment industry when they first began selling AquaFirmeXS system and EVO tips. Defendants were familiar with the industry when founding Aesthetic Management Partners. **Exhibit 14**. Defendants knew that Plaintiff was an industry leader at the time.

27. Defendants were familiar with Plaintiff and its aesthetic skin-resurfacing products when it launched the AquaFirmeXS system and EVO tips for aesthetic skin resurfacing.

28. Given this familiarity, Defendants necessarily would have researched Plaintiff and its patent portfolio before introducing the infringing products. As part of that research, Defendants would have visited Plaintiff's website, where at least the '052 Patent was prominently listed at least as early as June 2018 (**Exhibit 15**), and where Plaintiff continues to list patents. *See* www.hydrafacial.com/patents/. Defendants additionally would have discovered the patents and any published pending patents not listed through investigation. *See id.* ("Additional patent applications pending").

29. At a minimum, Defendants had actual knowledge of the Asserted Patents no later than about October 10, 2023, when Defendants received a letter from Plaintiff informing Defendants of the Asserted Patents (barring the '287 Patent, which had not yet issued) and their infringement thereof. A copy of the letter transmitted to Defendants by Plaintiff is attached hereto

as **Exhibit 16**. Plaintiff later notified Defendants of their infringement of the '287 Patent on January 26, 2024.

30. Defendants have infringed and continue to infringe the Asserted Patents.

31. Plaintiff has never authorized Defendants' making, use, offer for sale, importation, or sale of the AquaFirmeXS system or EVO or other associated tips or devices that perform the accused functionalities.

32. Defendants' acts of infringement are and were willful, intentional, and deliberate. Defendants have infringed and continue to infringe each of the Asserted Patents with reckless disregard for Plaintiff's patent rights. Defendants know, or should know, and knew, or should have known, that their actions constituted and continue to constitute infringement of the Asserted Patents.

FIRST CLAIM FOR RELIEF:


(Infringement of the '052 Patent)

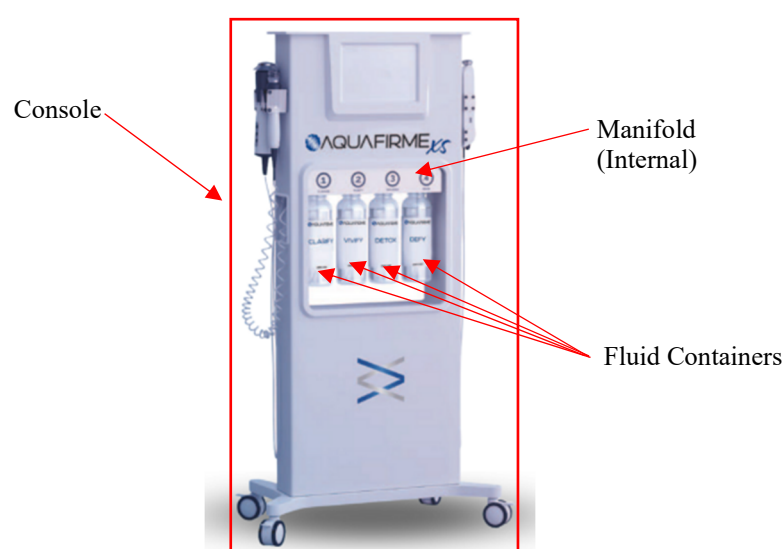
33. Plaintiff incorporates by reference and realleges each of the allegations set forth in Paragraphs 1-32 above.

34. Defendants knowingly and intentionally infringed and continue 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 AquaFirmeXS system.

35. For example, as set forth in the claim chart below, the AquaFirmeXS system infringes at least Claim 1 of the '052 Patent.

Claim Language	Accused Product
1. [pre] A system for performing a skin treatment procedure, the system comprising:	To the extent that the preamble is deemed to be a limitation, the AquaFirmeXS is a system for performing a skin treatment procedure. AMP has marketed the AquaFirmeXS as a "facial treatment ... ideal

	<p>for treating poorly hydrated & undernourished skin.” Exhibit 11; <i>see also Exhibit 17; Exhibit 7.</i></p>
<p>[a] a console including a manifold,</p>	<p>As shown in the image below, the AquaFirmeXS comprises a console including a manifold.</p> <div style="text-align: center;">  </div> <p>Exhibit 6.</p> <p>The manifold disclosed in the '052 Patent is “a manifold system 24 that holds containers 26 containing treatment fluids.” '052 Patent at 14:26–28. The AquaFirmeXS clearly shows a manifold structure in fluid communication with the fluid containers containing liquid treatment material.</p>
<p>[a][i] the manifold being in fluid communication with a first fluid container and at least a second fluid container,</p>	<p>The manifold of the AquaFirmeXS is in fluid communication with a first fluid container and at least a second fluid container. As shown in the photo below, the fluid containers couple to the manifold of the AquaFirmeXS:</p>

	 <p>Exhibit 6. Under the section “How AquaFirme Works,” AMP’s website states that “EVO technology uses a combination of vacuum suction, spiral eddy movements and specially formulated solutions to cleanse, exfoliate, uplift and hydrate the skin, resulting in a fresh, youthful look. The EVO cosmetic treatment tip has been specially designed to allow for optimum cleaning and exfoliation of the skin, it also enables the nutrient-rich AquaFirme Solutions to be absorbed by the skin.” Exhibit 7; Exhibit 8. Because the fluid containers couple to the manifold, and the fluid in the containers is delivered to the skin of a patient when coupled to the console, the manifold is in fluid communication with a first fluid container and at least a second fluid container.</p>
<p>[a][ii] the first fluid container and the at least the second fluid container being configured to contain a treatment material for a skin treatment procedure, wherein the treatment material comprises a liquid;</p>	<p>The first fluid container and the at least the second fluid container of the AquaFirmeXS are configured to contain a treatment material for a skin treatment procedure, wherein the treatment material comprises a liquid.</p> <p>AMP touts its AquaFirmeXS system as “utilizing our proprietary serums” to “cleanse, exfoliate, hydrate, and nourish the skin.” Exhibit 6. Specifically, under the section “How AquaFirme Works,” AMP’s website states that “EVO technology uses a combination of vacuum suction, spiral eddy movements and specially formulated solutions to cleanse, exfoliate, uplift and hydrate the skin, resulting in a fresh, youthful look. The EVO cosmetic treatment tip has been specially designed to allow for optimum cleaning and exfoliation of the skin, it also enables the nutrient-rich AquaFirme Solutions to be absorbed by the skin.” Exhibit 7; see also Exhibit 8. Because the EVO handpiece delivers “AquaFirme Solutions” to the skin, the first fluid container and the at least the second fluid container are configured to contain a treatment material comprising a liquid.</p>

[b] a handpiece assembly comprising a tip, the tip being configured to contact a skin surface of a subject;

As shown in the image below, the AquaFirmeXS includes a handpiece assembly comprising a tip, the tip being configured to contact a skin surface of a subject.



Exhibit 8; *see also Exhibit 7* (“The EVO cosmetic treatment tip has been specially designed to allow for optimum cleaning and exfoliation of the skin, it also enables the nutrient-rich AquaFirme Solutions to be absorbed by the skin.”). The AquaFirmeXS handpiece has a tip attached that is configured to contact a skin surface of a subject, as shown in the below screenshot from an AMP promotional video.



Exhibit 18.

[c] a supply conduit placing the manifold of the console in fluid communication with the handpiece assembly, wherein the distal end of the supply conduit is

As shown in the image below, the AquaFirmeXS comprises a supply conduit placing the manifold of the console in fluid communication with the handpiece assembly, wherein the distal end of the supply conduit is configured to couple to the handpiece assembly.

configured to couple to the handpiece assembly;



Exhibit 6.

The supply conduit is in fluid communication with the manifold via a coupling to the console shown below, and the supply conduit also couples to the handpiece assembly:




Exhibit 19.

[d] wherein the manifold is configured to control a flow of treatment material from the first fluid container and at least the second fluid

The AquaFirmeXS 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.

The supply conduit is in fluid communication with the manifold via

<p>container through the supply conduit;</p>	<p>a coupling to the console shown below, and the supply conduit also couples to the handpiece assembly:</p>  <p>Exhibit 19.</p> <p>Under the section “How AquaFirme Works,” AMP’s website states that “EVO technology uses a combination of vacuum suction, spiral eddy movements and specially formulated solutions to cleanse, exfoliate, uplift and hydrate the skin, resulting in a fresh, youthful look. The EVO cosmetic treatment tip has been specially designed to allow for optimum cleaning and exfoliation of the skin, it also enables the nutrient-rich AquaFirme Solutions to be absorbed by the skin.” Exhibit 7; <i>see also</i> Exhibit 8 (identifying the EVO handpiece). The containers are coupled to the manifold, and the fluid in the containers is delivered to the skin of a patient through the supply conduit such that 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.</p>
<p>[e] a vacuum source;</p>	<p>The AquaFirmeXS comprises a vacuum source.</p> <p>AMP has stated that the AquaFirmeXS uses “vacuum suction, spiral eddy movements and specially formulated solutions to cleanse, exfoliate, uplift and hydrate the skin,” and thus the AquaFirmeXS must have a vacuum source. Exhibit 11; <i>see also</i> Exhibit 17 (describing vacuum suction for EVO handpiece); Exhibit 7 (same for AquaFirme).</p>
<p>[f] a waste conduit in fluid communication with the tip of the handpiece assembly to</p>	<p>The AquaFirmeXS system comprises 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</p>

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


vacuum source.


As shown in the photo below, the AquaFirmeXS system has a waste conduit and a tip of the handpiece assembly in fluid communication.



Exhibit 6.

AMP states that the AquaFirmeXS “uses a combination of vacuum suction, spiral eddy movements and specially formulated solutions to cleanse, exfoliate, uplift and hydrate the skin.” **Exhibit 11**; *see also Exhibit 17* (describing vacuum suction for EVO handpiece); **Exhibit 7** (same for AquaFirme). AMP’s EVO handpiece “combines a conical evacuation with a proprietary micro-cupping technology to remove debris from the skin.” **Exhibit 6**. As shown in the screenshot of an AMP promotional video below, the AquaFirmeXS handpiece tip is configured to contact a skin surface of a subject during a skin treatment procedure.

	 <p>Exhibit 18. Because the handpiece tip of the AquaFirmeXS is the only portion of the EVO handpiece configured for use with the patient’s skin, and the EVO handpiece uses vacuum suction to removes debris from the skin, there is a waste conduit in fluid communication with the tip of the EVO handpiece assembly to remove waste away from a skin surface of a subject during a skin treatment procedure, and the waste conduit is operatively coupled to the vacuum source.</p>
<p>[g] 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</p>	<p>As shown in the photo below, the AquaFirmeXS 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.</p>

	 <p>Exhibit 10; see also Exhibit 21 (more clearly displaying container selection icons).</p> <p>The AquaFirmeXS touchscreen contains icons that allow the user to select the particular treatment material to be delivered through the supply conduit to the handpiece assembly.</p>
<p>[h] 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</p>	<p>When the AquaFirmeXS 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 to the tip via the supply conduit.</p> <p>AMP has stated that the AquaFirmeXS “cosmetic treatment tip has been specially designed to allow for optimum cleaning and exfoliation of the skin, it also enables the nutrient-rich</p>

fluid container or the second fluid container to the tip via the supply conduit.

AquaFirmeXS Solutions to be absorbed by the skin.” To accomplish this, the AquaFirmeXS “uses a combination of vacuum suction, spiral eddy movements and specially formulated solutions.” **Exhibit 11**; *see also* **Exhibit 17** (describing vacuum suction for EVO handpiece); **Exhibit 7** (same for AquaFirme). As shown in the screenshot of an AMP promotional video below, the AquaFirmeXS handpiece tip is configured to contact a skin surface of a subject during a skin treatment procedure.



Exhibit 18. Because there is only one skin contact surface on the AquaFirmeXS, the suction force created by the vacuum must remove waste along the tip via the waste conduit while drawing treatment material to the tip via the supply conduit.

36. Defendants are liable under 35 U.S.C. § 271(b) for actively inducing others to infringe the '052 Patent because, among other things, Defendants have marketed, sold, and offered for sale, and continue to market, sell, and offer for sale, the accused hydrodermabrasion products and components thereof knowing and intending that such hydrodermabrasion 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* **Exhibit 6**. To that end, Defendants provided and provide instructions and information to their customers and end users of the accused hydrodermabrasion products and components thereof, encouraging assembly and use of the accused hydrodermabrasion products and components thereof in a manner that infringes the '052 Patent. **Exhibit 13**. Further, customers

and users have assembled and/or used the accused hydrodermabrasion products and components thereof in a manner that infringes the '052 Patent (and continue to do so). *See Exhibit 17.*

37. Defendants are liable for contributory infringement under 35 U.S.C. § 271(c) because, among other things, Defendants have sold or offered for sale, and continue to sell and/or offers for sale within the United States and/or have imported and continue to import into the United States, the accused hydrodermabrasion 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; Exhibit 13.* Defendants have and continue to so act, knowing that the accused hydrodermabrasion products and components thereof are especially made for or adapted for use in an infringement of the '052 Patent. *See Exhibit 6.* Further, customers and users have assembled and/or used the accused hydrodermabrasion products and components thereof in a manner that infringes the '052 Patent (and continue to do so). *See Exhibit 17.*

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

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

40. 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.

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

42. Unless enjoined by this Court, Defendants will continue to infringe Plaintiff’s patent rights and cause Plaintiff further irreparable injury.

SECOND CLAIM FOR RELIEF:

(Infringement of the ’477 Patent)

43. Plaintiff incorporates by reference and realleges each of the allegations set forth in Paragraphs 1-42 above.

44. Defendants knowingly and intentionally infringed and continue to infringe the ’477 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 AquaFirmeXS system.

45. For example, as set forth in the claim chart below, the AquaFirmeXS system infringes at least Claim 1 of the ’477 Patent.

Claim Language	Accused Product
1. [pre] a skin treatment system comprising:	To the extent that the preamble is deemed to be a limitation, the AquaFirmeXS is a system for performing a skin treatment procedure. AMP has marketed the AquaFirmeXS as a “facial treatment.” Exhibit 11; see also Exhibit 17; Exhibit 7.
[a] a manifold system in communication with a first container and at least a second container,	The manifold system of the AquaFirmeXS is in communication with a first container and at least a second container. As shown in the photo below, the fluid containers couple to the manifold system of the AquaFirmeXS:

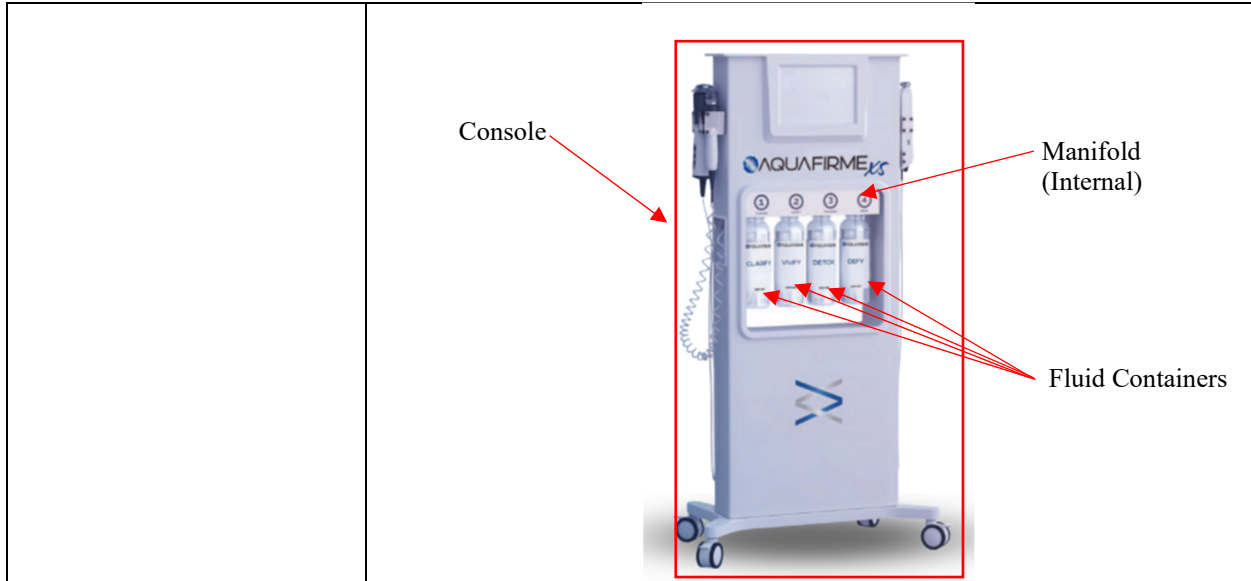


Exhibit 6.

The manifold disclosed in the '477 Patent is “a manifold system 24 that holds containers 26 containing treatment fluids.” '477 Patent at 14:30–32. The AquaFirmeXS clearly shows a manifold structure in fluid communication with containers containing treatment material.

Under the section “How Aquafirme Works,” AMP’s website states that “EVO technology uses a combination of vacuum suction, spiral eddy movements and specially formulated solutions to cleanse, exfoliate, uplift and hydrate the skin, resulting in a fresh, youthful look. The EVO cosmetic treatment tip has been specially designed to allow for optimum cleaning and exfoliation of the skin, it also enables the nutrient-rich AquaFirme Solutions to be absorbed by the skin.” **Exhibit 7**; *see also* **Exhibit 8** (identifying EVO handpiece). Because the containers are coupled to the manifold, and the fluid in the containers is delivered to the skin of a patient when coupled to the console, the manifold is in communication with a first container and at least a second container.

[a][i] wherein each of the first container and the at least second container is configured to contain a treatment material,

The first container and second container of the AquaFirmeXS are configured to contain a treatment material for a skin treatment procedure.

AMP touts its AquaFirmeXS system as “utilizing our proprietary serums” to “cleanse, exfoliate, hydrate, and nourish the skin.” **Exhibit 6**. Specifically, under the section “How Aquafirme Works,” AMP’s website states that “EVO technology uses a combination of vacuum suction, spiral eddy movements and

	<p>specially formulated solutions to cleanse, exfoliate, uplift and hydrate the skin, resulting in a fresh, youthful look. The EVO cosmetic treatment tip has been specially designed to allow for optimum cleaning and exfoliation of the skin, it also enables the nutrient-rich AquaFirme Solutions to be absorbed by the skin.” Exhibit 7; <i>see also Exhibit 8</i> (identifying EVO handpiece). Because the EVO handpiece delivers “AquaFirme Solutions” to the skin, the first container and the at least the second container are configured to contain a treatment material.</p>
<p>[a][ii] the manifold system being positioned in or on a console;</p>	<p>As shown in the image below, the AquaFirmeXS manifold is positioned in or on a console.</p> <div data-bbox="639 743 1406 1276" style="text-align: center;"> </div> <p>Exhibit 6.</p>
<p>[b] a supply conduit placing the manifold system in fluid communication with a handpiece assembly;</p>	<p>As shown in the image below, the AquaFirmeXS comprises a supply conduit placing the manifold system in fluid communication with a handpiece assembly.</p>

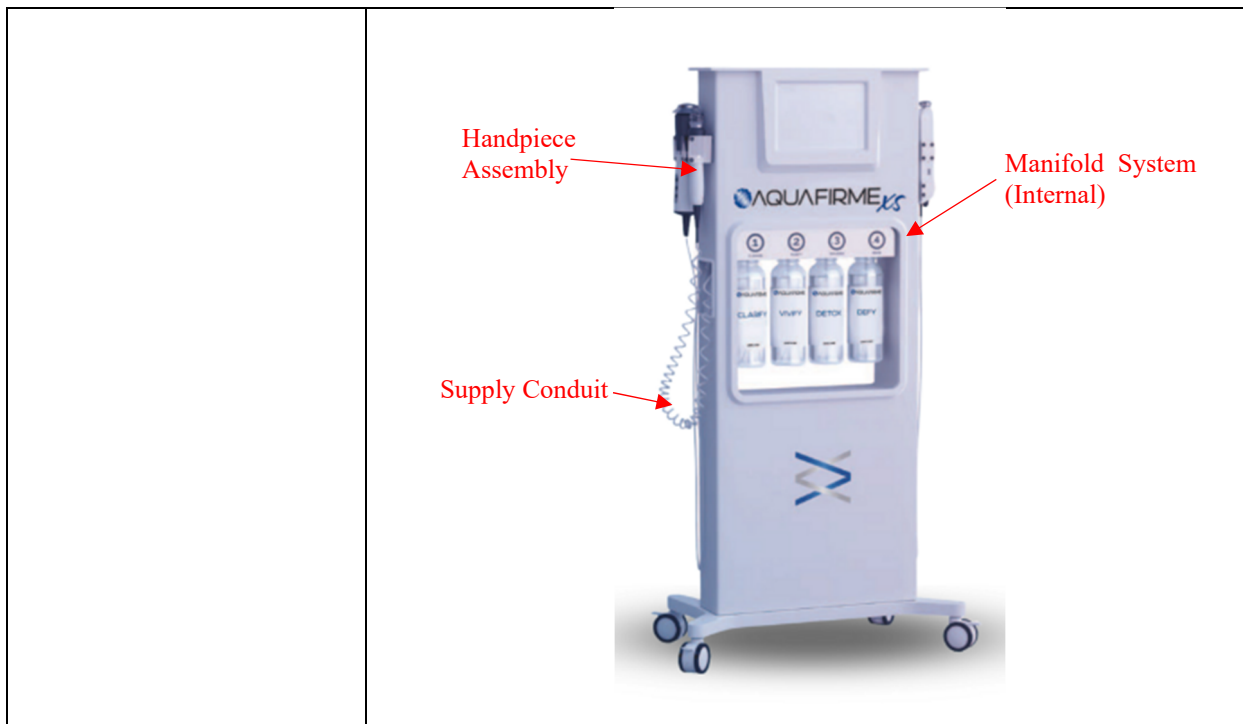


Exhibit 6.

The supply conduit is in fluid communication with the manifold system via a coupling to the console shown below, and the supply conduit also couples to the handpiece assembly:



Exhibit 19.

[c] wherein the handpiece assembly comprises a working end having a skin contact surface;

As shown in the image below, the AquaFirmeXS handpiece assembly comprises a working end having a skin contact surface.



Exhibit 8; *see also Exhibit 7* (“The EVO cosmetic treatment tip has been specially designed to allow for optimum cleaning and exfoliation of the skin, it also enables the nutrient-rich AquaFirme Solutions to be absorbed by the skin.”). As shown in the screenshot of an AMP promotional video below, the working end of the handpiece assembly has a skin contact surface that contacts skin during operation:



Exhibit 18.

[d] a vacuum source;

The AquaFirmeXS comprises a vacuum source.

AMP has stated that the AquaFirmeXS uses “vacuum suction, spiral eddy movements and specially formulated solutions to cleanse, exfoliate, uplift and hydrate the skin.” Because the AquaFirmeXS uses vacuum suction, it must have a vacuum source. **Exhibit 11;** *see also Exhibit 17* (describing vacuum suction for EVO handpiece); **Exhibit 7** (same for AquaFirme).

[e] a waste conduit in fluid communication with the handpiece assembly and the vacuum source to move waste away from the working end of the handpiece assembly during a skin treatment procedure; and

The AquaFirmeXS waste conduit is in fluid communication with the handpiece assembly and the vacuum source to move waste away from the working end of the handpiece assembly during a skin treatment procedure.



Exhibit 6.

Under the section “How Aquafirme Works,” AMP’s website states that “EVO technology uses a combination of vacuum suction, spiral eddy movements and specially formulated solutions to cleanse, exfoliate, uplift and hydrate the skin, resulting in a fresh, youthful look. The EVO cosmetic treatment tip has been specially designed to allow for optimum cleaning and exfoliation of the skin, it also enables the nutrient-rich AquaFirme Solutions to be absorbed by the skin.” **Exhibit 7**; *see also* **Exhibit 8** (identifying EVO handpiece). Because the handpiece assembly supplies treatment fluid to the skin, and vacuum suction is used to cleanse the skin with the handpiece assembly during a treatment procedure with the AquaFirmeXS, the handpiece is in fluid connection with the vacuum source through a waste conduit to move waste away from the working end of the handpiece.

[f] at least one control to permit control of a flow of treatment material from the first container and the

As shown in the images below, the AquaFirmeXS is configured to have at least one control to permit control of a flow of treatment material from the first container and the at least second container

at least second container through the supply conduit to the handpiece assembly;

through the supply conduit to the handpiece assembly.

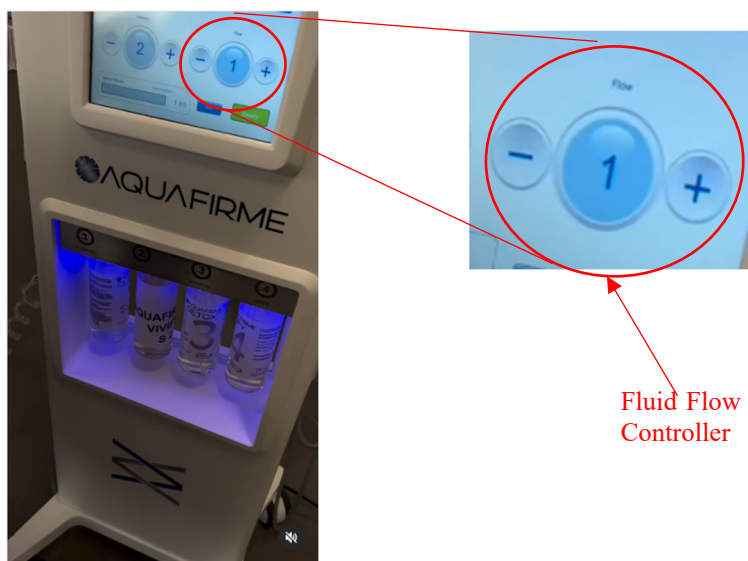
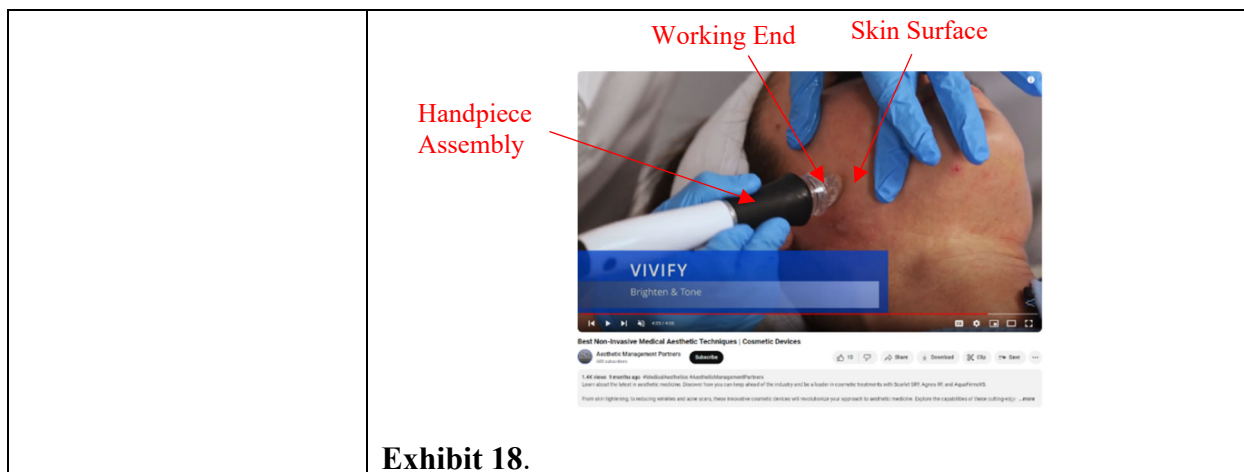


Exhibit 20; see also Exhibit 10 (same for AquaFirmeXS).

[g] wherein the vacuum source is configured to create a suction force within the waste conduit along the working end of the handpiece assembly via the waste conduit and to help transfer at least one treatment material from the manifold system to the handpiece assembly.

The AquaFirmeXS vacuum source is configured to create a suction force within the waste conduit along the working end of the handpiece assembly via the waste conduit and to help transfer at least one treatment material from the manifold system to the handpiece assembly.

Under the section “How Aquafirme Works,” AMP’s website states that “EVO technology uses a combination of vacuum suction, spiral eddy movements and specially formulated solutions to cleanse, exfoliate, uplift and hydrate the skin, resulting in a fresh, youthful look. The EVO cosmetic treatment tip has been specially designed to allow for optimum cleaning and exfoliation of the skin, it also enables the nutrient-rich AquaFirme Solutions to be absorbed by the skin.” **Exhibit 7; see also Exhibit 8** (identifying EVO handpiece). As shown in the screenshot of an AMP promotional video below, the working end of the handpiece assembly has a skin contact surface that contacts skin during operation:



46. Defendants are liable under 35 U.S.C. § 271(b) for actively inducing others to infringe the '477 Patent because, among other things, Defendants have marketed, sold, and offered for sale, and continue to market, sell, and offer for sale, the accused hydrodermabrasion products and components thereof knowing and intending that such hydrodermabrasion products would be assembled or used by customers and end users in a manner that infringes at least claim 1 of the '477 Patent. *See supra*. To that end, Defendants provided and provide instructions and information to its customers and end users of the accused hydrodermabrasion products and components thereof, encouraging assembly and use of the accused hydrodermabrasion products and components thereof in a manner that infringes the '477 Patent. **Exhibit 13**. Further, customers and users have assembled and/or used the accused hydrodermabrasion products and components thereof in a manner that infringes the '477 Patent (and continue to do so). *See Exhibit 17*.

47. Defendants are liable for contributory infringement under 35 U.S.C. § 271(c) because, among other things, Defendants have sold or offered for sale, and continue to sell and/or offer for sale within the United States and/or have imported and continue to import into the United States, the accused hydrodermabrasion products and components thereof constituting material parts of the invention of at least claim 1 of the '477 Patent, that are not staple articles or

commodities of commerce suitable for substantial non-infringing use. *See supra*; **Exhibit 13**. Defendants have and continue to so act, knowing that the accused hydrodermabrasion products and components thereof are especially made for or adapted for use in an infringement of the '477 Patent. *See supra*. Further, customers and users have assembled and/or used the accused hydrodermabrasion products and components thereof in a manner that infringes the '477 Patent (and continue to do so). *See Exhibit 17*.

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

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

50. 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.

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

52. Unless enjoined by this Court, Defendants will continue to infringe Plaintiff's patent rights and cause Plaintiff further irreparable injury.

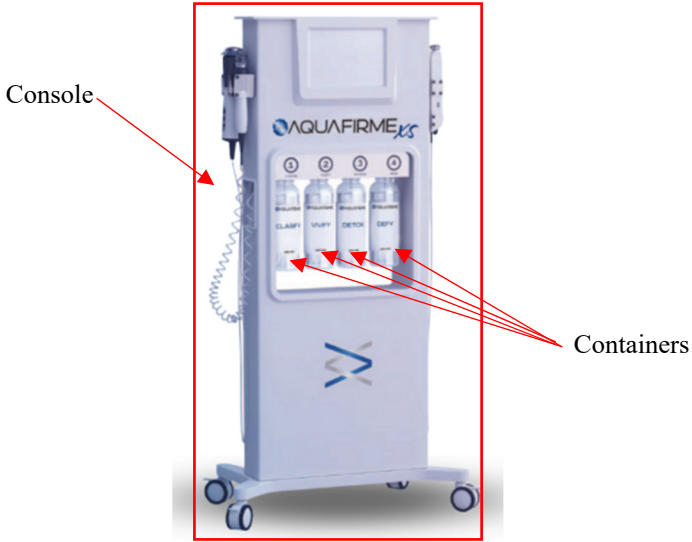
THIRD CLAIM FOR RELIEF

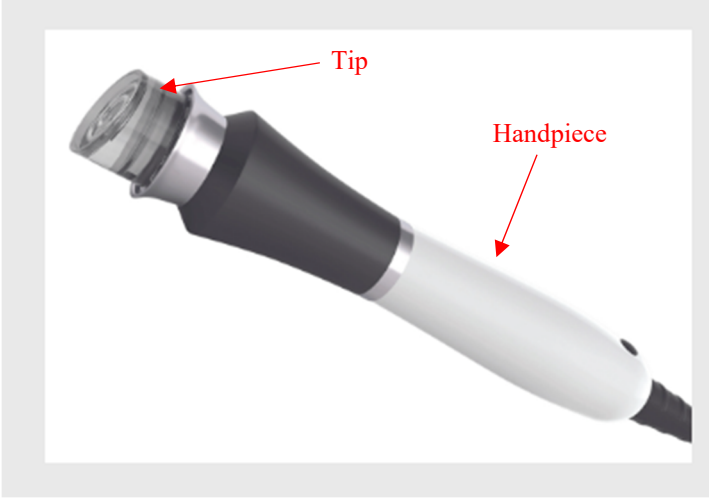

(Infringement of the '287 Patent)

53. Plaintiff incorporates by reference and realleges each of the allegations set forth in Paragraphs 1-52 above.

54. Defendants knowingly and have intentionally infringed and continue to infringe the '287 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 AquaFirmeXS system.

55. For example, as set forth in the claim chart below, the AquaFirmeXS system infringes at least Claim 26 of the '287 Patent.

Claim Language	Accused Product
26. [pre] A system for treating skin, the system comprising:	<p>To the extent that the preamble is deemed to be a limitation, the AquaFirmeXS is a system for treating skin.</p> <p>AMP has marketed the AquaFirmeXS as a “facial treatment.” Exhibit 11; <i>see also</i> Exhibit 17; Exhibit 7.</p>
[a] a console configured to receive a first container and at least one additional container;	<p>The console of the AquaFirmeXS is configured to receive a first container and at least one additional container, as shown in the image below:</p> <div style="text-align: center;">  </div> <p>Exhibit 6.</p>
[b] a handpiece configured to contact skin tissue of a subject;	<p>The AquaFirmeXS handpiece is configured to contact skin tissue of a subject. As shown in the image below, the AquaFirmeXS handpiece is configured to contact skin tissue of a subject via a handpiece tip:</p>

	 <p>Exhibit 8; see also Exhibit 7 (“The EVO cosmetic treatment tip has been specially designed to allow for optimum cleaning and exfoliation of the skin, it also enables the nutrient-rich AquaFirme Solutions to be absorbed by the skin.”).</p> <p>As shown in the below screenshot from an AMP promotional video, the tip contacts the skin of a subject during skin treatment.</p>  <p>Exhibit 18.</p>
<p>[c] a block in the console, wherein the block is:</p>	<p>As shown in the image below, the AquaFirmeXS console contains a block.</p>

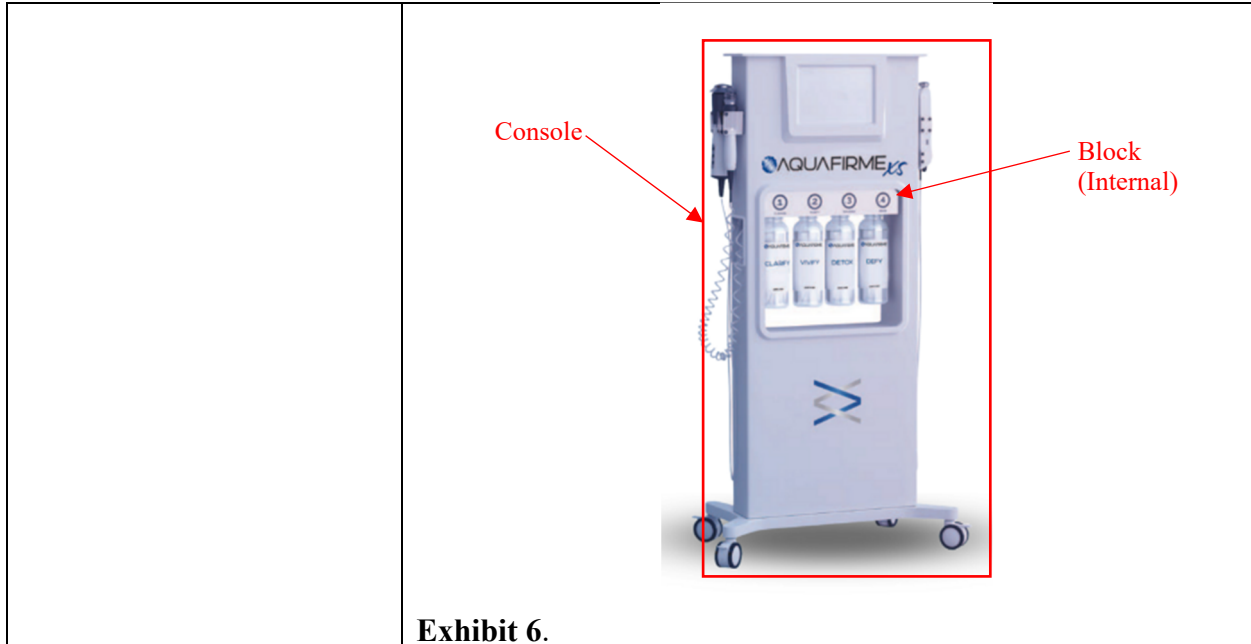


Exhibit 6.

[c][i] configured to selectively receive fluid from the first container when the first container is connected to the console;

The block of the AquaFirmeXS is configured to selectively receive fluid from the first container when the first container is connected to the console. As shown in the photo below, the fluid containers couple to the block of the AquaFirmeXS:

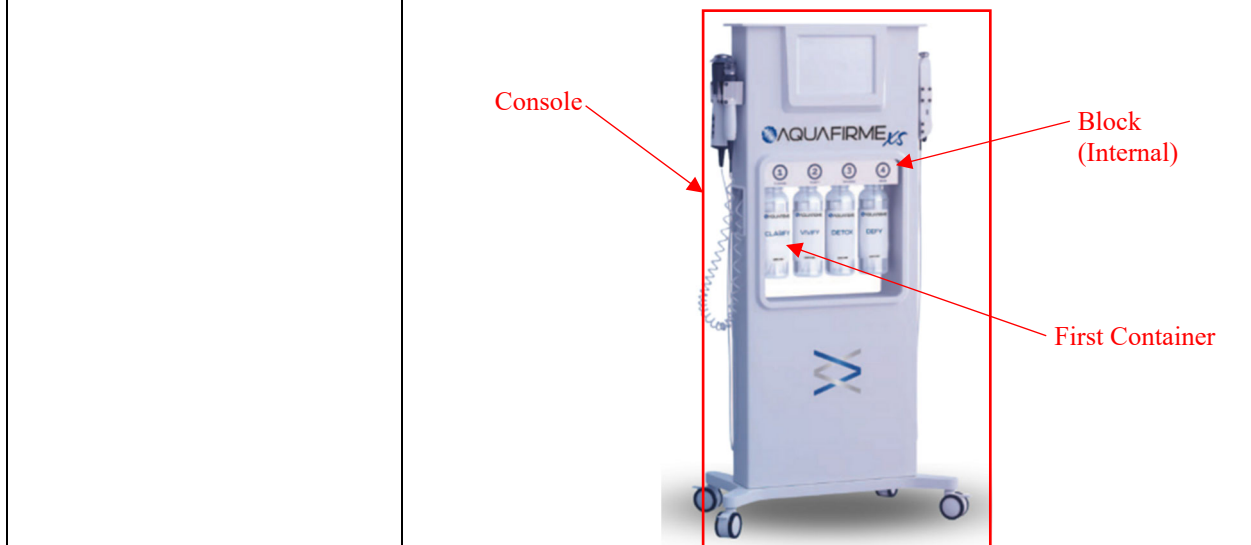


Exhibit 6.

Under the section “How Aquafirme Works,” AMP’s website states that “EVO technology uses a combination of vacuum suction, spiral eddy movements and specially formulated solutions to cleanse, exfoliate, uplift and hydrate the skin, resulting in a fresh, youthful look. The EVO cosmetic treatment

tip has been specially designed to allow for optimum cleaning and exfoliation of the skin, it also enables the nutrient-rich AquaFirme Solutions to be absorbed by the skin.” **Exhibit 7**; *see also Exhibit 8* (identifying EVO handpiece). Because the first container couples to the block, and the fluid in the first container is delivered to the skin of a patient when coupled to the console, the block selectively receives fluid from the first container.

[c][ii] 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

The block of the AquaFirmeXS is configured to selectively receive fluid from at least one additional container when the at least one additional container is connected to the console. As shown in the photo below, the fluid containers couple to the block of the AquaFirmeXS:

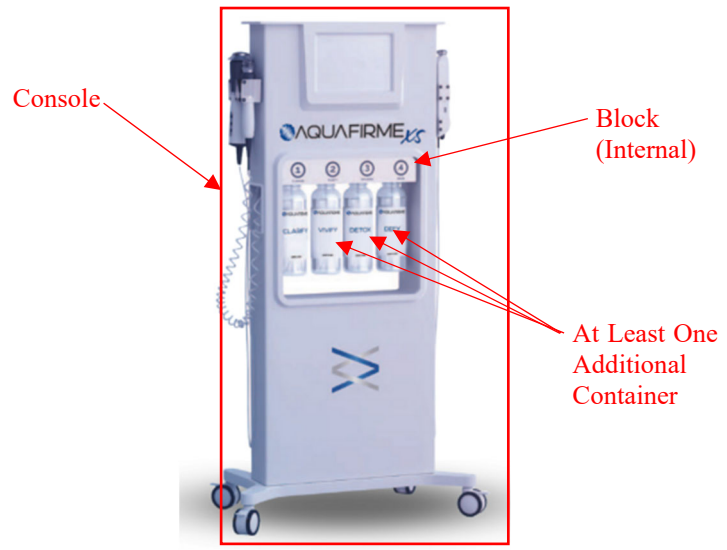


Exhibit 6.

Under the section “How Aquafirme Works,” AMP’s website states that “EVO technology uses a combination of vacuum suction, spiral eddy movements and specially formulated solutions to cleanse, exfoliate, uplift and hydrate the skin, resulting in a fresh, youthful look. The EVO cosmetic treatment tip has been specially designed to allow for optimum cleaning and exfoliation of the skin, it also enables the nutrient-rich AquaFirme Solutions to be absorbed by the skin.” **Exhibit 7**; *see also Exhibit 8* (identifying EVO handpiece). Because the additional containers couple to the block, and the fluid in the additional containers are delivered to the skin of a patient when coupled to the console, the block selectively receives fluid from the at least one additional container.

[c][iii] configured to selectively be in fluid communication with the handpiece through a first conduit when the handpiece is connected to the console; and

The block of the AquaFirmeXS is configured to selectively be in fluid communication with the handpiece through a first conduit when the handpiece is connected to the console.

As shown in the image below, the AquaFirmeXS comprises a first conduit placing the block of the console in fluid communication with the handpiece when the handpiece is connected to the console.



Exhibit 6.

The handpiece is in fluid communication with the block through the first conduit via a coupling to the console shown below:



Exhibit 19.

	<p>Under the section “How Aquafirme Works,” AMP’s website states that “EVO technology uses a combination of vacuum suction, spiral eddy movements and specially formulated solutions to cleanse, exfoliate, uplift and hydrate the skin, resulting in a fresh, youthful look. The EVO cosmetic treatment tip has been specially designed to allow for optimum cleaning and exfoliation of the skin, it also enables the nutrient-rich AquaFirme Solutions to be absorbed by the skin.” Exhibit 7; <i>see also Exhibit 8</i> (identifying EVO handpiece). Because the containers couple to the block, and the fluid in the containers is delivered to the skin of a patient via the handpiece when coupled to the console, the block is configured to selectively be in fluid communication with the handpiece.</p>
<p>[d] a vacuum source;</p>	<p>The AquaFirmeXS comprises a vacuum source.</p> <p>AMP has stated that the AquaFirmeXS uses “vacuum suction, spiral eddy movements and specially formulated solutions to cleanse, exfoliate, uplift and hydrate the skin.” Because the AquaFirmeXS uses vacuum suction, it must have a vacuum source. Exhibit 11; <i>see also Exhibit 17</i> (describing vacuum suction for EVO handpiece); Exhibit 7 (same for AquaFirme).</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 AquaFirmeXS 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>AMP has stated that the AquaFirmeXS “cosmetic treatment tip has been specially designed to allow for optimum cleaning and exfoliation of the skin, it also enables the nutrient-rich AquaFirmeXS Solutions to be absorbed by the skin.” To accomplish this, the AquaFirmeXS “uses a combination of vacuum suction, spiral eddy movements and specially formulated solutions.” Exhibit 11; <i>see also Exhibit 17</i> (describing vacuum suction for EVO handpiece); Exhibit 7 (same for AquaFirme). As shown in the screenshot of an AMP promotional video below, the AquaFirmeXS handpiece tip is configured to contact a skin surface of a subject during a skin treatment procedure.</p>




Exhibit 18. Because there is only one skin contact surface on the AquaFirmeXS, the vacuum source must be in fluid communication with the handpiece via a second conduit in order for the AquaFirmeXS tip to use vacuum suction.

[f] wherein the at least one additional container comprises a second and third container such that the console is configured to receive at least three containers; and

The AquaFirmeXS console has four fluid containers connected to the block, and thus has at least one additional container that comprises a second and third container such that the console is configured to receive at least three containers.

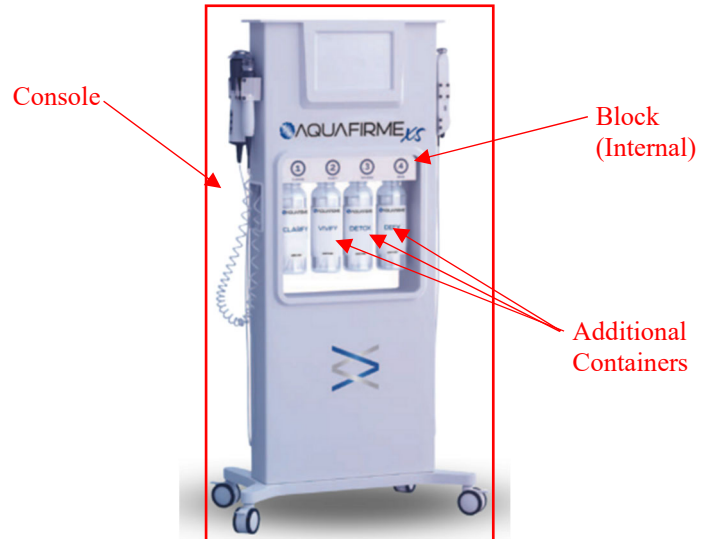


Exhibit 6.

[g] wherein when the handpiece is connected to the console and the first container, the second container and the third

The AquaFirmeXS is configured to deliver fluid contained in the first, second, and third containers one at a time when the handpiece and the first, second, and third containers are connected to the console.

container each contains a fluid and is connected to the console, the system is configured to deliver to the handpiece one at a time fluid contained in the first container, fluid contained in the second container, and fluid contained in the third container.

As shown in the image below, the AquaFirmeXS has selection buttons that allow the user to select which fluid from one of the first, second, third, and fourth fluid containers is being delivered to the handpiece, one at a time.



Exhibit 10; *see also* **Exhibit 21** (more clearly displaying container selection icons).

56. Defendants are liable under 35 U.S.C. § 271(b) for actively inducing others to infringe the '287 Patent because, among other things, Defendants have marketed, sold, and offered for sale, and continue to market, sell, and offer for sale, the accused hydrodermabrasion products and components thereof knowing and intending that such hydrodermabrasion products would be assembled or used by customers and end users in a manner that infringes at least claim 26 of the

'287 Patent. *See supra*. To that end, Defendants provided and provide instructions and information to its customers and end users of the accused hydrodermabrasion products and components thereof, encouraging assembly and use of the accused hydrodermabrasion products and components thereof in a manner that infringes the '287 Patent. **Exhibit 13**. Further, customers and users have assembled and/or used the accused hydrodermabrasion products and components thereof in a manner that infringes the '287 Patent (and continue to do so). *See Exhibit 17*.

57. Defendants are liable for contributory infringement under 35 U.S.C. § 271(c) because, among other things, Defendants have sold or offered for sale, and continue to sell and/or offers for sale within the United States and/or have imported and continue to import into the United States, the accused hydrodermabrasion products and components thereof constituting material parts of the invention of at least claim 26 of the '287 Patent, that are not staple articles or commodities of commerce suitable for substantial non-infringing use. *See supra*; **Exhibit 13**. Defendants have and continue to so act, knowing that the accused hydrodermabrasion products and components thereof are especially made for or adapted for use in an infringement of the '287 Patent. *See supra*. Further, customers and users have assembled and/or used the accused hydrodermabrasion products and components thereof in a manner that infringes the '287 Patent (and continue to do so). *See Exhibit 17*.

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

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

60. 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.

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

62. Unless enjoined by this Court, Defendants will continue to infringe Plaintiff’s patent rights and cause Plaintiff further irreparable injury.

FOURTH CLAIM FOR RELIEF:

(Infringement of the ’641 Patent)

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

64. Defendants knowingly and intentionally have infringed and continue 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 EVO tip and replacement EVO tips.

65. For example, as set forth in the claim chart below, the EVO tip infringes at least claim 1 of the ’641 Patent.

Claim Language	Accused Product
1. [pre] A tip configured for use in a skin treatment system, comprising:	To the extent the preamble is deemed to be a limitation, the handpiece tip of the AMP AquaFirmeXS system is a tip configured for use in a skin treatment system. AMP advertises that its AquaFirmeXS system provides a “combination of micro-cupping, vibrating massage, and ultrasound” for a “comprehensive treatment to help exfoliate,

cleanse, and revitalize the skin.” **Exhibit 6.** The AquaFirmeXS EVO handpiece specifically “combines a conical evacuation with a proprietary micro-cupping technology to remove debris from the skin.” *Id.*

As shown in the image below, AMP sells handpiece tips for the AquaFirmeXS EVO handpiece:

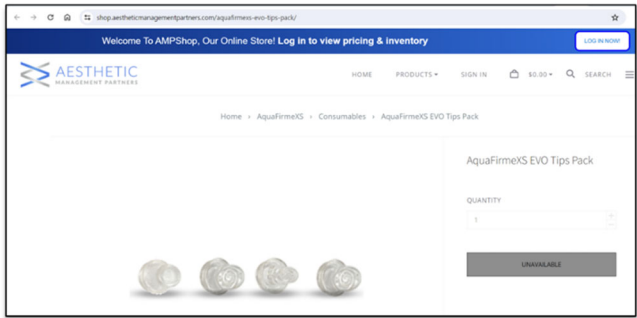


Exhibit 9.

[a] a tip body extending from a proximal end to a distal end of the tip, the proximal end being configured to couple to a handpiece assembly;

As shown in the image below, the AMP AquaFirmeXS handpiece tip includes a tip body extending from a proximal end to a distal end of the tip. The proximal end is configured to couple to the handpiece assembly.

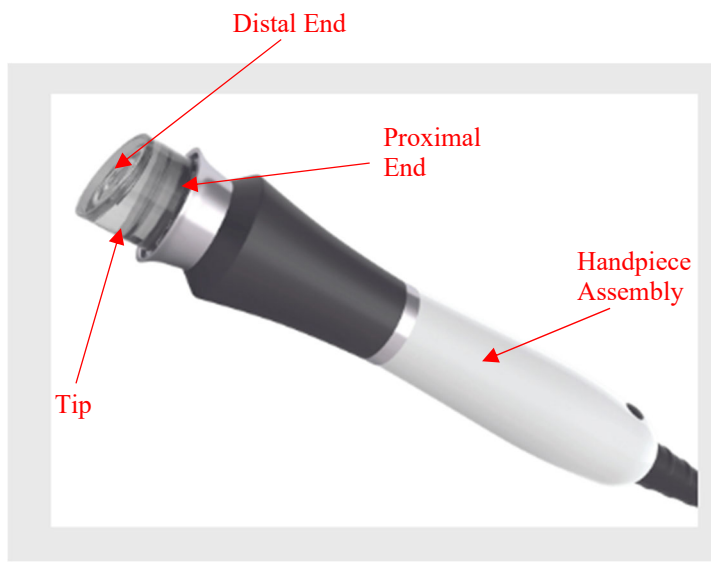


Exhibit 8; see also Exhibit 17 (showing same).

[b] at least one first passage extending through an interior of the tip body and configured to receive a fluid and to deliver said fluid to the distal end of the tip;

The AMP AquaFirmeXS handpiece tip has at least one first passage extending through an interior of the tip body and configured to receive a fluid and to deliver said fluid to the distal end of the tip.

AMP states that the AquaFirmeXS “uses a combination of

vacuum suction, spiral eddy movements and specially formulated solutions to cleanse, exfoliate, uplift and hydrate the skin.” **Exhibit 11**; *see also* **Exhibit 17** (describing vacuum suction or the EVO handpiece); **Exhibit 7** (same for AquaFirme). As shown in the photo below, a user of the AquaFirmeXS system sets a “flow” of fluids to be delivered to the handpiece tip:



Exhibit 21. “The EVO cosmetic treatment tip has been specially designed to allow for optimum cleaning and exfoliation of the skin, it also enables the nutrient-rich AquaFirme Solutions to be absorbed by the skin.” **Exhibit 17**; **Exhibit 7** (same). The tip “enables” the absorption of solutions by the skin, so the AquaFirmeXS handpiece tip has at least one first passage extending through an interior of the tip body and configured to receive a fluid and to deliver said fluid to the distal end of the tip.

[c] at least one second passage extending through an interior of the tip body and configured to convey fluid and debris away from the distal end of the tip;

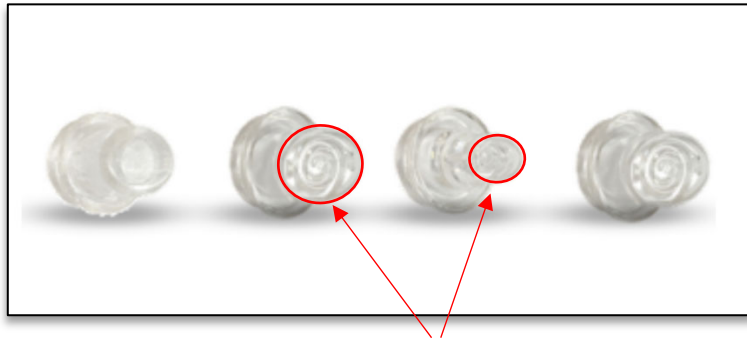
The AMP AquaFirmeXS handpiece tip has at least one second passage extending through an interior of the tip body that is configured to convey fluid and debris away from the distal end of the tip.

AMP states that the AquaFirmeXS “uses a combination of **vacuum suction**, spiral eddy movements and specially formulated solutions to cleanse, exfoliate, uplift and hydrate the skin.” **Exhibit 11**; *see also* **Exhibit 17** (describing vacuum suction or the EVO handpiece); **Exhibit 7** (same for AquaFirme). AMP’s EVO handpiece “combines a conical evacuation with a proprietary micro-cupping technology to

remove debris from the skin.” **Exhibit 6.** The handpiece tip is the only part of the EVO handpiece that contacts the patient’s skin, and the handpiece uses vacuum suction to removes debris from the skin, so there is at least one second passage extending through an interior of the tip body and configured to convey fluid and debris away from the distal end of the tip.

[d] an outer member defining a periphery along the distal end, the outer member being configured to contact skin during a treatment procedure; and

As shown in the image below, the AMP AquaFirmeXS handpiece tip includes an outer member defining a periphery along the distal end, where the outer member is configured to contact skin during a treatment procedure.



Outer Member

Exhibit 9; see also **Exhibit 6** (explaining that the EVO handpiece “combines a conical *evacuation* with a proprietary micro-cupping technology to remove debris from the skin”) (emphasis added); **Exhibit 7** (“The EVO cosmetic treatment tip has been specially designed to allow for optimum cleaning and exfoliation of the skin, it also enables the nutrient-rich AquaFirme Solutions to be absorbed by the skin.”).

As shown in the screenshot of an AMP promotional video below, the AquaFirmeXS handpiece tip has an outer member configured to contact a skin surface of a subject during a skin treatment procedure.



Exhibit 18.

<p>[e] at least one inner member located within an inner area of the outer member, wherein the at least one inner member comprises a spiral-like pattern;</p>	<p>As shown in the below photo, the handpiece tip of the AMP AquaFirmeXS is a tip that comprises at least one inner member located within an inner area of the outer member, wherein the at least one inner member comprises a spiral-like pattern.</p> <div data-bbox="634 359 1382 804" style="text-align: center;"> <p style="color: blue; font-weight: bold;">Inner Member</p> <p style="color: red; font-weight: bold;">Outer Member</p> </div> <p>Exhibit 9.</p>
<p>[f] wherein the at least one inner member is configured to abrade skin.</p>	<p>The handpiece tip of the AMP AquaFirmeXS is a tip wherein the at least one inner member of the tip is configured to abrade skin.</p> <p>AMP states that the AquaFirmeXS “uses a combination of vacuum suction, spiral eddy movements and specially formulated solutions to cleanse, exfoliate, uplift and hydrate the skin.” Exhibit 11; <i>see also</i> Exhibit 17 (describing vacuum suction or the EVO handpiece); Exhibit 7 (same for AquaFirme). Others in the industry have noted that “[s]imilar to the HydraFacial, sometimes known as ‘hydradermabrasion,’ the AquaFirme facial combines exfoliation of a microderm with a specialized moisturizing unit.” Exhibit 22. The use of the vacuum suction and spiral eddy movements causes the protruding inner member to abrade the skin via hydrodermabrasion.</p>

66. Defendants are liable under 35 U.S.C. § 271(b) for actively inducing others to infringe the '641 Patent because, among other things, Defendants have marketed, sold, and offered for sale, and continue to market, sell, and offer for sale, the accused hydrodermabrasion products and components thereof knowing and intending that such hydrodermabrasion products would be assembled or used by customers and end users in a manner that infringes at least claim 1 of the

'641 Patent. *See Exhibit 6.* To that end, Defendants provided and provide instructions and information to its customers and end users of the accused hydrodermabrasion products and components thereof, encouraging assembly and use of the accused hydrodermabrasion products and components thereof in a manner that infringes the '641 Patent. **Exhibit 13.** Further, customers and users have assembled and/or used the accused hydrodermabrasion products and components thereof in a manner that infringes the '641 Patent (and continue to do so). *See Exhibit 17.*

67. Defendants are liable for contributory infringement under 35 U.S.C. § 271(c) because, among other things, Defendants have sold or offered for sale, and continue to sell and/or offer for sale within the United States and/or has imported and continue to import into the United States, the accused hydrodermabrasion products and components thereof constituting material parts of the invention of at least claim 1 of the '641 Patent, that are not staple articles or commodities of commerce suitable for substantial non-infringing use. *See supra; Exhibit 13.* Defendants have and continue to so act, knowing that the accused hydrodermabrasion products and components thereof are especially made for or adapted for use in an infringement of the '641 Patent. Further, customers and users have assembled and/or used the accused hydrodermabrasion products and components thereof in a manner that infringes the '641 Patent (and continue to do so). *See Exhibit 17.*

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

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

70. 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.

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

72. Unless enjoined by this Court, Defendants will continue to infringe Plaintiff’s patent rights and cause Plaintiff further irreparable injury,

FIFTH CLAIM FOR RELIEF:

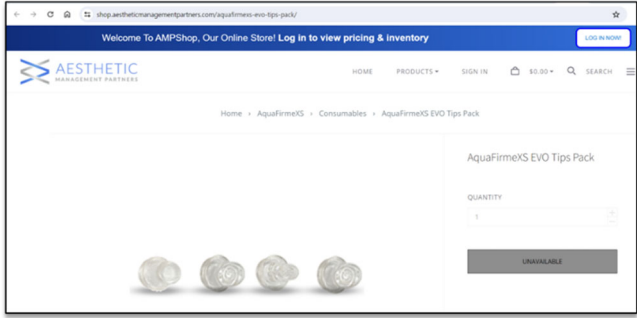
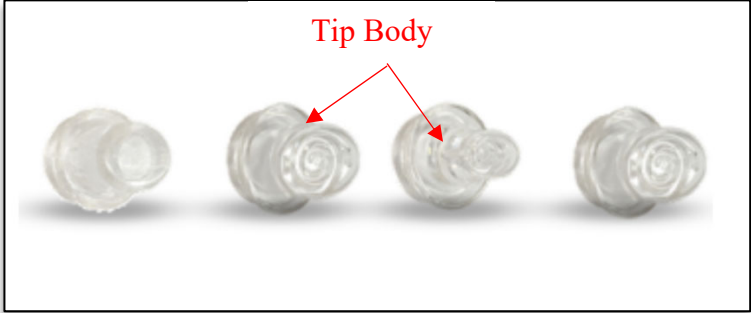
(Infringement of the ’642 Patent)


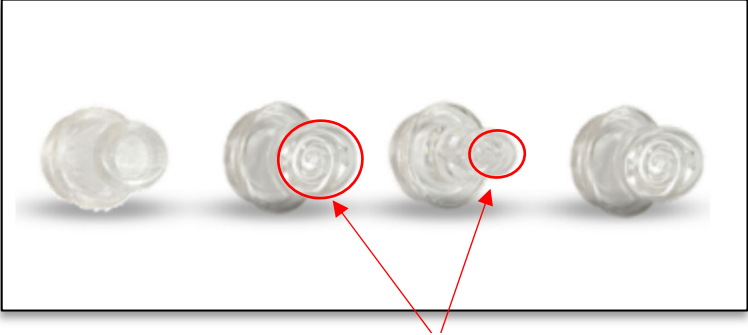
73. Plaintiff incorporates by reference and realleges each of the allegations set forth in paragraphs 1-72 above.

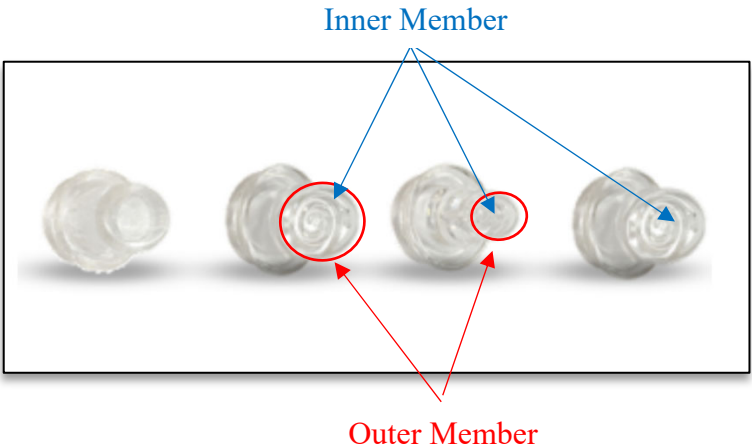
74. Defendants knowingly and intentionally have infringed and continue to infringe the ’642 Patent under 35 U.S.C. § 271(a) through, for example, the manufacture, use, sale, offer for sale, and/or importation into the United States of products including the EVO handpiece tip and replacement EVO handpiece tips.

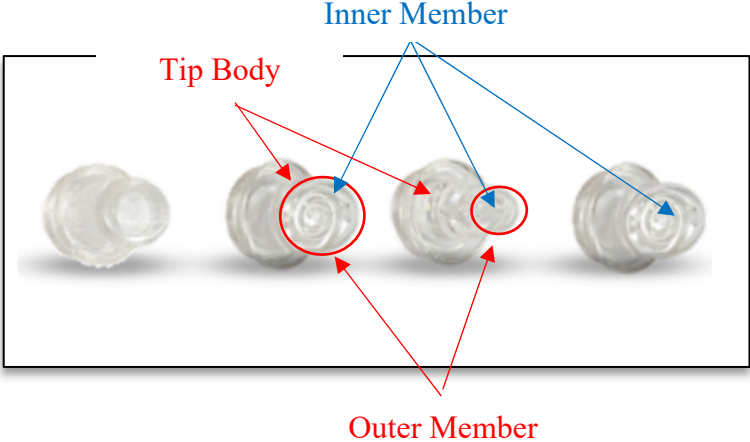
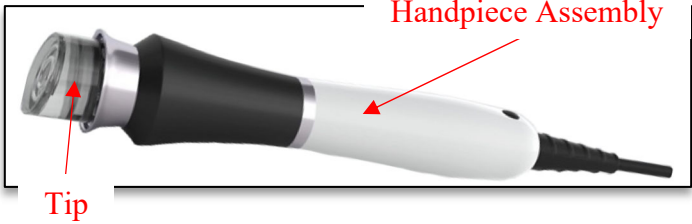
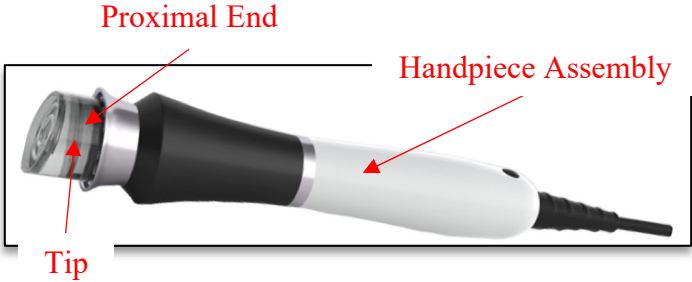
75. For example, as set forth in the claim chart below, the EVO handpiece tip infringes at least Claim 1 of the ’642 Patent.

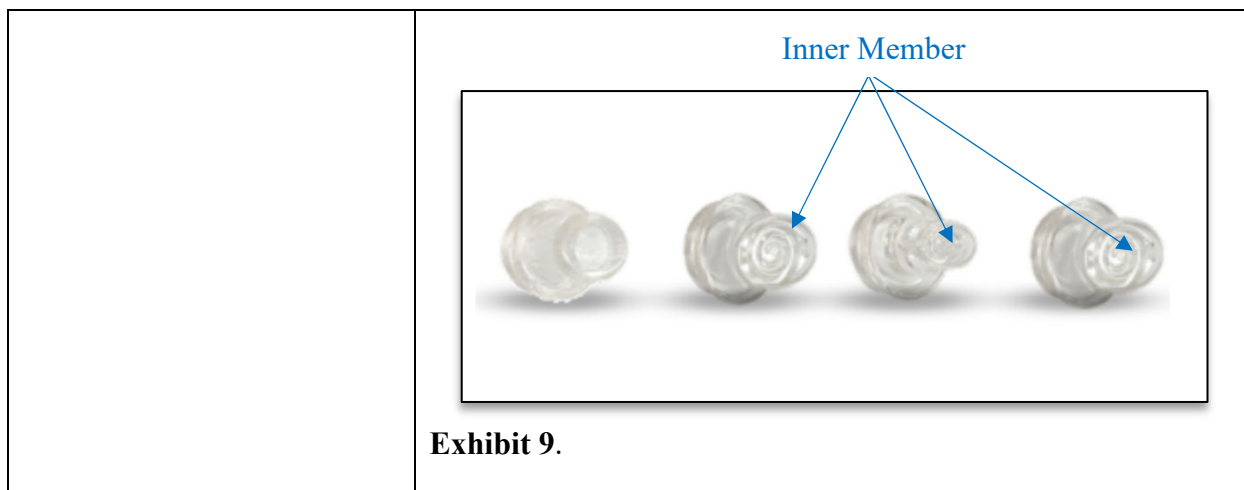
Claim Language	Accused Product
1. [pre] A tip configured for use in a skin treatment system, comprising:	<p>To the extent the preamble is deemed to be a limitation, the handpiece tip of the AMP AquaFirmeXS system is a tip configured for use in a skin treatment system.</p> <p>AMP advertises that its AquaFirmeXS system provides a “combination of micro-cupping, vibrating massage, and ultrasound” for a “comprehensive treatment to help exfoliate,</p>

	<p>cleanse, and revitalize the skin.” Exhibit 6. The AquaFirmeXS EVO handpiece specifically “combines a conical evacuation with a proprietary micro-cupping technology to remove debris from the skin.” <i>Id.</i></p> <p>As shown in the image below, AMP sells handpiece tips for the AquaFirmeXS EVO handpiece:</p>  <p>Exhibit 9.</p>
<p>[a] a tip body;</p>	<p>As shown in the photo below, the handpiece tip of the AMP AquaFirmeXS is a tip that comprises a tip body.</p>  <p>Exhibit 9.</p>
<p>[b] at least one vacuum hole configured to receive fluid and debris being transferred away from a distal end of the tip body;</p>	<p>The handpiece tip of the AMP AquaFirmeXS has at least one vacuum hole to receive fluid and debris being transferred away from a distal end of the tip body.</p> <p>AMP states that the AquaFirmeXS “uses a combination of vacuum suction, spiral eddy movements and specially formulated solutions to cleanse, exfoliate, uplift and hydrate the skin.” Exhibit 11; <i>see also</i> Exhibit 17 (describing vacuum suction or the EVO handpiece); Exhibit 7 (same for AquaFirme). As shown in the screenshot of an AMP promotional video below, the AquaFirmeXS handpiece has a tip that is configured to contact a skin surface of a subject.</p>

	 <p>Exhibit 18. The handpiece tip of the AquaFirmeXS is the only portion of the handpiece that contacts the patient’s skin, so there is clearly at least one vacuum hole on the handpiece tip of the AquaFirmeXS that provides the vacuum suction against the skin.</p>
<p>[c] an outer member defining a periphery along the distal end; and</p>	<p>As shown in the below photo, the handpiece tip of the AMP AquaFirmeXS includes an outer member defining a periphery along the distal end.</p>  <p>Exhibit 9.</p>
<p>[d] at least one inner member located within an interior area of the outer member, the at least one inner member being</p>	<p>As shown in the below photo, the handpiece tip of the AMP AquaFirmeXS includes at least one inner member within an interior area of the outer member.</p>

<p>configured to abrade skin;</p>	<div style="text-align: center;">  <p>The image shows four different views of a handpiece tip. Blue arrows point from the label 'Inner Member' to the central spiral features in the second and third views. Red arrows point from the label 'Outer Member' to the outer ring-like features in the second and third views. The first and fourth views show the tip from different angles without labels.</p> </div> <p>Exhibit 9.</p> <p>The at least one inner member of the handpiece tip of the AMP AquaFirmeXS is configured to abrade skin. AMP states that the AquaFirmeXS “uses a combination of vacuum suction, spiral eddy movements and specially formulated solutions to cleanse, exfoliate, uplift and hydrate the skin.” Exhibit 11; <i>see also</i> Exhibit 17 (describing vacuum suction or the EVO handpiece); Exhibit 7 (same for AquaFirme). Others in the industry have noted that “[s]imilar to the HydraFacial, sometimes known as ‘hydradermabrasion,’ the AquaFirme facial combines exfoliation of a microderm with a specialized moisturizing unit.” Exhibit 22. The use of the vacuum suction and spiral eddy movements causes the protruding inner member to abrade the skin via hydrodermabrasion.</p>
<p>[e] wherein the tip body, the outer member and the at least one inner member are monolithically formed;</p>	<p>As shown in the below photos, the tip body, the outer member and the at least one inner member of the AMP AquaFirmeXS tip are monolithically formed in a single piece.</p>

	 <p>Exhibit 9.</p>  <p>Exhibit 17; see also Exhibit 8 (showing same).</p>
<p>[f] wherein a proximal end of the tip is configured to couple to a handpiece assembly; and</p>	<p>As shown in the below photo, the handpiece tip of the AMP AquaFirmeXS is a tip wherein a proximal end of the tip is configured to couple to a handpiece assembly.</p>  <p>Exhibit 17; see also Exhibit 8 (showing same).</p>
<p>[g] wherein the at least one inner member comprises a spiral-like pattern.</p>	<p>As shown in the below photo, the handpiece tip of the AMP AquaFirmeXS has at least one inner member with a spiral-like pattern.</p>



76. Defendants are liable under 35 U.S.C. § 271(b) for actively inducing others to infringe the '642 Patent because, among other things, Defendants have marketed, sold, and offered for sale, and continue to market, sell, and offer for sale, the accused hydrodermabrasion products and components thereof knowing and intending that such hydrodermabrasion products would be assembled or used by customers and end users in a manner that infringes at least claim 1 of the '642 Patent. *See Exhibit 6.* To that end, Defendants provided and provide instructions and information to its customers and end users of the accused hydrodermabrasion products and components thereof, encouraging assembly and use of the accused hydrodermabrasion products and components thereof in a manner that infringes the '642 Patent. **Exhibit 13.** Further, customers and users have assembled and/or used the accused hydrodermabrasion products and components thereof in a manner that infringes the '642 Patent (and continue to do so). *See Exhibit 17.*

77. Defendants are liable for contributory infringement under 35 U.S.C. § 271(c) because, among other things, Defendants have sold or offered for sale, and continue to sell and/or offer for sale within the United States and/or have imported and continue to import into the United States, the accused hydrodermabrasion products and components thereof constituting material parts of the invention of at least claim 1 of the '642 Patent, that are not staple articles or

commodities of commerce suitable for substantial non-infringing use. *See supra*; **Exhibit 13**. Defendants have and continue to so act, knowing that the accused hydrodermabrasion products and components thereof are especially made for or adapted for use in an infringement of the '642 Patent. *See Exhibit 6*. Further, customers and users have assembled and/or used the accused hydrodermabrasion products and components thereof in a manner that infringes the '642 Patent (and continue to do so). *See Exhibit 17*.

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

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

80. 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.

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

82. Unless enjoined by this Court, Defendants will continue to infringe Plaintiff's patent rights and cause Plaintiff further irreparable injury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff HydraFacial LLC prays for judgment and seeks relief as follows:

1. A judgment in favor of Plaintiff and against Defendants on all claims alleged herein;

2. A judgment that Defendants have infringed and continue to infringe the Asserted Patents under 35 U.S.C. § 271;

3. A preliminary and permanent injunction enjoining Defendants, their officers, directors, agents, servants, employees, and attorneys, and those persons in active concert or participation with Defendants, from (1) making, using, selling, offering to sell, and/or importing into the United States the AquaFirmeXS systems and EVO handpiece tips or inducing others to use them in an infringing manner, and (2) infringing the Asserted Patents in violation of 35 U.S.C. § 271;

4. An accounting of all Defendants' gains, profits, and advantages derived from its infringement of the Asserted Patents in violation of 35 U.S.C. § 271, and an Order that Defendants 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 Defendants, in accordance with 35 U.S.C. § 284;

5. An order trebling or otherwise increasing damages pursuant to 35 U.S.C. § 284 because of Defendants' willful infringement;

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

7. Pre-judgment and post-judgment interest and costs as fixed by the Court; and

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

DEMAND FOR JURY TRIAL

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

Respectfully submitted,

Dated: July 8, 2024

s/ Mark Vorder-Bruegge, Jr.

Mark Vorder-Bruegge, Jr. (TNBPR 6389)
Matthew M. Lubozynski (TNBPR 033163)
WYATT, TARRANT & COMBS, LLP
6070 Poplar Ave., Suite 300
Memphis, TN 38119
(901) 537-1069
mvb@wyattfirm.com
mlubozynski@wyattfirm.com

Ali S. Razai (*Pro Hac Vice* to be filed)
Ben J. Everton (*Pro Hac Vice* to be filed)
Christian D. Boettcher (*Pro Hac Vice* to be filed)
Juliana H. Kirby (*Pro Hac Vice* to be filed)
KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street, Fourteenth Floor
Irvine, California 92614
(949) 760-0404
Ali.Razai@knobbe.com
Ben.Everton@knobbe.com
Christian.Boettcher@knobbe.com
Juliana.Kirby@knobbe.com

Attorneys for Plaintiff
HYDRAFACIAL LLC

101681316.2