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12 Attorneys for Plaintiff  
13 **HYDRAFACIAL LLC**

14 **IN THE UNITED STATES DISTRICT COURT**  
15 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**  
16 **SOUTHERN DIVISION**

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HYDRAFACIAL LLC, formerly known  
18 as EDGE SYSTEMS LLC, a California  
19 limited liability company,

20 Plaintiff,

21 v.

22 EMIRAMED USA, LLC, a  
23 Delaware limited liability company,  
24 MIRAMEDTECH SP. Z.O.O., a Polish  
25 limited liability company, and  
26 MIRAMEDTECH UG, a German  
27 limited liability company,

28 Defendants.

) Case No. 8:24-cv-1865

) **COMPLAINT FOR PATENT**  
) **INFRINGEMENT**

) **DEMAND FOR JURY TRIAL**

1 Plaintiff HydraFacial LLC, formerly known as Edge Systems LLC  
2 (“HydraFacial” or “Plaintiff”) hereby complains of Defendants eMIRAméd USA,  
3 LLC (“eMIRAméd”), MIRAmédtech SP. Z.O.O. (“MIRAmédtech Poland”) and  
4 MIRAmédtech UG (“MIRAmédtech Germany”) (collectively, “Defendants”),  
5 and allege as follows:

6 **I. JURISDICTION AND VENUE**

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

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

13 3. This Court has personal jurisdiction over Defendant eMIRAméd  
14 because eMIRAméd has a continuous, systematic, and substantial presence within  
15 California and this judicial district. For example, eMIRAméd has a principal place  
16 of business in this judicial district at 38 Tesla, Irvine, CA 92618. Plaintiff is  
17 informed and believes, and thereon alleges, that eMIRAméd is also making,  
18 using, selling, and or offering to sell infringing products in this judicial district  
19 and/or sells such products into the stream of commerce knowing they will be sold  
20 in California and this judicial district.

21 4. This Court has personal jurisdiction over each of the Defendants  
22 MIRAmédtech Poland and MIRAmédtech Germany because each of  
23 MIRAmédtech Poland and MIRAmédtech Germany has a continuous,  
24 systematic, and substantial presence within this judicial district. For example,  
25 each of MIRAmédtech Poland and MIRAmédtech Germany has been importing,  
26 selling and offering for sale infringing products in this district, and committing  
27 acts of infringement in this district, including but not limited to, selling infringing  
28 products to consumers and/or retailers in this district and selling into the stream

1 of commerce knowing such products would be sold in this district. These acts  
2 form a substantial part of the events or omissions that give rise to Plaintiff's claim.

3 5. Alternatively, this Court may exercise jurisdiction over each of  
4 Defendants MIRAmедtech Poland and MIRAmедtech Germany pursuant to  
5 Federal Rule of Civil Procedure 4(k)(2) because Plaintiff's claim arises under  
6 federal law, each of Defendants MIRAmедtech Poland and MIRAmедtech  
7 Germany would be a foreign defendant, and each of Defendants MIRAmедtech  
8 Poland and MIRAmедtech Germany has sufficient contacts with the United  
9 States as a whole, including, but not limited to, selling products, including the  
10 infringing products, that are distributed throughout the United States, such that  
11 this Court's exercise of jurisdiction over each of Defendants MIRAmедtech  
12 Poland and MIRAmедtech Germany satisfies due process.

13 6. Venue is proper in this judicial district under 28 U.S.C. § 1400(b) as  
14 to Defendant eMIRAmед because Defendant eMIRAmед resides in this judicial  
15 district, has a regular and established place of business located within this district,  
16 and because Defendant eMIRAmед has committed acts of infringement by  
17 offering to sell and/or selling infringing products in this judicial district.

18 7. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and  
19 1400(b) as to each of Defendants MIRAmедtech Poland and MIRAmедtech  
20 Germany because each of Defendants MIRAmедtech Poland and MIRAmедtech  
21 Germany resides in this district by virtue of being an alien corporation and  
22 because a substantial part of the events giving rise to Plaintiff's claim occurred in  
23 this judicial district.

## 24 **II. THE PARTIES**

25 8. Plaintiff HydraFacial is a California limited liability company  
26 having a principal place of business at 3600 E. Burnett Street, Long Beach, CA  
27 90809. HydraFacial LLC recently changed its name from Edge Systems LLC.

28 9. Plaintiff is informed and believes and, based thereon, alleges that

1 eMIRAmEd USA, LLC is a Delaware limited liability company having its  
2 principal place of business located at 38 Tesla, Irvine, California 92618.

3 10. Plaintiff is informed and believes and, based thereon, alleges that  
4 MIRAmEdtech SP. Z.O.O. is a Polish corporation having its principal place of  
5 business located at Powstańców Śląskich 89A/235, 01-355 Warsaw, Poland.

6 11. Plaintiff is informed and believes and, based thereon, alleges that  
7 MIRAmEdtech UG is a German corporation having its principal place of business  
8 located at Habichtweg 3-5, 75245 Neulingen, Baden-Württemberg, Germany.

9 **III. GENERAL ALLEGATIONS**

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

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

19 13. HydraFacial's latest flagship system is its revolutionary HydraFacial  
20 Syndeo® system, which is the premier hydrodermabrasion system sold in the  
21 United States. HydraFacial's revolutionary HydraFacial Syndeo® system is  
22 protected by numerous United States patents, including U.S. Patent Nos.  
23 9,550,052 (the "'052 Patent"), 11,446,477 (the "'477 Patent"), 11,865,287 (the  
24 "'287 Patent"), and 12,053,607 (the "'607 Patent") (collectively, the "Asserted  
25 Patents"). In addition to the Syndeo® system, HydraFacial designs, develops,  
26 manufactures and sells other patented hydrodermabrasion systems, including the  
27 HydraFacial® Allegro™ and the HydraFacial® Elite™ systems. These  
28 HydraFacial hydrodermabrasion systems are referred to herein collectively as

1 “the HydraFacial® Systems.”

2 14. On January 24, 2017, the USPTO duly and lawfully issued U.S.  
3 Patent No. 9,550,052, titled “CONSOLE SYSTEM FOR THE TREATMENT OF  
4 SKIN.” A true and correct copy of the ’052 Patent is attached hereto as **Exhibit**  
5 **1**.

6 15. On September 20, 2022, the USPTO duly and lawfully issued U.S.  
7 Patent No. 11,446,477, titled “DEVICES AND METHODS FOR TREATING  
8 SKIN.” A true and correct copy of the ’477 Patent is attached hereto as **Exhibit**  
9 **2**.

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

13 17. On August 6, 2024, the USPTO duly and lawfully issued U.S. Patent  
14 No. 12,053,607, titled “DEVICES AND METHODS FOR TREATING SKIN.”  
15 A true and correct copy of the ’607 Patent is attached hereto as **Exhibit 4**.

16 18. HydraFacial is the owner of all right, title, and interest in the  
17 Asserted Patents. HydraFacial therefore is the patentee for purposes of standing  
18 to assert the Asserted Patents in this action under 35 U.S.C. § 281.

19 **B. Defendants’ Infringing MIRapeel System**

20 19. Each of Defendants MIRamedtech Poland and MIRamedtech  
21 Germany is in the business of sourcing, manufacturing, importing, promoting,  
22 offering for sale, and selling aesthetic medical devices in the United States,  
23 including hydrodermabrasion devices that compete with the HydraFacial®  
24 Systems.

25 20. Defendant eMIRamed is in the business of importing, promoting,  
26 offering for sale, and selling aesthetic medical devices in the United States,  
27 including hydrodermabrasion devices that compete with the HydraFacial®  
28 Systems.

1           21. On information and belief, each of the Defendants markets and sells  
2 these medical devices throughout the United States to end users, such as  
3 dermatologists, plastic surgeons, cosmetic physicians and aestheticians at medical  
4 spas. Each of the Defendants also offers replacement components, repairs,  
5 warranties, and training services for end users.

6           22. One of the competing hydrodermabrasion devices used, sold, offered  
7 for sale, and/or imported into the United States by each of the Defendants is  
8 known as the MIRApeel system, a skin treatment system that competes with the  
9 HydraFacial® Systems. Each of the Defendants has sold and offered the  
10 MIRApeel system for sale on their respective websites, and elsewhere online  
11 including social media platforms such as YouTube, Instagram, Facebook, and  
12 LinkedIn. Defendants have also used brand representatives to advertise and sell  
13 their products and services.

14           23. Defendant eMIRAméd's current website promoting the MIRApeel  
15 system is attached as **Exhibit 5**. Defendant MIRAmédtech Germany's current  
16 website promoting the MIRApeel is attached as **Exhibit 6**. Defendant  
17 eMIRAméd's website promoting the MIRAbrator functionality of the MIRApeel  
18 system is attached as **Exhibit 7**.

19           24. An example of a brochure distributed by Defendant MIRAmédtech  
20 Poland on Defendant MIRAmédtech Germany's website is attached hereto as  
21 **Exhibit 8**. **Exhibit 8** is an example of one of the advertisements for the  
22 MIRApeel system.

23           25. Defendants and their employees and affiliated spas have posted  
24 several instructive posts and videos on social media platforms. Excerpts from a  
25 YouTube video from the account "MIRAmédtech" showing the MIRApeel  
26 system is use is attached as **Exhibit 9**. An Instagram post from the account  
27 "mirapeel" showing the MIRApeel system is attached as **Exhibit 10**. An  
28 Instagram post from the account "mirapeel" showing the MIRAbrator handpiece

1 is attached as **Exhibit 11**. Another Instagram post advertising the vacuum-aided  
2 hydrodermabrasion functionality of the MIRAbrator handpiece is attached as  
3 **Exhibit 12**.

4 26. The MIRApeel is a hydrodermabrasion device for treating the skin  
5 surface of a patient. The MIRApeel system, shown in the images below, includes  
6 a handpiece that is configured to receive a tip at the end of the handpiece. **Exhibit**  
7 **10**. Defendants refer to this handpiece as the “MIRAbrator” handpiece. **Exhibit**  
8 **7**; *see also* **Exhibit 5**; **Exhibit 6**. Defendants also refer to the hydrodermabrasion  
9 functionality of the MIRApeel as the “desquamating” or “dermal abrasion”  
10 function. **Exhibit 7**.



21 **Exhibit 8.**

22 27. The MIRApeel system includes a manifold and a console that allows  
23 a user to select the hydrodermabrasion functionalities, including controlling the  
24 selection of solutions, flow of solutions, and vacuum suction. The MIRApeel  
25 system also includes a vacuum source that creates suction for drawing the  
26 patient’s skin against the tip and removing material from the skin. **Exhibits 6** and  
27 **9**.



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**Exhibit 8; Exhibit 9.**

28. The MIRapeel system delivers fluid from treatment material containers to the skin. Defendants sell skin treatment materials. *See Exhibit 8* (describing “MIRajolie cosmetic serums”); *see also Exhibit 9*.

29. Defendant eMIRamed also offers training and demonstrations on the use of the MIRapeel system to end users and customers. In doing so, Defendant eMIRamed has used the MIRapeel system at least to demonstrate its operation, as evidenced by the videos cited above. *See <https://emiramed.com/education>* (captured August 13, 2024) (**Exhibit 13**).



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

5 31. Defendants were familiar with the industry when founding  
6 MIRAmедtech and eMIRAmед. <https://www.linkedin.com/in/serge4emiramed/>  
7 (captured August 13, 2024) (**Exhibit 14**) (showing experience of founder of each  
8 of Defendants). Each of the Defendants were competitors with Plaintiff in the  
9 skin resurfacing equipment industry when they first began selling the MIRApel  
10 system.

11 32. Upon information and belief, each of the Defendants knew that  
12 Plaintiff was an industry leader at that time of Defendants' founding. Upon  
13 information and belief, each of the Defendants was familiar with Plaintiff and its  
14 aesthetic skin-resurfacing products when it launched the MIRApel system.


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

23 34. At a minimum Defendants had actual knowledge of the Asserted  
24 Patents no later than August 6, 2024, when each of the Defendants received letters  
25 from Plaintiff informing each of the Defendants of the '477 Patent and '607 Patent  
26 and their infringement thereof. Copies of the letters are attached hereto as  
27 **Exhibits 16** and **17**. Plaintiff later notified Defendants of their infringement of  
28 the remaining Asserted Patents on August 22, 2024. **Exhibits 22** and **23**.



(or MIRAslim) (sold by eMIRAmEd USA.”); *see also* **Exhibits 19** and **20** (FDA registrations for MIRAmEdtech Poland as manufacturer of MIRApEel system). Defendant eMIRAmEd has used, offered for sale, sold, and imported into the United States the infringing MIRApEel system. **Exhibit 18** (“As a result, eMIRAmEd USA based in California has become our only exclusive US Importer and Distributor of all MIRA branded devices and all our related proprietary accessories technology, as well as of all our next MIRAmEdtech manufactured devices and accessories.”).

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

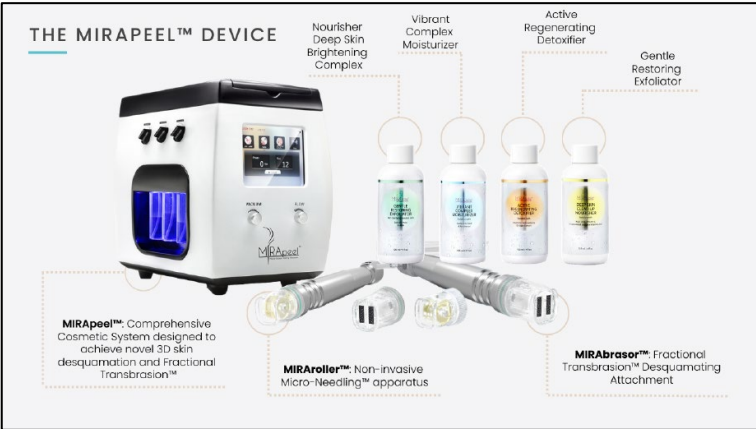
'052 Patent	MIRApEel
<p>1. [pre] A system for performing a skin treatment procedure, the system comprising:</p>	<p>To the extent that the preamble is deemed to be a limitation, the MIRApEel is a system for performing a skin treatment procedure.</p> <p>The eMIRAmEd website shows the MIRApEel:</p>  <p><b>Exhibit 5</b> at 1; <i>see also id.</i> (“MIRApEel™ introduces the Fractional Transbrasion™ revolution into a vast number of skin-care modalities. It brings far-reaching new features, aiming to make skin care procedures safer with better control.”).</p>

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<b>'052 Patent</b>	<b>MIRAp Peel</b>
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The MIRAMedTech website states that the MIRAp peel performs a treatment that “improves skin condition and solves all skin problems visible after first treatment.” **Exhibit 6** at 1.

MIRAMedtech Poland provides a brochure which depicts the MIRAp peel:



**Exhibit 8** at 2. The brochure states that MIRAp peel is a “Comprehensive Cosmetic System designed to achieve novel 3D skin desquamation and Fractional Transbrasion™.” *Id.*

The MIRAMedTech website includes a video that advertises the MIRAp peel system as a skin treatment system:



**Exhibit 9** at 4.

[a] a console including a manifold,

The MIRAp peel comprises a console including a manifold.

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'052 Patent	MIRApeel
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Both the eMIRAMed website and MIRAMedTech website show the MIRApeel system that includes a console with a manifold.



**Exhibit 5** at 1; *see also* **Exhibit 6** at 1 (same).

[a][i] the manifold being in fluid communication with a first fluid container and at least a second fluid container,


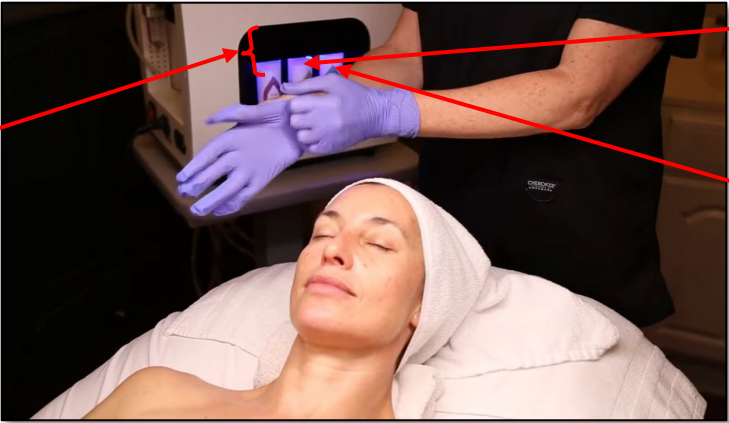
The manifold of the MIRApeel is in communication with a first container and at least a second container.

Both the eMIRAMed website and MIRAMedTech website show the MIRApeel system with a manifold in communication with a first container and at least a second container.



**Exhibit 5** at 1; *see also* **Exhibit 6** at 1 (same).


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'052 Patent	MIRapeel
	<p data-bbox="565 239 1520 359">The MIRapeel Instagram page describes how the MIRapeel uses “closed-loop technology: 2 tubes separating the good from the bad.”</p>  <p data-bbox="565 1031 1520 1192"><b>Exhibit 11</b> at 1. The MIRapeel is a “closed-loop” system such that the serum emitted from the MIRAbrator (i.e., the handpiece assembly) can be fluid from a first container and at least a second container.</p> <p data-bbox="565 1247 1520 1451">The MIRapeel video shows a system where the serum is emitted from the MIRapeel, through a handpiece assembly, directly onto the skin along the contact path. Therefore, the serum emitted from the MIRapeel handpiece assembly can be fluid from a first container and at least a second container.</p> 




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<p>'052 Patent</p>	<p style="text-align: center;"><b>MIRapeel</b></p>  <p style="text-align: center;"><b>Exhibit 9</b> at 4.</p>
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<p>[a][ii] the first fluid container and the at least 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 container and the at least second container of the MIRapeel are each configured to contain a treatment material for a skin treatment procedure, wherein the treatment material comprises a liquid.</p> <p>As explained above, the MIRapeel comprises a manifold in communication with a first container and at least a second container. <i>See</i> limitations 1[a][i], <i>supra</i>.</p> <p>The MIRapeel brochure shows four treatment materials (“MIRajolie cosmetic products”) for use with the MIRapeel system:</p> <div data-bbox="581 1289 1500 1776" data-label="Image">  <p><b>MIRajolie™</b> COSMETIC SERUMS</p> <p>MIRajolie™ cosmetic products are using highly efficacious ingredients to hydrate the skin, and make it look naturally brighter and smoother. They are formulated specifically for the MIRapeel™, to be gently and safely applied on all skin types via MIRA accessories.</p> <table border="0"> <tr> <td data-bbox="597 1528 743 1738"> <p><b>1</b> GENTLE RESTORING EXFOLIATOR:</p> <p>Skin Clarifying Solution with Salicylic Acid &amp; Aloe.</p> </td> <td data-bbox="808 1528 954 1738"> <p><b>2</b> VIBRANT COMPLEX MOISTURIZER:</p> <p>Skin Hydrating Solution with Hyaluronic Acid &amp; Panthenol.</p> </td> <td data-bbox="1036 1528 1182 1738"> <p><b>3</b> ACTIVE REGENERATING DETOXIFIER:</p> <p>Skin Regeneration Solution with Vitamin C Antioxidants &amp; Algae Extract.</p> </td> <td data-bbox="1263 1528 1409 1738"> <p><b>4</b> NOURISHER DEEP SKIN BRIGHTENING COMPLEX:</p> <p>Brightening Solution with Kojic Acid, Arbutin &amp; Encapsulated Complex Vitamins A, C and E.</p> </td> </tr> </table> </div> <p><b>Exhibit 8</b> at 8. The brochure further explains the ingredients in each of the four serums may be used as a “gentle restoring exfoliator,” a “vibrant complex moisturizer,” an “active regenerating detoxifier,” or as a “nourishing deep skin</p>	<p><b>1</b> GENTLE RESTORING EXFOLIATOR:</p> <p>Skin Clarifying Solution with Salicylic Acid &amp; Aloe.</p>	<p><b>2</b> VIBRANT COMPLEX MOISTURIZER:</p> <p>Skin Hydrating Solution with Hyaluronic Acid &amp; Panthenol.</p>	<p><b>3</b> ACTIVE REGENERATING DETOXIFIER:</p> <p>Skin Regeneration Solution with Vitamin C Antioxidants &amp; Algae Extract.</p>	<p><b>4</b> NOURISHER DEEP SKIN BRIGHTENING COMPLEX:</p> <p>Brightening Solution with Kojic Acid, Arbutin &amp; Encapsulated Complex Vitamins A, C and E.</p>
<p><b>1</b> GENTLE RESTORING EXFOLIATOR:</p> <p>Skin Clarifying Solution with Salicylic Acid &amp; Aloe.</p>	<p><b>2</b> VIBRANT COMPLEX MOISTURIZER:</p> <p>Skin Hydrating Solution with Hyaluronic Acid &amp; Panthenol.</p>	<p><b>3</b> ACTIVE REGENERATING DETOXIFIER:</p> <p>Skin Regeneration Solution with Vitamin C Antioxidants &amp; Algae Extract.</p>	<p><b>4</b> NOURISHER DEEP SKIN BRIGHTENING COMPLEX:</p> <p>Brightening Solution with Kojic Acid, Arbutin &amp; Encapsulated Complex Vitamins A, C and E.</p>		



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'052 Patent	MIRApeel
	<p>brightening complex,” respectively. <i>Id.</i> at 9–11. The first container and the at least second container contain different MIRAjolie treatment materials.</p> <p>A video from the MIRAmtech YouTube account displays the MIRAjolie serum bottles installed into the MIRApeel and labeled as “exfoliator,” “detoxifier,” and “moisturizer.”</p>  <p><b>Exhibit 9</b> at 2. Thus, the first container and the at least second container are configured to contain treatment material for a skin treatment procedure, wherein the treatment material comprises a liquid.</p>
<p>[b] a handpiece assembly comprising a tip, the tip being configured to contact a skin surface of a subject;</p>	<p>The MIRApeel comprises a handpiece assembly comprising a tip, the tip being configured to contact a skin surface of a subject.</p> <p>The MIRAbrator website describes the “MIRAbrator™ attachment,” which is “made of 2 parts” and is fixed to the end of the handpiece assembly (the MIRAbrator):</p>

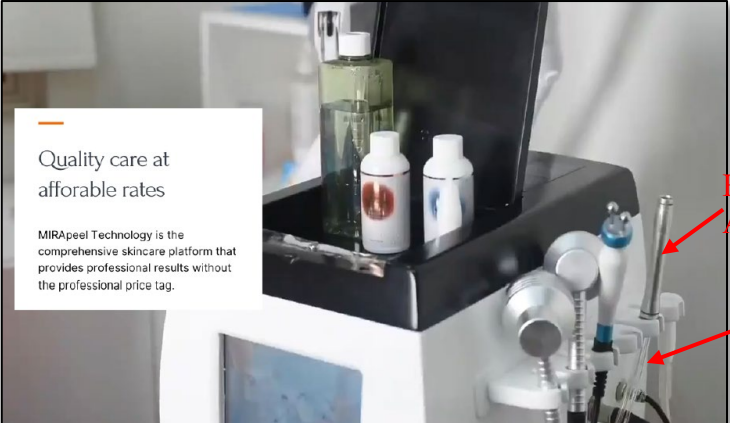
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'052 Patent	MIRApeel
	<p data-bbox="646 247 971 273">MIRAbrator™ attachment is made of 2 parts:</p>  <p data-bbox="646 682 771 703"><b>The "Brasor Top"</b></p> <p data-bbox="646 705 1104 840">The Top is easily inserted into the handpiece, which is made for that purpose and connects to the tubing attached to the MIRApeel™. It serves as a malleable top supporting the transparent single-use "Brasor Desquamating Head". This helps increase manual dexterity as it glides over the skin. The Brasor Top does not touch the skin and can be used up to six times.</p>  <p data-bbox="646 1008 966 1029"><b>The Single-use "Brasor Desquamating Head"</b></p> <p data-bbox="646 1031 1104 1186">The Head is transparent, so the user can see the cosmetic serum flow. The skin Desquamating material sits in its center, on the bottom, so it can perform the silky abrasion, as the serums flow on the skin surface. Since it comes in contact with the skin, the Head can only be used a single time and discarded. It is then replaced with a brand-new Head for the next treatment.</p>  <p data-bbox="565 1207 1523 1333"><b>Exhibit 7 at 2.</b> The MIRAMedTech website also shows the handpiece assembly (the MIRAbrator) with a tip contacting a patient's skin.</p>  <p data-bbox="565 1858 787 1900"><b>Exhibit 6 at 3.</b></p>

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'052 Patent	MIRapeel
	<p data-bbox="553 283 1533 409">The MIRapeel brochure shows the handpiece assembly with a “Fractional Transbrasion™ Desquamating Attachment” configured to contact a skin surface.</p> <div data-bbox="553 415 1533 756"><p data-bbox="553 451 690 525">Handpiece Assembly</p><p data-bbox="1404 441 1461 472">Tip</p><p data-bbox="998 640 1372 735">MIRabrasor™: Fractional Transbrasion™ Desquamating Attachment</p></div> <p data-bbox="553 772 787 814"><b>Exhibit 8</b> at 2.</p> <p data-bbox="553 861 1533 987">The MIRapeel video demonstrates that MIRapeel’s handpiece assembly has a tip that contacts a skin surface of a subject during treatment:</p> <div data-bbox="553 1039 1533 1407"><p data-bbox="553 1102 706 1176">Handpiece Assembly</p><p data-bbox="1388 1102 1453 1134">Skin</p><p data-bbox="1388 1302 1445 1333">Tip</p></div> <p data-bbox="553 1423 787 1465"><b>Exhibit 9</b> at 4.</p>

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'052 Patent	MIRApeel
<p>[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 configured to couple to the handpiece assembly;</p>	<p>The MIRApeel comprises a supply conduit placing the manifold system in fluid communication with a handpiece assembly, wherein the distal end of the supply conduit is configured to couple to the handpiece assembly.</p> <p>The MIRAMedTech website includes a photo of the MIRApeel system, showing the MIRApeel with a supply conduit connecting the console with the handpiece assembly:</p>  <p><b>Exhibit 6</b> at 6.</p> <p>The MIRAMedTech website describes “combin[ing] vacuum with infusion of active ingredients deep into the skin.” <b>Exhibit 6</b> at 1. The MIRAbrator website further describes a “MIRAbrator” which performs skin abrasion “as the serums flow on the skin surface” through the MIRAbrator. <b>Exhibit 7</b> at 2. Since the serum containers couple to the console via the manifold, the handpiece assembly is in fluid communication with the manifold to deliver serum through the handpiece assembly via a supply conduit.</p> <p>A post on the MIRApeel Instagram page shows the MIRApeel system with a supply conduit placing the manifold of the console in fluid communication with the handpiece assembly and having a distal end of the supply conduit configured to couple to the handpiece assembly.</p>



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**'052 Patent** **MIRapeel**

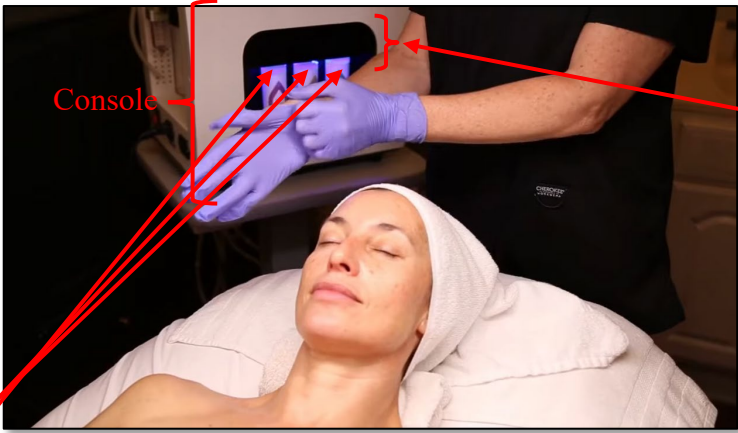


Handpiece Assembly

Distal End of Supply Conduit

**Exhibit 10** at 1. Thus, the handpiece assembly (the MIRAbrator) of the MIRapeel is in fluid communication with the manifold via a supply conduit.

The MIRapeel video shows the serum bottles coupled to the console via the manifold the supply conduit placing the manifold and handpiece assembly in fluid communication:




Console

Manifold (internal)

Serum Bottles



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'052 Patent	MIRApeel
	 <p data-bbox="565 533 667 604">Supply Conduit</p> <p data-bbox="724 495 862 562">Handpiece Assembly</p> <p data-bbox="565 705 789 743"><b>Exhibit 9</b> at 3.</p>
<p data-bbox="305 793 542 1346">[d] wherein the manifold is configured to control a flow of treatment material from the first fluid container and at least the second fluid container through the supply conduit;</p>	<p data-bbox="565 793 1471 919">The manifold of the MIRApeel is configured to control of a flow of treatment material from the first container and the at least second container through the supply conduit.</p> <p data-bbox="565 961 1495 1388">As explained above, the manifold is in fluid communication with a first container and at least a second container. <i>See</i> limitation 1[a], <i>supra</i>. As also explained above, the supply conduit places the manifold system in fluid communication with the handpiece assembly. <i>See</i> limitation 1[b], <i>supra</i>. The first and the at least second container contain treatment material. <i>See</i> limitation 1[a][i], <i>supra</i>. As shown below, the MIRApeel has at least one control to permit the flow from the first and the at least second container through the supply conduit to the handpiece assembly.</p> <p data-bbox="565 1430 1455 1514">The eMIRAMED website shows the MIRApeel has “serum” knobs in communication with the manifold on the console:</p>

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<b>'052 Patent</b>	<b>MIRapeel</b>
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**Exhibit 5** at 1; *see also* **Exhibit 6** at 1.

The MIRapeel brochure also shows that the MIRapeel has “serum” knobs on the console:



**Exhibit 8** at 2.

<p>[e] a vacuum source;</p>	<p>The MIRapeel comprises a vacuum source.</p> <p>The eMIRamed website indicates that the MIRapeel has a vacuum source, as the MIRapeel has a “vacuum” knob on the console:</p>
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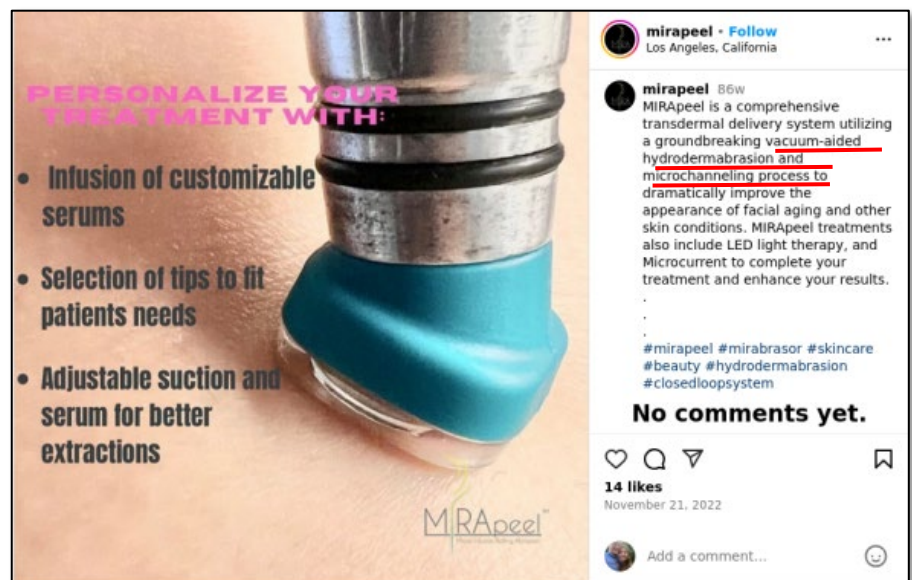
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'052 Patent MIRapeel




**Exhibit 5** at 1; *see also* **Exhibit 6** at 1. The MIRAMedTech website, under its “How MIRA works” section, states that “[u]nlike traditional treatments, [the MIRA treatment] is performed with a device that combines *vacuum* with infusion of active ingredients deep into the skin.” **Exhibit 6** at 1 (emphasis added).

A MIRapeel Instagram post shows the MIRAbrasor handpiece assembly and describes the treatment as “utilizing a groundbreaking *vacuum-aided* hydrodermabrasion and microchanneling process” as well as “adjustable suction and serum for better extractions.”



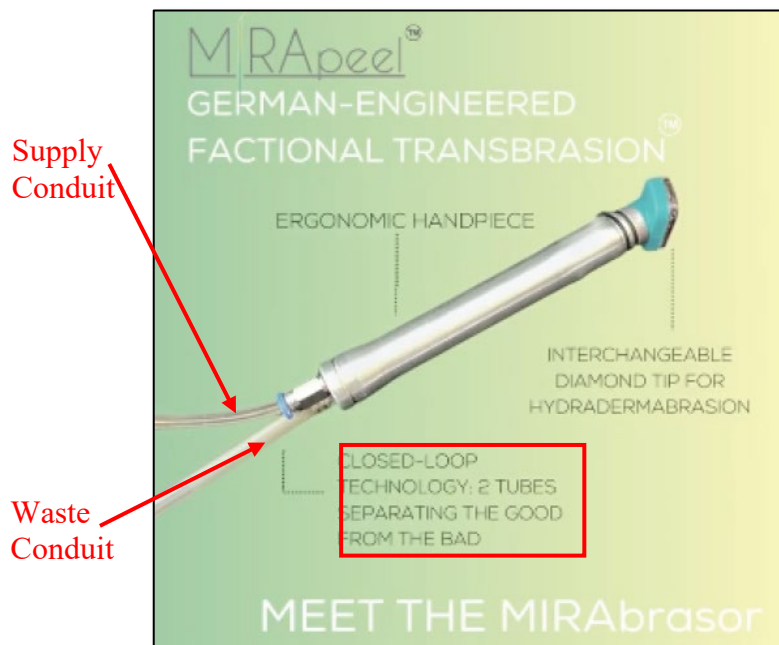
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'052 Patent	MIRApeel
	<p data-bbox="565 237 808 275"><b>Exhibit 12</b> at 1.</p> <p data-bbox="565 323 1498 449">The MIRApeel video shows a knob on the MIRApeel used to control the vacuum source, and a display showing the vacuum power.</p> <div data-bbox="581 457 1365 842"><p data-bbox="581 533 695 611">Vacuum Display</p><p data-bbox="581 716 704 793">Vacuum Knob</p></div> <p data-bbox="565 852 1474 936"><b>Exhibit 9</b> at 3. As shown above, the MIRApeel displays the power of the vacuum when selected to the “Hydra” setting.</p>

1 [f] a waste  
 2 conduit in fluid  
 3 communication  
 4 with the tip of  
 5 the handpiece  
 6 assembly to  
 7 remove waste  
 8 away from a  
 9 skin surface of  
 10 a subject  
 11 during a skin  
 12 treatment  
 13 procedure,  
 14 wherein the  
 15 waste conduit  
 16 is operatively  
 17 coupled to the  
 18 vacuum  
 19 source; and

The MIRApeel 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 vacuum source.

A post on the MIRApeel Instagram page describes how the MIRApeel uses “closed-loop technology: 2 tubes [i.e., a supply conduit and a waste conduit] separating the good [i.e., serums through the supply conduit] from the bad [i.e., waste suctioned away from the skin surface through the waste conduit].”





20 **Exhibit 11** at 1. Another MIRApeel Instagram post shows the  
 21 same handpiece assembly and describes the treatment as  
 22 “utilizing a groundbreaking *vacuum-aided* hydrodermabrasion  
 23 and microchanneling process” as well as “adjustable *suction*  
 24 and serum for better extractions.”

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'052 Patent	MIRapeel
	<div data-bbox="581 247 1474 821" data-label="Image"> </div> <p data-bbox="568 840 1494 1092"><b>Exhibit 12</b> at 1. Because the handpiece assembly removes waste from the skin via “suction,” the MIRapeel has a waste conduit that is both (1) 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, and (2) operatively coupled to the vacuum source.</p> <p data-bbox="568 1134 1494 1302">The MIRapeel video shows the MIRapeel system in use. During use of the MIRapeel system, the video demonstrates waste moving away from the skin surface of a subject during a skin treatment procedure via tubing (the waste conduit).</p> <div data-bbox="568 1312 1526 1680" data-label="Image"> </div> <p data-bbox="568 1701 1494 1785"><b>Exhibit 9</b> at 3. This fluid contains waste generated during the skin treatment procedure, as shown in the image below:</p>



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'052 Patent	MIRapeel
	 <p data-bbox="565 716 683 751"><i>Id.</i> at 4.</p>
<p data-bbox="305 762 542 1524">[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; and</p>	<p data-bbox="565 762 1495 926">The MIRapeel 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 data-bbox="565 978 1511 1142">Both the eMIRamed website and MIRAMedTech website show a MIRapeel system that includes controls that permit the user to select the treatment material from the first fluid container or the at least second fluid container.</p> <div data-bbox="578 1150 1451 1671">  <p data-bbox="578 1192 760 1373">Control for treatment material from first fluid container</p> <p data-bbox="578 1423 760 1640">Control for treatment material from the at least second fluid container</p> <p data-bbox="1341 1388 1451 1423">Console</p> </div> <p data-bbox="565 1692 1256 1734"><b>Exhibit 5</b> at 1; see also <b>Exhibit 6</b> at 1 (same).</p>

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<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 fluid container or the second fluid container to the tip via the supply conduit.</p>	<p>When the MIRApeel 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>As explained above, the MIRApeel comprises (a) a vacuum source, (b) a handpiece assembly comprising a tip configured to contact the skin surface of a subject, (c) a supply conduit placing the manifold in fluid communication with a handpiece assembly, and (d) 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. <i>See</i> limitations 1[b], [c], [e], and [f], <i>supra</i>. As shown below, the vacuum source creates a suction force within the waste conduit and along the tip of the handpiece assembly to both help remove waste from the handpiece assembly via the waste conduit and help transfer at least one treatment material from the manifold system to the handpiece assembly.</p> <p>The MIRAMedTech website describes “combin[ing] vacuum with infusion of active ingredients deep into the skin.” <b>Exhibit 6</b> at 1.</p> <p>A post on the MIRApeel Instagram page describes how the MIRApeel uses “closed-loop technology: 2 tubes separating the good from the bad.”</p>
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**'052 Patent** **MIRapeel**




**Exhibit 11** at 1. Another post on the same Instagram page describes the “hydrodermabrasion and microchanneling process” using the handpiece assembly as “vacuum-aided.”



**Exhibit 12** at 1.

The MIRapeel video shows what happens when the vacuum source is activated, and the working end of the handpiece assembly contacts the skin surface:

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'052 Patent	MIRApeel
	 <p data-bbox="565 254 695 464">Supply Conduit Waste Conduit</p> <p data-bbox="1393 331 1533 401">Handpiece Assembly</p> <p data-bbox="565 653 1500 737"><b>Exhibit 9</b> at 3. This fluid contains waste generated during the skin treatment procedure.</p> <p data-bbox="565 779 1500 1031">As shown in the video, the user can turn on the vacuum source and place the tip of the handpiece assembly against the skin, causing the MIRApeel to deliver treatment material from at least one of the at least two containers to the handpiece assembly via the supply conduit while removing waste from the skin surface via the waste conduit.</p>

41. Each of the Defendants MIRAmtech Poland, MIRAmtech Germany, and eMIRAmtech is liable under 35 U.S.C. § 271(b) for actively inducing others to infringe the '052 Patent because, among other things, each of the Defendants has marketed, sold, and offered for sale, and continues to market, sell, and offer for sale, the accused hydrodermabrasion products 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 **Exhibits 5** and **6**. For example, upon information and belief, Defendants eMIRAmtech and MIRAmtech Germany provided and provide instructions and information to their customers and end users of the accused hydrodermabrasion products, encouraging assembly and use of the accused hydrodermabrasion products in a manner that infringes the '052 Patent. See, e.g., **Exhibit 13**; see also <https://www.youtube.com/watch?v=FwKxhUfDFAI>

1 (captured August 12, 2024) (**Exhibit 21**) (CEO of MIRAmедtech showing “Step-  
2 by-Step procedure” for performing MIRApel treatment).

3 42. Further, customers and users have assembled and/or used the  
4 accused hydrodermabrasion products in a manner that infringes the '052 Patent  
5 (and continue to do so). *See Exhibit 9* (showing an end user of the MIRApel  
6 system); **Exhibit 21**; *see also Exhibit 13* (training webpage for MIRApel).

7 43. Each of the Defendants MIRAmедtech Poland, MIRAmедtech  
8 Germany, and eMIRAmед is liable for contributory infringement under 35 U.S.C.  
9 § 271(c) because, among other things, each of the Defendants has sold or offered  
10 for sale, and continues to sell and/or offers for sale within the United States and/or  
11 has imported and continues to import into the United States, the accused  
12 hydrodermabrasion products constituting material parts of the invention of at least  
13 Claim 1 of the '052 Patent, that are not staple articles or commodities of  
14 commerce suitable for substantial non-infringing use. *See supra*; **Exhibits 5** and  
15 **6**. Each of the Defendants has and continues to so act, knowing that the accused  
16 hydrodermabrasion products are especially made for or adapted for use in an  
17 infringement of the '052 Patent. *See Exhibits 5–12*. Further, customers and users  
18 have assembled and/or used the accused hydrodermabrasion products in a manner  
19 that infringes the '052 Patent (and continue to do so). *See Exhibit 9* (showing an  
20 end user of the MIRApel system); **Exhibit 21**; *see also Exhibit 13* (training  
21 webpage for MIRApel).

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

26 45. Each of the Defendant's infringement has been and continues to be  
27 willful. Pursuant to 35 U.S.C. § 284, Plaintiff is entitled to damages for  
28 Defendants' infringing acts and treble damages together with interests and costs

1 as fixed by this Court.

2 46. This is an exceptional case. Pursuant to 35 U.S.C. § 285, Plaintiff is  
3 entitled to reasonable attorneys' fees for the necessity of bringing this action.

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

6 48. Unless enjoined by this Court, each of the Defendants will continue  
7 to infringe Plaintiff's patent rights and cause Plaintiff further irreparable injury.

8 **V. COUNT II**

9 **INFRINGEMENT OF THE '477 PATENT**

10 49. HydraFacial incorporates by reference and realleges each of the  
11 allegations set forth in Paragraphs 1-48 of this Complaint as if set forth fully  
12 herein.

13 50. Each of the Defendants knowingly and intentionally infringed and  
14 continue to infringe the '477 Patent under 35 U.S.C. § 271(a) through, for  
15 example, the manufacture, use, sale, offer for sale, and/or importation into the  
16 United States of the MIRApeel system during the term of the '447 Patent.  
17 Defendants MIRAmедtech Poland and MIRAmедtech Germany have  
18 manufactured, sold and imported into the United States the infringing MIRApeel  
19 system. *See Exhibit 18* ("MIRAmедtech UG, Germany, is the original inventors  
20 and the only FDA REGISTERED developer, designer, and manufacturer of  
21 aesthetic devices and their associated proprietary MIRA accessories imported into  
22 the USA. These devices include the MIRAx branded devices i.e., MIRApeel™  
23 MD, MIRAglam (or MIRAslim) (sold by eMIRAmед USA.); *see also Exhibits*  
24 **19** and **20** (FDA registrations for MIRAmедtech Poland as manufacturer of  
25 MIRApeel system). Defendant eMIRAmед has used, offered for sale, sold, and  
26 imported into the United States the infringing MIRApeel system. **Exhibit 18**  
27 ("As a result, eMIRAmед USA based in California has become our only exclusive  
28 US Importer and Distributor of all MIRA branded devices and all our related



1 proprietary accessories technology, as well as of all our next MIRAMedtech  
 2 manufactured devices and accessories.”).



3 51. For example, as set forth in the claim chart below, the MIRapeel  
 4 system infringes at least Claim 1 of the ’477 Patent.

'477 Patent	MIRapeel
<p>5 1. [pre] A                      6 skin                      7 treatment                      8 system                      9 comprising:</p>	<p>10 To the extent the preamble is deemed to be a limitation, the                      11 MIRapeel is a skin treatment system.</p> <p>12 The eMIRAMed website shows the MIRapeel:</p> <div data-bbox="764 674 1255 1192" data-label="Image"> </div> <p>13 14 15 16 17 <b>Exhibit 5</b> at 1; <i>see also id.</i> (“MIRapeel™ introduces the                      18 Fractional Transbrasion™ revolution into a vast number of                      19 skin-care modalities. It brings far-reaching new features,                      20 aiming to make skin care procedures safer with better                      21 control.”).                      22 The MIRAMedTech website advertises that the MIRapeel                      performs a treatment that “improves skin condition and solves                      all skin problems visible after first treatment.” <b>Exhibit 6</b> at 1.</p> <p>23 24 MIRAMedtech provides a brochure which depicts the                      MIRapeel:</p>

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<p><b>'477 Patent</b></p>	<p style="text-align: center;"><b>MIRapeel</b></p> <div data-bbox="565 247 1453 745" data-label="Image"> </div> <p><b>THE MIRAPEEL™ DEVICE</b></p> <p>Nourisher Deep Skin Brightening Complex</p> <p>Vibrant Complex Moisturizer</p> <p>Active Regenerating Detoxifier</p> <p>Gentle Restoring Exfoliator</p> <p><b>MIRapeel™:</b> Comprehensive Cosmetic System designed to achieve novel 3D skin desquamation and Fractional Transbrasion™</p> <p><b>MIRaroller™:</b> Non-Invasive Micro-Needling™ apparatus</p> <p><b>MIRabrasor™:</b> Fractional Transbrasion™ Desquamating Attachment</p> <p><b>Exhibit 8</b> at 2. The brochure explains that MIRapeel is a “Comprehensive Cosmetic System designed to achieve novel 3D skin desquamation and Fractional Transbrasion™.” <i>Id.</i></p> <p>The MIRAMedTech website includes a video that advertises the MIRapeel system:</p> <div data-bbox="557 1031 1469 1556" data-label="Image"> </div> <p><b>Exhibit 9</b> at 4.</p>
<p>[a] a manifold system in communication with a first container and at least a</p>	<p>The MIRapeel comprises a manifold system in communication with a first container and at least a second container.</p> <p>Both the eMIRamed website and MIRAMedTech website show the MIRapeel system that includes a manifold system</p>















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'477 Patent	MIRapeel
<p>second container,</p>	<p>in communication with a first container and at least a second container.</p>  <p><b>Exhibit 5</b> at 1; <i>see also Exhibit 6</i> at 1 (same).</p> <p>The MIRapeel Instagram page describes how the MIRapeel uses “closed-loop technology: 2 tubes separating the good from the bad.”</p>  <p><b>Exhibit 11</b> at 1. The MIRapeel is a “closed-loop” system, and the serum emitted from the MIRabrasor (i.e., the handpiece assembly) can be fluid from a first container and at least a second container.</p>

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'477 Patent	MIRApEel
	<p data-bbox="548 239 1479 443">The MIRApEel video shows a system where the serum is emitted from the MIRApEel, through a handpiece assembly, directly onto the skin along the contact path. Therefore, the serum emitted from the MIRApEel handpiece assembly can be fluid from a first container and at least a second container.</p> <div data-bbox="540 457 1487 1289"> </div> <p data-bbox="548 1310 768 1346"><b>Exhibit 9</b> at 4.</p>

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'477 Patent	MIRapeel												
	<div data-bbox="560 247 1474 730"> <p><b>MIRajolie™</b> COSMETIC SERUMS</p> <p>MIRajolie™ cosmetic products are using highly efficacious ingredients to hydrate the skin, and make it look naturally brighter and smoother. They are formulated specifically for the MIRapeel™, to be gently and safely applied on all skin types via MIRA accessories.</p>  <table border="0"> <tr> <td data-bbox="581 485 634 569">  </td> <td data-bbox="792 485 846 569">  </td> <td data-bbox="1019 485 1073 569">  </td> <td data-bbox="1279 485 1333 569">  </td> </tr> <tr> <td data-bbox="581 583 716 617"> <p><b>GENTLE RESTORING EXFOLIATOR:</b></p> </td> <td data-bbox="792 583 927 617"> <p><b>VIBRANT COMPLEX MOISTURIZER:</b></p> </td> <td data-bbox="1019 583 1154 617"> <p><b>ACTIVE REGENERATING DETOXIFIER:</b></p> </td> <td data-bbox="1279 583 1430 617"> <p><b>NOURISHER DEEP SKIN BRIGHTENING COMPLEX:</b></p> </td> </tr> <tr> <td data-bbox="581 636 716 695"> <p>Skin Clarifying Solution with Salicylic Acid &amp; Aloe.</p> </td> <td data-bbox="792 636 927 695"> <p>Skin Hydrating Solution with Hyaluronic Acid &amp; Panthenol.</p> </td> <td data-bbox="1019 636 1154 695"> <p>Skin Regeneration Solution with Vitamin C, Antioxidants &amp; Algae Extract.</p> </td> <td data-bbox="1279 636 1430 722"> <p>Brightening Solution with Kojic Acid, Arbutin &amp; Encapsulated Complex Vitamins A, C and E.</p> </td> </tr> </table> </div>					<p><b>GENTLE RESTORING EXFOLIATOR:</b></p>	<p><b>VIBRANT COMPLEX MOISTURIZER:</b></p>	<p><b>ACTIVE REGENERATING DETOXIFIER:</b></p>	<p><b>NOURISHER DEEP SKIN BRIGHTENING COMPLEX:</b></p>	<p>Skin Clarifying Solution with Salicylic Acid &amp; Aloe.</p>	<p>Skin Hydrating Solution with Hyaluronic Acid &amp; Panthenol.</p>	<p>Skin Regeneration Solution with Vitamin C, Antioxidants &amp; Algae Extract.</p>	<p>Brightening Solution with Kojic Acid, Arbutin &amp; Encapsulated Complex Vitamins A, C and E.</p>
													
<p><b>GENTLE RESTORING EXFOLIATOR:</b></p>	<p><b>VIBRANT COMPLEX MOISTURIZER:</b></p>	<p><b>ACTIVE REGENERATING DETOXIFIER:</b></p>	<p><b>NOURISHER DEEP SKIN BRIGHTENING COMPLEX:</b></p>										
<p>Skin Clarifying Solution with Salicylic Acid &amp; Aloe.</p>	<p>Skin Hydrating Solution with Hyaluronic Acid &amp; Panthenol.</p>	<p>Skin Regeneration Solution with Vitamin C, Antioxidants &amp; Algae Extract.</p>	<p>Brightening Solution with Kojic Acid, Arbutin &amp; Encapsulated Complex Vitamins A, C and E.</p>										
	<p><b>Exhibit 8</b> at 8. The brochure further explains the ingredients in each of the four serums may be used as a “gentle restoring exfoliator,” a “vibrant complex moisturizer,” an “active regenerating detoxifier,” or as a “nourishing deep skin brightening complex.” <i>Id.</i> at 9–11. The first container and the at least second container contain the MIRajolie treatment materials.</p> <p>The MIRapeel video shows the MIRajolie serum bottles installed into the MIRapeel and labeled as “exfoliator,” “detoxifier,” and “moisturizer.”</p>  <p><b>Exhibit 9</b> at 2. Thus, the first container and the at least second container are configured to contain treatment material.</p>												



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**'477 Patent** **MIRapeel**

[a][ii] the manifold system being positioned in or on a console;

The manifold system of the MIRapeel is positioned in or on a console.

The image below shows the MIRapeel system, which has a manifold system positioned in the console.



**Exhibit 5** at 2; *see also* **Exhibit 6** at 2 (same).

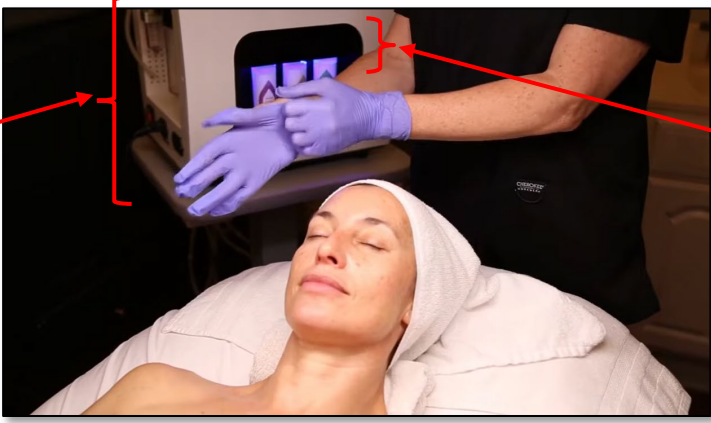

The MIRapeel brochure depicts the MIRapeel system, which has a manifold system positioned in the console.



**Exhibit 8** at 3.

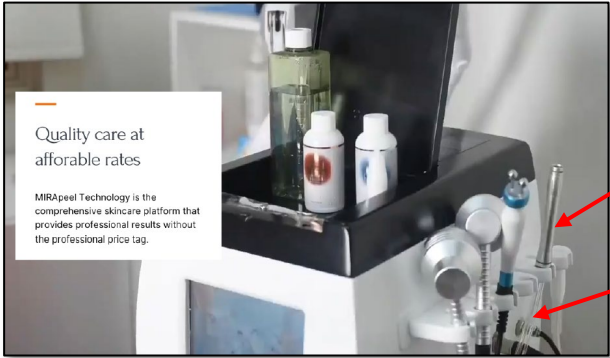


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'477 Patent	MIRapeel
	<p>The MIRapeel video displays the MIRapeel system, which has a manifold system positioned in the console.</p>  <p><b>Exhibit 9</b> at 2.</p>
<p>[b] a supply conduit placing the manifold system in fluid communication with a handpiece assembly;</p>	<p>The MIRapeel comprises a supply conduit placing the manifold system in fluid communication with a handpiece assembly.</p> <p>The eMIRamed website provides a photo of the MIRapeel system in use, showing the MIRapeel with a handpiece assembly:</p>  <p><b>Exhibit 5</b> at 3.</p> <p>The MIRAMedTech website also includes a photo of the MIRapeel system, showing the MIRapeel with a supply conduit connecting the console with the handpiece assembly:</p>

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**'477 Patent** **MIRapeel**



Quality care at affordable rates

MIRapeel Technology is the comprehensive skincare platform that provides professional results without the professional price tag.

Handpiece Assembly

Supply Conduit

**Exhibit 6** at 6.

The MIRAMedTech website describes “combin[ing] vacuum with infusion of active ingredients deep into the skin.”

**Exhibit 6** at 1. The MIRAbrador website further describes a “MIRAbrador” which performs skin abrasion “as the serums flow on the skin surface” through the MIRAbrador. **Exhibit 7** at 2. Since the serum containers couple to the console via the manifold system, the handpiece assembly is in fluid communication with the manifold system to deliver serum through the handpiece assembly.

A post on the MIRapeel Instagram page describes how the MIRapeel has an “ergonomic handpiece” that uses “closed-loop technology: 2 tubes separating the good from the bad.”



Supply Conduit

Handpiece Assembly

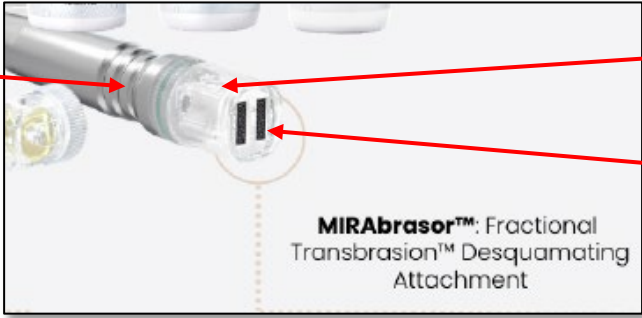

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'477 Patent	MIRApeel
	<p data-bbox="548 237 1409 363"><b>Exhibit 11</b> at 1. Thus, the handpiece assembly (the MIRAbrator) of the MIRApeel is in fluid communication with the manifold system via a supply conduit.</p> <p data-bbox="548 411 1463 621">The MIRApeel video shows the serum bottles coupled to the console via the manifold system such that, when the handpiece assembly is placed against the skin, the MIRApeel draws fluid from the manifold system to the handpiece assembly via the supply conduit:</p> <div data-bbox="548 667 1495 1507"> <p>The top photograph shows a person in a clinical setting operating a console. Several red arrows point from labels to components: 'Console' points to the control panel, 'Serum Bottles' points to a set of bottles, and 'Manifold system (internal)' points to the internal tubing. The bottom photograph is a close-up of a handpiece assembly being applied to a patient's face. Red arrows point from labels to the 'Supply Conduit' and the 'Handpiece Assembly'.</p> </div> <p data-bbox="548 1528 768 1570"><b>Exhibit 9</b> at 3.</p>
<p data-bbox="305 1619 521 1948">[c] wherein the handpiece assembly comprises a working end having a skin contact surface;</p>	<p data-bbox="548 1619 1446 1696">The MIRApeel employs a handpiece assembly comprising a working end having a skin contact surface.</p> <p data-bbox="548 1745 1422 1871">The MIRAbrator website describes the “MIRAbrator™ attachment,” which is “made of 2 parts” and is fixed to the end of the handpiece assembly (the MIRAbrator):</p>

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'477 Patent	MIRapeel
	<p data-bbox="609 247 933 268">MIRabrasor™ attachment is made of 2 parts:</p>  <p data-bbox="609 682 738 703"><b>The "Brasor Top"</b></p> <p data-bbox="609 703 1071 840">The Top is easily inserted into the handpiece, which is made for that purpose and connects to the tubing attached to the MIRapeel™. It serves as a malleable top supporting the transparent single-use "Brasor Desquamating Head". This helps increase manual dexterity as it glides over the skin. The Brasor Top does not touch the skin and can be used up to six times.</p>  <p data-bbox="609 1008 933 1029"><b>The Single-use "Brasor Desquamating Head"</b></p> <p data-bbox="609 1029 1071 1186">The Head is transparent, so the user can see the cosmetic serum flow. The skin Desquamating material sits in its center, on the bottom, so it can perform the silky abrasion, as the serums flow on the skin surface. Since it comes in contact with the skin, the Head can only be used a single time and discarded. It is then replaced with a brand-new Head for the next treatment.</p>  <p data-bbox="544 1207 1437 1333"><b>Exhibit 7</b> at 2. The MIRAMedTech website also shows the handpiece assembly (the MIRabrasor) with a working end performing skin treatment.</p>  <p data-bbox="544 1858 771 1900"><b>Exhibit 6</b> at 3.</p>

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'477 Patent	MIRApeel
	<p>The MIRApeel brochure shows the handpiece assembly with a “Fractional Transbrasion™ Desquamating Attachment.”</p>  <p><b>Exhibit 8</b> at 2.</p> <p>The MIRApeel video demonstrates that MIRApeel’s handpiece assembly is configured for the working end to contact skin tissue of a subject:</p>  <p><b>Exhibit 9</b> at 4.</p>
<p>[d] a vacuum source;</p>	<p>The MIRApeel comprises a vacuum source.</p> <p>The eMIRAméd website indicates that the MIRApeel has a vacuum source, as the MIRApeel has a “vacuum” knob on the console:</p>



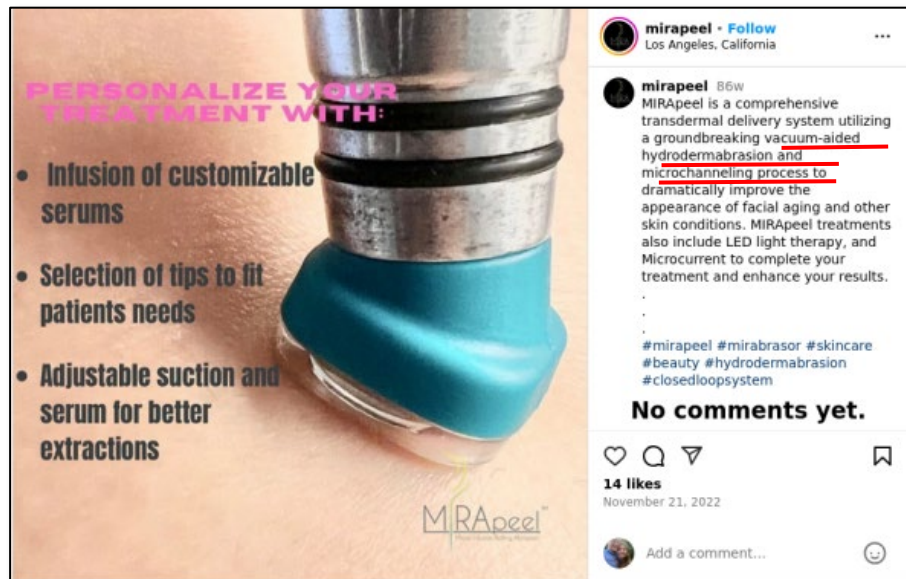
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'477 Patent MIRapeel




**Exhibit 5** at 1; *see also* **Exhibit 6** at 1. The MIRAMedTech website, under its “How MIRA works” section, states that “[u]nlike traditional treatments, [the MIRA treatment] is performed with a device that combines *vacuum* with infusion of active ingredients deep into the skin.” **Exhibit 6** at 1 (emphasis added).

A MIRapeel Instagram post shows the MIRAbrasor handpiece and describes the treatment as “utilizing a groundbreaking *vacuum-aided* hydrodermabrasion and microchanneling process” as well as “adjustable suction and serum for better extractions.”



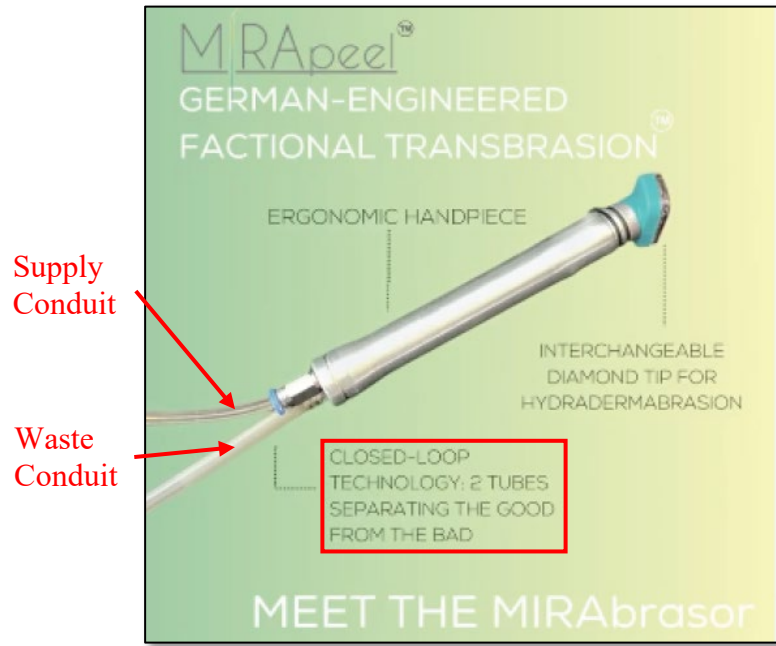


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'477 Patent	MIRApeel
	<p><b>Exhibit 12</b> at 1.</p> <p>The MIRApeel video shows a knob on the MIRApeel used to control the vacuum source.</p>  <p><b>Exhibit 9</b> at 3. As shown above, the MIRApeel displays the power of the vacuum when selected to the “Hydra” setting.</p>
<p>[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;</p> <p>and</p>	<p>The MIRApeel comprises 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.</p> <p>A post on the MIRApeel Instagram page describes how the MIRApeel uses “closed-loop technology: 2 tubes [i.e., a supply conduit and a waste conduit] separating the good [i.e., serums through the supply conduit] from the bad [i.e., waste suctioned away from the skin through the waste conduit].”</p>

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**'477 Patent** **MIRapeel**




**Exhibit 11** at 1. Because the handpiece assembly removes waste from the skin, the handpiece assembly is in fluid communication with the waste conduit and the vacuum source as it moves waste away from the working end of the handpiece assembly during a skin treatment procedure. The MIRapeel video shows the MIRapeel system in use. During use of the MIRapeel system, the video demonstrates fluid moving away from the working end of the handpiece assembly during a skin treatment procedure via tubing (the waste conduit).



**Exhibit 9** at 3. This fluid contains waste generated during the skin treatment procedure, as shown in the image below:

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'477 Patent	MIRapeel
	 <p data-bbox="545 716 662 751"><i>Id.</i> at 4.</p>
<p data-bbox="305 810 521 1524">[f] at least one control to permit control of a flow of treatment material from the first container and the at least second container through the supply conduit to the handpiece assembly;</p>	<p data-bbox="545 810 1479 968">The MIRapeel comprises at least one control to permit control of a flow of treatment material from the first container and the at least second container through the supply conduit to the handpiece assembly.</p> <p data-bbox="545 1020 1471 1440">As explained above, the manifold system is in fluid communication with a first container and at least a second container. <i>See</i> limitation 1[a], <i>supra</i>. As also explained above, the supply conduit places the manifold system in fluid communication with the handpiece assembly. <i>See</i> limitation 1[b], <i>supra</i>. The first and the at least second container contain treatment material. <i>See</i> limitation 1[a][i], <i>supra</i>. As shown below, the MIRapeel has at least one control to permit the flow from the first and the at least second container through the supply conduit to the handpiece assembly.</p> <p data-bbox="545 1482 1438 1566">The eMIRamed website shows the MIRapeel has a “flow” knob on the console:</p>

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**'477 Patent** **MIRapeel**



**Exhibit 5** at 1; *see also* **Exhibit 6** at 1.

The MIRapeel brochure also shows that the MIRapeel has a “flow” knob on the console:



**Exhibit 8** at 2.

The MIRapeel video shows a knob on the MIRapeel used to control the flow of treatment material from the first container and the at least second container through the supply conduit to the handpiece assembly.

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**'477 Patent** **MIRapeel**



Flow Rate Display  
Flow Knob

**Exhibit 9** at 3. As shown above, the MIRapeel shows the flow rate of the treatment material from the selected container through the supply conduit to the handpiece assembly.

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

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

As explained above, the MIRapeel comprises (a) a vacuum source, (b) a handpiece assembly comprising a working end configured to contact the skin surface of a subject, (c) a supply conduit placing the manifold system in fluid communication with a handpiece assembly, and (d) 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. *See* limitations 1[b], [b][i], [d], and [e], *supra*. As shown below, the vacuum source creates a suction force within the waste conduit and along the working end of the handpiece assembly to both help remove waste from the handpiece assembly via the waste conduit and help transfer at least one treatment material from the manifold system to the handpiece assembly.

The MIRAMedTech website describes “combin[ing] vacuum with infusion of active ingredients deep into the skin.” **Exhibit 6** at 1.

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**'477 Patent** **MIRapeel**

system to the handpiece assembly.

A post on the MIRapeel Instagram page describes how the MIRapeel uses “closed-loop technology: 2 tubes separating the good from the bad.”




**Exhibit 11** at 1. Another post on the same Instagram page describes the “hydrodermabrasion and microchanneling process” using the handpiece assembly as “vacuum-aided.”



**Exhibit 12** at 1.



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'477 Patent	MIRapeel
	<p>The MIRapeel video shows what happens when the vacuum source is activated, and the working end of the handpiece assembly contacts the skin surface:</p>  <p><b>Exhibit 9</b> at 3. This fluid contains waste generated during the skin treatment procedure.</p> <p>As shown in the video, the user can turn on the vacuum source and place the working end of the handpiece assembly against the skin, causing the MIRapeel to deliver at least one treatment material from at least one of the at least two containers to the handpiece assembly via the supply conduit.</p>

52. Each of the Defendants MIRAmtech Poland, MIRAmtech Germany, and eMIRAm is liable under 35 U.S.C. § 271(b) for actively inducing others to infringe the '477 Patent because, among other things, each of the Defendants has marketed, sold, and offered for sale, and continues to market, sell, and offer for sale, the accused hydrodermabrasion products 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 Exhibits 5 and 6.* For example, upon information and belief, Defendants eMIRAm and MIRAmtech Germany provided and provide instructions and information to their customers and end users of the accused hydrodermabrasion products, encouraging assembly and use of the accused

1 hydrodermabrasion products in a manner that infringes the '477 Patent. *See, e.g.,*  
2 **Exhibit 13**; *see also Exhibit 21* (CEO of MIRAmедtech showing “Step-by-Step  
3 procedure” for performing MIRApel treatment).

4 53. Further, customers and users have assembled and/or used the  
5 accused hydrodermabrasion products in a manner that infringes the '477 Patent  
6 (and continue to do so). *See Exhibit 9* (showing an end user of the MIRApel  
7 system); **Exhibit 21**; *see also Exhibit 13* (training webpage for MIRApel).

8 54. Each of the Defendants MIRAmедtech Poland, MIRAmедtech  
9 Germany, and eMIRAmед is liable for contributory infringement under 35 U.S.C.  
10 § 271(c) because, among other things, each of the Defendants has sold or offered  
11 for sale, and continues to sell and/or offers for sale within the United States and/or  
12 has imported and continues to import into the United States, the accused  
13 hydrodermabrasion products constituting material parts of the invention of at least  
14 Claim 1 of the '477 Patent, that are not staple articles or commodities of  
15 commerce suitable for substantial non-infringing use. *See supra*; **Exhibits 5** and  
16 **6**. Each of the Defendants has and continues to so act, knowing that the accused  
17 hydrodermabrasion products are especially made for or adapted for use in an  
18 infringement of the '477 Patent. *See Exhibits 5–12*. Further, customers and users  
19 have assembled and/or used the accused hydrodermabrasion products in a manner  
20 that infringes the '477 Patent (and continue to do so). *See Exhibit 9* (showing an  
21 end user of the MIRApel system); **Exhibit 21**; *see also Exhibit 13* (training  
22 webpage for MIRApel).

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

27 56. Each of the Defendant's infringement has been and continues to be  
28 willful. Pursuant to 35 U.S.C. § 284, Plaintiff is entitled to damages for

1 Defendants' infringing acts and treble damages together with interests and costs  
2 as fixed by this Court.

3 57. This is an exceptional case. Pursuant to 35 U.S.C. § 285, Plaintiff is  
4 entitled to reasonable attorneys' fees for the necessity of bringing this action.

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

7 59. Unless enjoined by this Court, each of the Defendants will continue  
8 to infringe Plaintiff's patent rights and cause Plaintiff further irreparable injury.

9 **VI. COUNT III**

10 **INFRINGEMENT OF THE '287 PATENT**

11 60. HydraFacial incorporates by reference and realleges each of the  
12 allegations set forth in Paragraphs 1-59 of this Complaint as if set forth fully  
13 herein.



14 61. Each of the Defendants knowingly and intentionally infringed and  
15 continue to infringe the '287 Patent under 35 U.S.C. § 271(a) through, for  
16 example, the manufacture, use, sale, offer for sale, and/or importation into the  
17 United States of the MIRApeel system during the term of the '287 Patent.  
18 Defendant MIRAmедtech Poland and/or MIRAmедtech Germany has  
19 manufactured and imported into the United States the infringing MIRApeel  
20 system. *See Exhibit 18* ("MIRAmедtech UG, Germany, is the original inventors  
21 and the only FDA REGISTERED developer, designer, and manufacturer of  
22 aesthetic devices and their associated proprietary MIRA accessories imported into  
23 the USA. These devices include the MIRAx branded devices i.e., MIRApeel™  
24 MD, MIRAglam (or MIRAslim) (sold by eMIRAmед USA.); *see also Exhibits*  
25 **19** and **20** (FDA registrations for MIRAmедtech Poland as manufacturer of  
26 MIRApeel system). Defendant eMIRAmед has used, offered for sale, sold, and  
27 imported into the United States the infringing MIRApeel system. **Exhibit 18**  
28 ("As a result, eMIRAmед USA based in California has become our only exclusive

1 US Importer and Distributor of all MIRA branded devices and all our related  
 2 proprietary accessories technology, as well as of all our next MIRAMedtech  
 3 manufactured devices and accessories.”).



4 62. For example, as set forth in the claim chart below, the MIRApeel  
 5 system infringes at least Claim 26 of the '287 Patent.

'287 Patent	MIRApeel
7 26. [pre] A 8 treating skin, 9 the system 10 comprising: 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	To the extent that the preamble is deemed to be a limitation, the MIRApeel is a system for treating skin.  The eMIRAMed website shows the MIRApeel:  <div data-bbox="782 737 1276 1255" data-label="Image"> </div> Exhibit 5 at 1; see also <i>id.</i> (“MIRApeel™ introduces the Fractional Transbrasion™ revolution into a vast number of skin-care modalities. It brings far-reaching new features, aiming to make skin care procedures safer with better control.”).  The MIRAMedTech website advertises that the MIRApeel performs a treatment that “improves skin condition and solves all skin problems visible after first treatment.” Exhibit 6 at 1.  The MIRApeel brochure depicts the MIRApeel:

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<p>'287 Patent</p>	<p style="text-align: center;"><b>MIRapeel</b></p>  <p><b>Exhibit 8</b> at 2. The brochure states that MIRapeel is a “Comprehensive Cosmetic System designed to achieve novel 3D skin desquamation and Fractional Transbrasion™.” <i>Id.</i></p> <p>The MIRamedtech website includes a video that advertises the MIRapeel system:</p>  <p><b>Exhibit 9</b> at 4.</p>
<p>[a] a console configured to receive a first container and at least one additional container;</p>	<p>The MIRapeel comprises a console configured to receive a first container and at least one additional container.</p> <p>Both the eMIRamed website and MIRAMedTech website advertise a MIRapeel system that includes a console configured to receive a first container and at least one additional container.</p>

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'287 Patent	MIRapeel
	 <p data-bbox="570 506 764 537">First container</p> <p data-bbox="570 590 743 695">At least one additional container</p> <p data-bbox="1341 485 1446 516">Console</p> <p data-bbox="570 789 1252 831"><b>Exhibit 5</b> at 1; <i>see also</i> <b>Exhibit 6</b> at 1 (same).</p>
<p data-bbox="305 877 542 1087">[b] a handpiece configured to contact skin tissue of a subject;</p>	<p data-bbox="570 877 1471 957">The MIRapeel comprises a handpiece configured to contact skin tissue of a subject.</p> <p data-bbox="570 982 1446 1108">The eMIRamed website provides a photo of its MIRapeel system in use, showing the MIRapeel with a handpiece contacting the skin tissue of a subject:</p>  <p data-bbox="586 1272 727 1304">Handpiece</p> <p data-bbox="1317 1461 1382 1493">Skin</p> <p data-bbox="570 1671 789 1713"><b>Exhibit 5</b> at 3.</p> <p data-bbox="570 1734 1373 1818">The MIRapeel video also demonstrates the handpiece contacting skin tissue of a subject:</p>



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'287 Patent	MIRApeel
	<p data-bbox="565 321 695 352">Handpiece</p>  <p data-bbox="1398 338 1463 369">Skin</p> <p data-bbox="565 680 792 716"><b>Exhibit 9</b> at 4.</p>
<p data-bbox="305 768 509 842">[c] a block in the console,</p>	<p data-bbox="565 768 1300 804">The console of the MIRApeel comprises a block.</p> <p data-bbox="565 852 1442 972">Both the eMIRAMED website and MIRAMEDTech website advertise a MIRApeel system that includes a block in the console.</p>  <p data-bbox="574 1073 781 1104">Block (internal)</p> <p data-bbox="1341 1226 1451 1257">Console</p> <p data-bbox="565 1528 1256 1564"><b>Exhibit 5</b> at 1; <i>see also</i> <b>Exhibit 6</b> at 1 (same).</p>

1 [c][i] wherein  
2 the block is:  
3 configured to  
4 selectively  
5 receive fluid  
6 from the first  
7 container when  
8 the first  
9 container is  
10 connected to  
11 the console;

The block of the MIRapeel is configured to selectively receive fluid from the first container when the first container is connected to the console.

Both the eMIRamed website and MIRAMedTech website advertise a MIRapeel system that includes a block configured to selectively receive fluid from the first container when the first container is connected to the console.

The console also includes controls that allow the user to select the container from which fluid is being received.




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18 **Exhibit 5** at 1; *see also* **Exhibit 6** at 1 (same).

19 The MIRapeel Instagram page describes how the MIRapeel  
20 uses “closed-loop technology: 2 tubes separating the good  
21 from the bad.”  
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'287 Patent	MIRapeel
	<div data-bbox="711 243 1344 879" data-label="Image"> </div> <p data-bbox="565 900 1435 1029"><b>Exhibit 11</b> at 1. Since the MIRapeel is a “closed-loop” system, the serum emitted from the MIRAbrasor (i.e., the handpiece) can be fluid from a first container.</p> <p data-bbox="565 1073 1448 1278">The MIRapeel video shows a system where the serum is emitted from the MIRapeel, through a handpiece, directly onto the skin along the contact path. Therefore, the serum emitted from the MIRapeel handpiece can be fluid from a first container.</p> <div data-bbox="565 1293 1555 1709" data-label="Image"> </div>

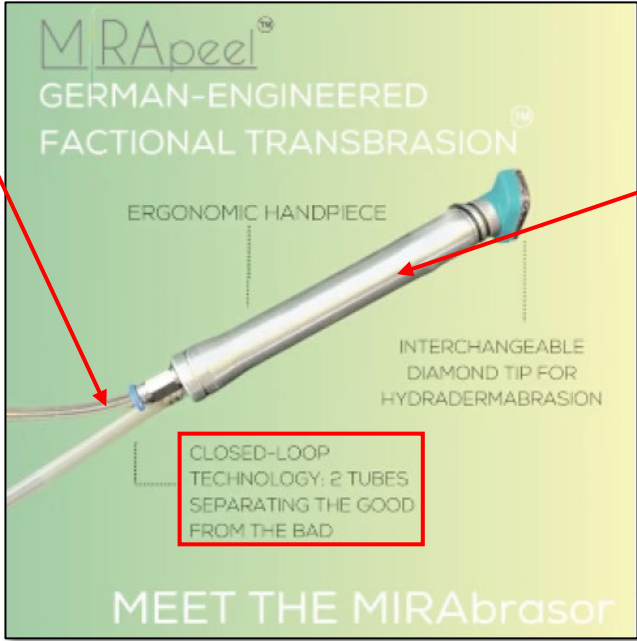
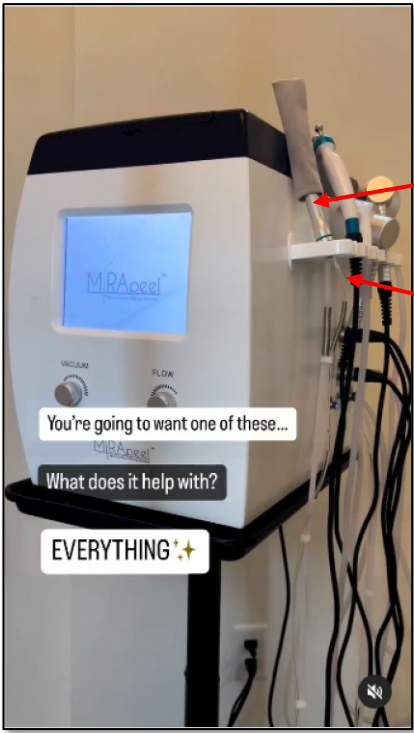
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'287 Patent	MIRApeel
	 <p data-bbox="565 726 789 764"><b>Exhibit 9</b> at 4.</p>
<p data-bbox="305 772 542 1356">[c][ii] configured to selectively receive fluid from the at least one additional container when the at least one additional container is connected to the console; and</p>	<p data-bbox="565 772 1468 940">The block of the MIRApeel 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. <i>See</i> limitation 1 [c][i], <i>supra</i>.</p>
<p data-bbox="305 1373 542 1915">[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</p>	<p data-bbox="565 1373 1481 1495">The block of the MIRApeel is configured to selectively be in fluid communication with the handpiece through a first conduit when the handpiece is connected to the console.</p> <p data-bbox="565 1541 1461 1625">The eMIRAm website provides a photo of the MIRApeel system in use, showing the MIRApeel with a handpiece:</p>

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'287 Patent	MIRapeel
	<div data-bbox="781 243 1279 737" data-label="Image"> </div> <p data-bbox="570 800 789 835"><b>Exhibit 5</b> at 3.</p> <p data-bbox="570 884 1479 1010">The MIRAMedTech website also includes a photo of the MIRapeel system, showing the MIRapeel with a first conduit connecting the console with the handpiece assembly:</p> <div data-bbox="716 1020 1344 1388" data-label="Image"> </div> <p data-bbox="570 1409 789 1444"><b>Exhibit 6</b> at 6.</p> <p data-bbox="570 1493 1479 1570">The MIRAMedTech website describes “combin[ing] vacuum with infusion of active ingredients deep into the skin.”</p> <p data-bbox="570 1577 1479 1829"><b>Exhibit 6</b> at 1. The MIRAbrador website further describes a “MIRAbrador” which performs skin abrasion “as the serums flow on the skin surface” through the MIRAbrador. <b>Exhibit 7</b> at 2. Since the serum containers couple to the console via the block, the handpiece is in fluid communication with the block to deliver serum through the handpiece.</p>

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'287 Patent	MIRapeel
	<p data-bbox="565 241 1469 367">A post on the MIRapeel Instagram page describes how the MIRapeel has an “ergonomic handpiece” that uses “closed-loop technology: 2 tubes separating the good from the bad.”</p>  <p data-bbox="565 1031 1490 1157"><b>Exhibit 11</b> at 1. Another post on the MIRapeel Instagram page shows the MIRapeel system with a first conduit placing the block in fluid communication with the handpiece.</p> 



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'287 Patent	MIRapeel
	<p data-bbox="565 239 808 275"><b>Exhibit 10</b> at 1.</p> <p data-bbox="565 323 1484 491">The MIRapeel video shows the serum bottles coupled to the console via the block such that, when the handpiece is placed against the skin, the MIRapeel draws fluid from the block to the handpiece via the first conduit:</p> <div data-bbox="542 537 1536 1444"> </div> <p data-bbox="565 1463 789 1499"><b>Exhibit 9</b> at 3.</p>
<p data-bbox="305 1556 509 1629">[d] a vacuum source;</p>	<p data-bbox="565 1556 1224 1591">The MIRapeel comprises a vacuum source.</p> <p data-bbox="565 1640 1500 1755">The eMIRamed website indicates that the MIRapeel has a vacuum source, as the MIRapeel has a “vacuum” knob on the console:</p>

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'287 Patent MIRapeel




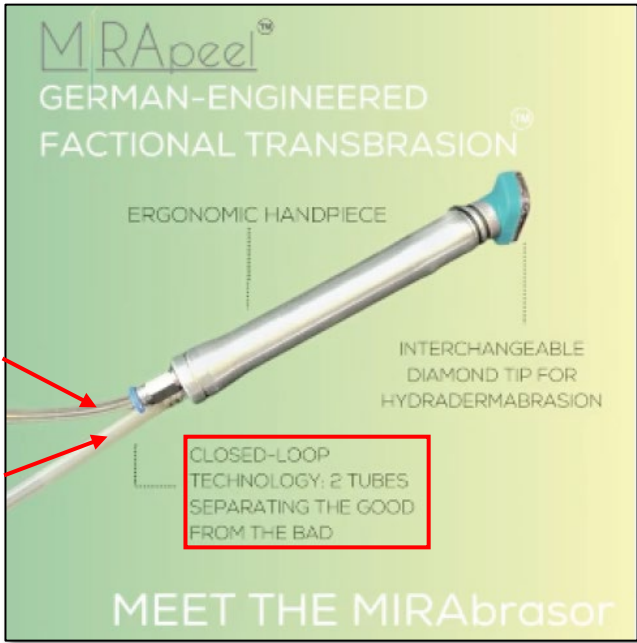
**Exhibit 5** at 1; *see also* **Exhibit 6** at 1. The MIRAMedTech website, under its “How MIRA works” section, states that “[u]nlike traditional treatments, [the MIRA treatment] is performed with a device that combines *vacuum* with infusion of active ingredients deep into the skin.” **Exhibit 6** at 1 (emphasis added).

A MIRapeel Instagram post shows the MIRAbrasor handpiece and describes the treatment as “utilizing a groundbreaking *vacuum-aided* hydrodermabrasion and microchanneling process” as well as “adjustable suction and serum for better extractions.”




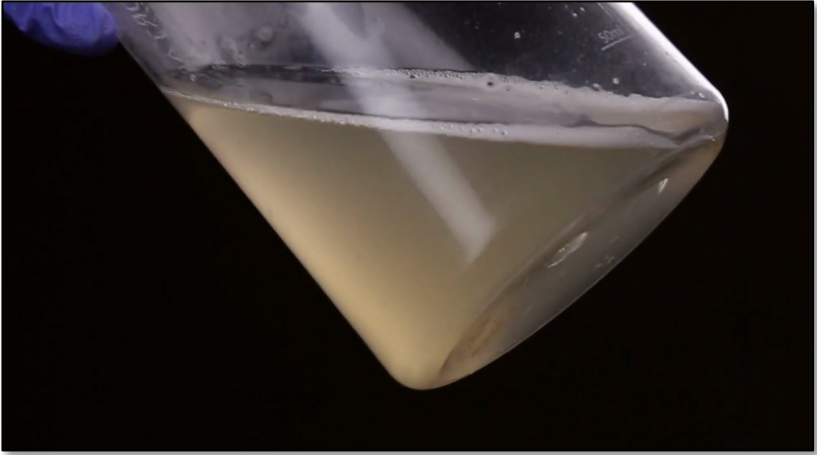
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'287 Patent	MIRApeel
	<p data-bbox="565 239 808 275"><b>Exhibit 12</b> at 1.</p> <p data-bbox="565 323 1498 449">The MIRApeel video shows a knob on the MIRApeel used to control the vacuum source, and a display showing the vacuum power.</p> <div data-bbox="581 533 695 604" style="color: red;">Vacuum Display</div> <div data-bbox="589 720 703 791" style="color: red;">Vacuum Knob</div>  <p data-bbox="565 852 1474 936"><b>Exhibit 9</b> at 3. As shown above, the MIRApeel displays the power of the vacuum when selected to the “Hydra” setting.</p>


<p>1 [e] wherein the                  2 handpiece is                  3 configured to                  4 be in fluid                  5 communication                  6 with the                  7 vacuum source                  8 through a                  9 second conduit                  10 when the                  11 handpiece is                  12 connected to                  13 the console</p>	<p>The MIRApeel 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>A post on the MIRApeel Instagram page describes how the MIRApeel uses “closed-loop technology: 2 tubes [i.e., a first conduit and a second conduit] separating the good [i.e., serums through the first conduit] from the bad [i.e., waste suctioned away from the skin through the second conduit].”</p> <div style="text-align: center;">  </div> <p><b>Exhibit 11</b> at 1. Because the handpiece removes waste from the skin, the handpiece is in fluid communication with the second conduit and the vacuum source as it moves waste away from the working end of the handpiece assembly during a skin treatment procedure.</p> <p>The MIRApeel video shows the MIRApeel system in use. During use of the MIRApeel system, the video demonstrates fluid moving away from the handpiece during a skin treatment procedure via tubing (the second conduit).</p>
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'287 Patent	MIRApeel
	 <p><b>Exhibit 9</b> at 3. This fluid contains waste generated during the skin treatment procedure, as shown in the image below:</p>  <p><i>Id.</i> at 4.</p>
<p>[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</p>	<p>The at least one additional container of the MIRApeel comprises a second and third container such that the console is configured to receive at least three containers.</p> <p>As shown above, the MIRApeel console is configured to contain a first container and at least one additional container. <i>See</i> limitation 1[a], <i>supra</i>. As shown below, at least one additional container comprises a second and third container such that the console is configured to receive at least three containers.</p> <p>Both the eMIRAMED website and MIRAMEDTech website show that the MIRApeel console is configured to receive at least three containers.</p>

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'287 Patent	MIRApeel
	 <p data-bbox="565 506 760 688">First container Second container Third container</p> <p data-bbox="1341 485 1450 516">Console</p> <p data-bbox="565 789 1256 829"><b>Exhibit 5</b> at 1; <i>see also</i> <b>Exhibit 6</b> at 1 (same).</p>



1 [g] wherein  
2 when the  
3 handpiece is  
4 connected to  
5 the console and  
6 the first  
7 container, the  
8 second  
9 container and  
10 the third  
11 container each  
12 contains a fluid  
13 and is  
14 connected to  
15 the console,  
16 the system is  
17 configured to  
18 deliver to the  
19 handpiece one  
20 at a time fluid  
21 contained in  
22 the first  
23 container, fluid  
24 contained in  
25 the second  
26 container, and  
27 fluid contained  
28 in the third  
container.

When the handpiece is connected to the console, the first container, the second container and the third container each contains a fluid and is connected to the console, the MIRapeel 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.


Both the eMIRamed website and MIRAMedTech website show a MIRapeel system that includes controls that deliver one at a time the treatment fluid from the first container, the second container, and the third container when the handpiece is connected to the console and the first container, the second container and the third container each contains a fluid and is connected to the console.



**Exhibit 5** at 1; *see also* **Exhibit 6** at 1 (same).

Similarly, the MIRapeel video shows the MIRapeel system in use. During use of the MIRapeel system, the video shows the handpiece connected to the console and the first container, the second container and the third container each containing a fluid and connected to the console.

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'287 Patent	MIRApeel
	 <p data-bbox="565 680 1474 978"><b>Exhibit 9</b> at 2. Another video also demonstrates that the MIRApeel is configured 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. <i>See Exhibit 21</i> at 1:55 (adjusting “Serum 1” knob from “Close” to “Open”); <i>id.</i> at 2:09–3:48 (performing treatment).</p>

63. Each of the Defendants MIRAMedtech Poland, MIRAMedtech Germany, and eMIRAMed is liable under 35 U.S.C. § 271(b) for actively inducing others to infringe the '287 Patent because, among other things, each of the Defendants has marketed, sold, and offered for sale, and continues to market, sell, and offer for sale, the accused hydrodermabrasion products 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 '287 Patent. *See Exhibits 5 and 6.* For example, upon information and belief, Defendants eMIRAMed and MIRAMedtech Germany provided and provide instructions and information to their customers and end users of the accused hydrodermabrasion products, encouraging assembly and use of the accused hydrodermabrasion products in a manner that infringes the '287 Patent. *See Exhibit 13; see also Exhibit 21* (CEO of MIRAMedtech showing “Step-by-Step procedure” for performing MIRApeel treatment).

1           64. Further, customers and users have assembled and/or used the  
2 accused hydrodermabrasion products in a manner that infringes the '287 Patent  
3 (and continue to do so). *See Exhibit 9* (showing an end user of the MIRApeel  
4 system); **Exhibit 21**; *see also Exhibit 13* (training webpage for MIRApeel).

5           65. Each of the Defendants is liable for contributory infringement under  
6 35 U.S.C. § 271(c) because, among other things, each of the Defendants has sold  
7 or offered for sale, and continues to sell and/or offers for sale within the United  
8 States and/or has imported and continues to import into the United States, the  
9 accused hydrodermabrasion products constituting material parts of the invention  
10 of at least Claim 1 of the '287 Patent, that are not staple articles or commodities  
11 of commerce suitable for substantial non-infringing use. *See supra*; **Exhibits 5**  
12 **and 6**. Each of the Defendants has and continues to so act, knowing that the  
13 accused hydrodermabrasion products are especially made for or adapted for use  
14 in an infringement of the '287 Patent. *See Exhibits 5–12*. Further, customers and  
15 users have assembled and/or used the accused hydrodermabrasion products in a  
16 manner that infringes the '287 Patent (and continue to do so). *See Exhibit 9*  
17 (showing an end user of the MIRApeel system); **Exhibit 21**; *see also Exhibit 13*  
18 (training webpage for MIRApeel).

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

23           67. Each of the Defendant's infringement has been and continues to be  
24 willful. Pursuant to 35 U.S.C. § 284, Plaintiff is entitled to damages for  
25 Defendants' infringing acts and treble damages together with interests and costs  
26 as fixed by this Court.

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



1 73. For example, as set forth in the claim chart below, the MIRApeel  
 2 system infringes at least Claim 1 of the '607 Patent.

Claim 1	MIRApeel
<p>3 1. [pre] A                      4 skin                      5 treatment                      6 system,                      7 comprising:</p>	<p>8 To the extent that the preamble is deemed to be a limitation, the                      9 MIRApeel is a skin treatment system.</p> <p>10 The eMIRAMed website shows the MIRApeel:</p> <div data-bbox="755 583 1247 1108" data-label="Image"> </div> <p>11</p> <p>12 <b>Exhibit 5</b> at 1; <i>see also id.</i> (“MIRApeel™ introduces the                      13 Fractional Transbrasion™ revolution into a vast number of skin-                      14 care modalities. It brings far-reaching new features, aiming to                      15 make skin care procedures safer with better control.”).</p> <p>16 The MIRAMedTech website advertises that the MIRApeel                      17 performs a treatment that “improves skin condition and solves                      18 all skin problems visible after first treatment.” <b>Exhibit 6</b> at 1.</p> <p>19</p> <p>20 MIRAMedtech provides a brochure which depicts the                      21 MIRApeel:                      22</p>

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Claim 1	MIRapeel
	<div data-bbox="623 247 1377 674" data-label="Image"> </div> <p data-bbox="521 695 1479 905"><b>Exhibit 8</b> at 2. The brochure states that MIRapeel is a “Comprehensive Cosmetic System designed to achieve novel 3D skin desquamation and Fractional Transbrasion™.” <i>Id.</i> The MIRAMedTech website includes a video that advertises the MIRapeel system:</p> <div data-bbox="602 915 1398 1373" data-label="Image"> </div> <p data-bbox="521 1394 743 1430"><b>Exhibit 9</b> at 4.</p>
<p data-bbox="305 1482 496 1942">[a] a console configured to receive a first container containing a first treatment material and a second treatment material and a second</p>	<p data-bbox="521 1482 1479 1604">The MIRapeel comprises a console configured to receive a first container containing a first treatment material and a second container containing a second treatment material.</p> <p data-bbox="521 1650 1479 1814">The eMIRAMed and MIRAMedtech websites show that the MIRapeel system includes a console configured to receive a first container containing a first treatment material and a second container containing a second treatment material.</p>



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**Claim 1** **MIRapeel**

container  
containing a  
second  
treatment  
material;



**Exhibit 5** at 1; *see also* **Exhibit 6** at 1 (same).



The MIRapeel brochure advertises four treatment materials (“MIRajolie cosmetic products”) for use with the MIRapeel system:



**Exhibit 8** at 8. The brochure further explains the ingredients in each of the four serums may be used as a “gentle restoring exfoliator,” a “vibrant complex moisturizer,” an “active regenerating detoxifier,” or as a “nourishing deep skin brightening complex.” *Id.* at 9–11. The first container thus contains a first treatment material, and the second container contains a second treatment material.

The MIRapeel video demonstrates that the console of the MIRapeel is configured to receive a first container containing a first treatment material and a second container containing a second treatment material.

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Claim 1	MIRapeel
	 <p data-bbox="521 422 651 485">First Container</p> <p data-bbox="521 516 651 579">Second Container</p> <p data-bbox="521 636 743 674"><b>Exhibit 9</b> at 2.</p>
<p data-bbox="305 726 488 1230">[b] a handpiece configured to couple to a tip that can be pressed against the skin to perform skin treatment;</p>	<p data-bbox="521 726 1479 846">The MIRapeel comprises a handpiece configured to couple to a tip that can be pressed against the skin to perform skin treatment.</p> <p data-bbox="521 894 1479 1014">The eMIRamed website provides a photo of its MIRapeel system in use, showing the MIRapeel with a handpiece coupled to a tip that is pressed against the skin to perform skin treatment:</p>  <p data-bbox="542 1167 683 1199">Handpiece</p> <p data-bbox="1279 1266 1328 1297">Tip</p> <p data-bbox="1279 1356 1338 1388">Skin</p> <p data-bbox="521 1539 743 1577"><b>Exhibit 5</b> at 3.</p> <p data-bbox="521 1629 1442 1749">One of the handpieces attachments, the “MIRAbrador™” attachment, is made of two parts and is fixed to the end of the handpiece:</p>

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**Claim 1** **MIRapeel**



**Exhibit 7 at 2.**

The MIRapeel brochure pictures the handpiece assembly with a "Fractional Transbrasion™ Desquamating Attachment."

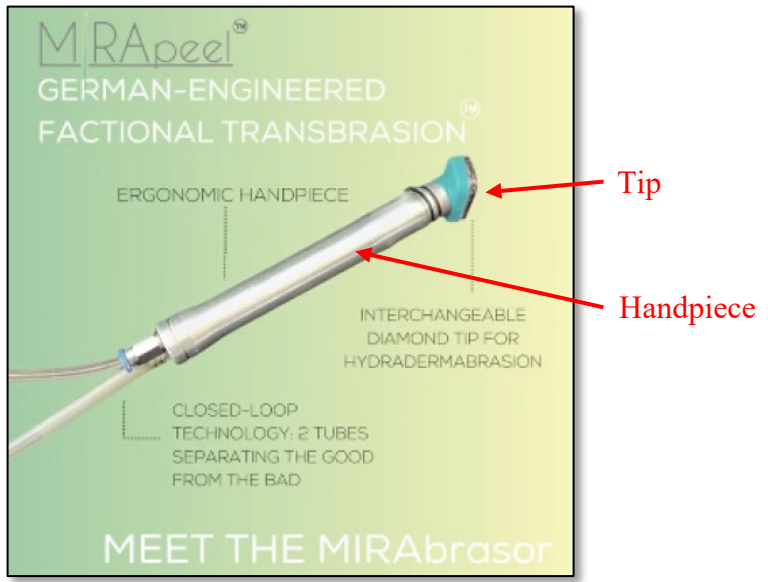


**Exhibit 8 at 2.**

A post on the MIRapeel Instagram page shows the handpiece coupled to a tip that presses against the skin during skin treatment:

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**Claim 1** **MIRapeel**



**Exhibit 11** at 1.

The MIRapeel video demonstrates that the handpiece couples to a tip, which presses against the skin during skin treatment:



**Exhibit 9** at 4.

[b][i] a supply line connected between the handpiece and the console for sequentially delivering treatment material to

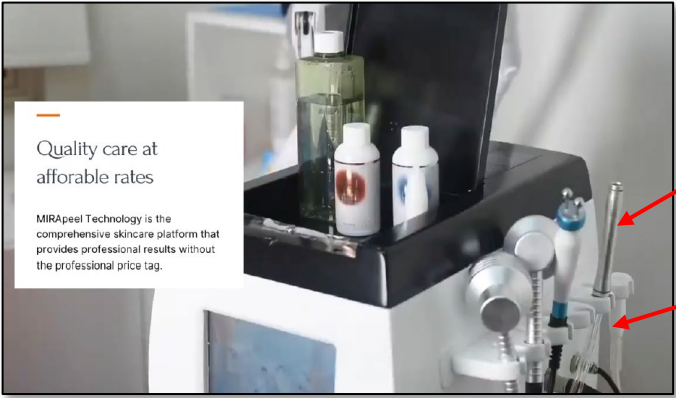
The MIRapeel comprises a supply line that is connected between the handpiece and the console for sequentially delivering treatment material to the handpiece from the first container or the second container.

The MIRamedtech website includes a photo of the MIRapeel system, showing the MIRapeel with a supply line connected between the handpiece and the console:

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<b>Claim 1</b>	<b>MIRapeel</b>
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the handpiece from the first container or the second container;



Handpiece  
Supply Line

**Exhibit 6** at 6.

The sequential delivery of treatment material to the handpiece from the first container or the second container occurs through the use of knobs located above the containers, which control the container from which the treatment fluid is drawn.



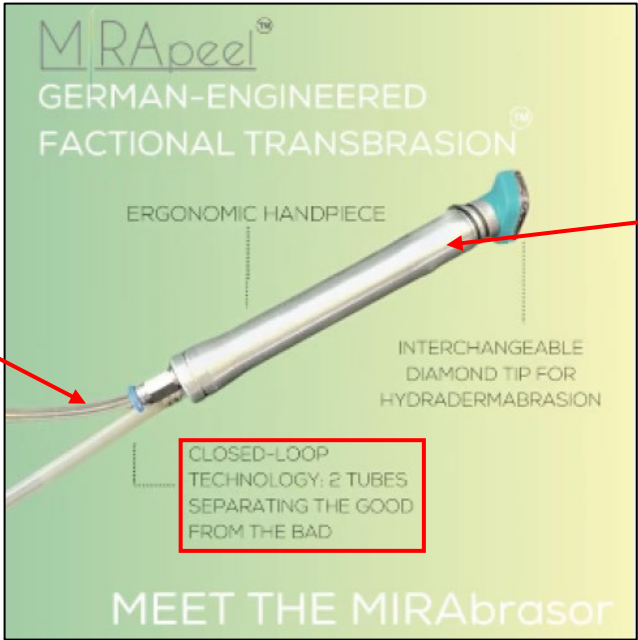
Knobs

Handpiece  
Supply Line

**Exhibit 5** at 1.

A post on the MIRapeel Instagram page describes how the MIRapeel has an “ergonomic handpiece” that uses “closed-loop technology: 2 tubes separating the good from the bad.”

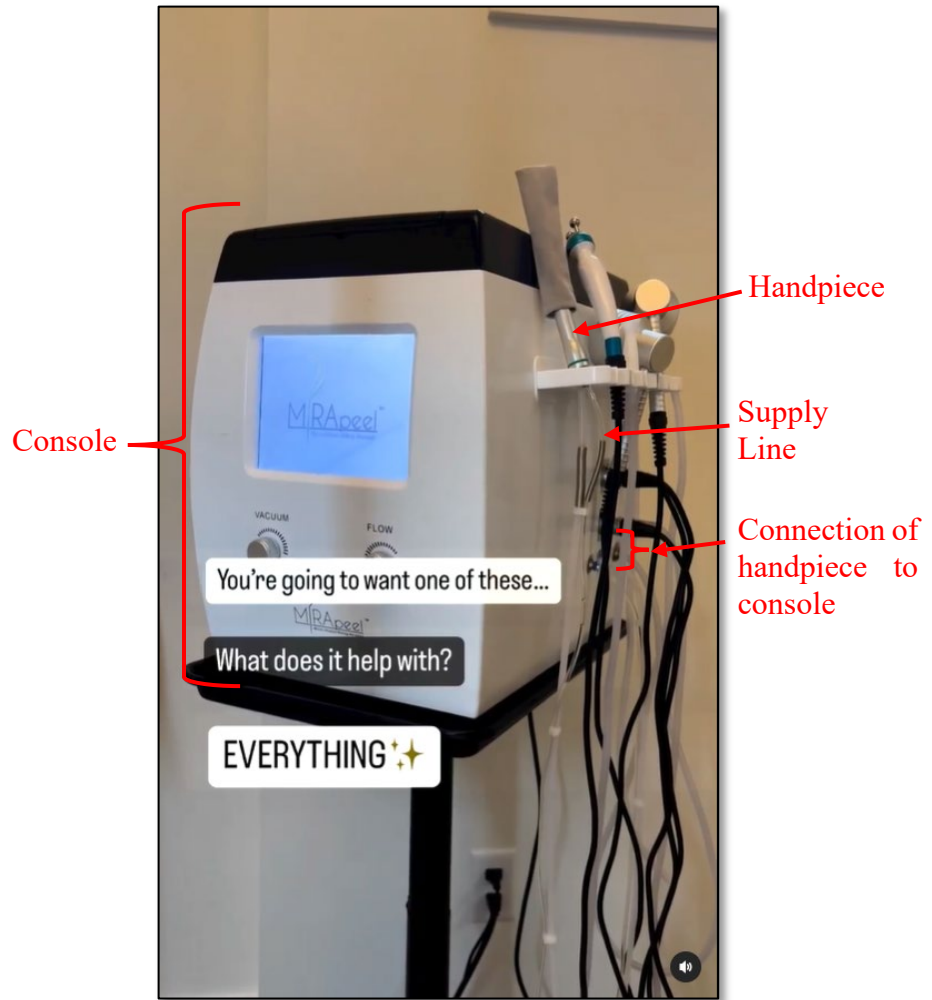
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Claim 1	MIRApeel
	 <p>The image is a product advertisement for MIRApeel. It features a central image of the handpiece and supply line against a light green and yellow background. Text labels include: 'MIRApeel™ GERMAN-ENGINEERED FACIAL TRANSBRASION™', 'ERGONOMIC HANDPIECE', 'INTERCHANGEABLE DIAMOND TIP FOR HYDRADERMABRASION', and 'CLOSED-LOOP TECHNOLOGY: 2 TUBES SEPARATING THE GOOD FROM THE BAD'. A red box highlights the 'CLOSED-LOOP TECHNOLOGY' text. Red arrows point from the text 'Supply Line' and 'Handpiece' to their respective parts in the image. At the bottom of the image, it says 'MEET THE MIRAbrasor'.</p> <p><b>Exhibit 11</b> at 1. The Instagram page further shows the number of serums that may be used during treatment:</p> <p>Another post on the MIRApeel Instagram page shows the supply line connected between the handpiece and the console:</p>



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**Claim 1** **MIRapeel**



**Exhibit 10** at 1.

The MIRapeel video shows a supply line connected between the handpiece and the console for delivering treatment material to the handpiece:

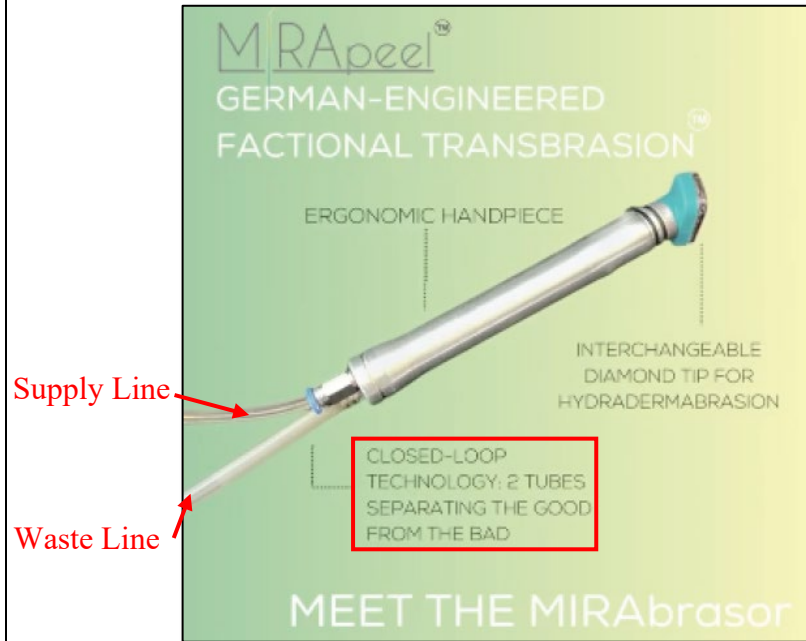


**Exhibit 9** (MIRapeel Video) at 3.

1 [c] a waste  
2 line  
3 connected  
4 between the  
5 handpiece  
6 and the  
7 console;  
8 and

The MIRApeel has a waste line connected between the handpiece and the console.

The MIRApeel Instagram page describes how the MIRApeel uses “closed-loop technology: 2 tubes [i.e., a supply line and a waste line] separating the good [i.e., serums through the supply line] from the bad [i.e., waste suctioned away from the skin through the waste line].”

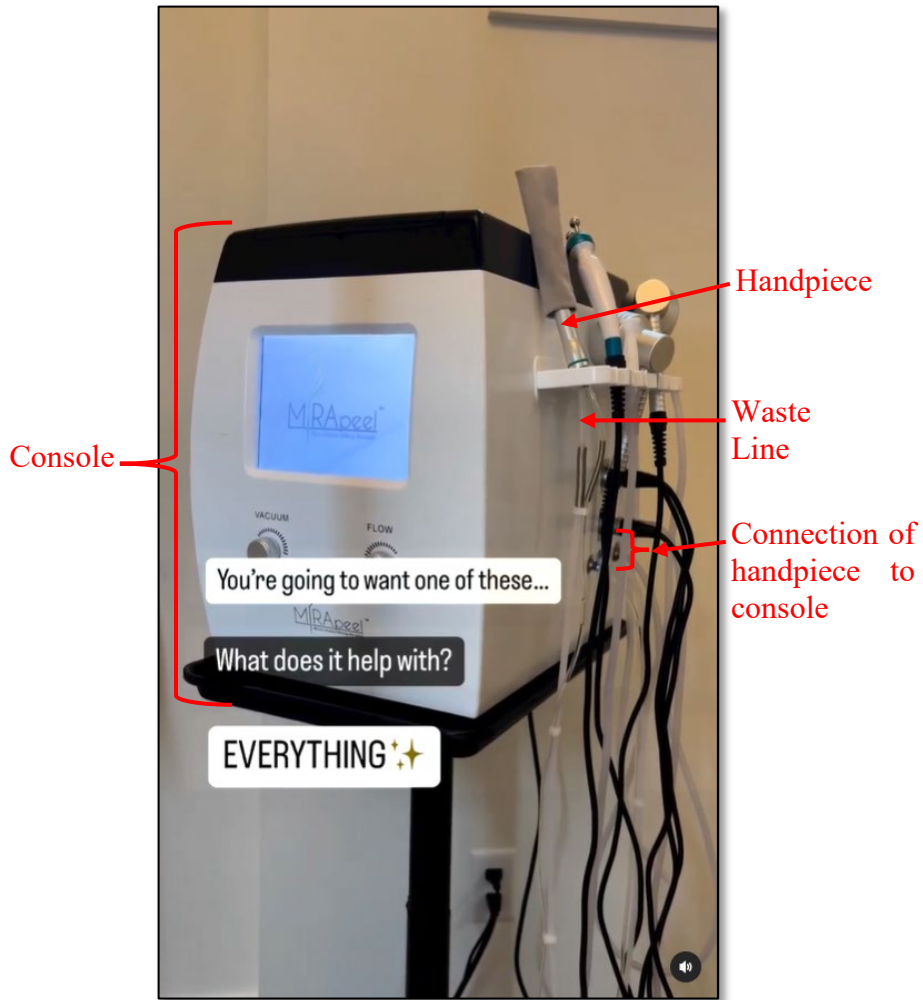


17 **Exhibit 11** at 1. Thus, the MIRApeel has a waste line  
18 connected between the handpiece and the console.

19 Another post on the MIRApeel Instagram page shows the waste  
20 line connected between the handpiece and the console:

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**Claim 1** **MIRapeel**



**Exhibit 10** at 1.

The MIRapeel video shows the MIRapeel system in use. During use of the MIRapeel system, the video demonstrates a waste line connected to a handpiece and transporting waste fluid back to the console:



**Exhibit 9** at 3.

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Claim 1	MIRApeel
<p>[d] a vacuum source configured to create a vacuum that draws waste material from the handpiece through the waste line for disposal</p>	<p>The MIRApeel has a vacuum source configured to create a vacuum that draws waste material from the handpiece through the waste line for disposal.</p> <p>The eMIRAMed website indicates that the MIRApeel has a vacuum source, as the MIRApeel has a “vacuum” knob on the console:</p> <div data-bbox="609 535 1469 1060" data-label="Image"> </div> <p><b>Exhibit 5</b> at 1; <i>see also</i> <b>Exhibit 6</b> at 1. The MIRAMedTech website, under its “How MIRA works” section, states that “[u]nlike traditional treatments, [the MIRA treatment] is performed with a device that combines <i>vacuum</i> with infusion of active ingredients deep into the skin.” <b>Exhibit 6</b> at 1 (emphasis added).</p> <p>A MIRApeel Instagram post shows the MIRAbrasor handpiece and describes the treatment as “utilizing a groundbreaking <i>vacuum-aided</i> hydrodermabrasion and microchanneling process” as well as “adjustable suction and serum for better extractions.”</p>

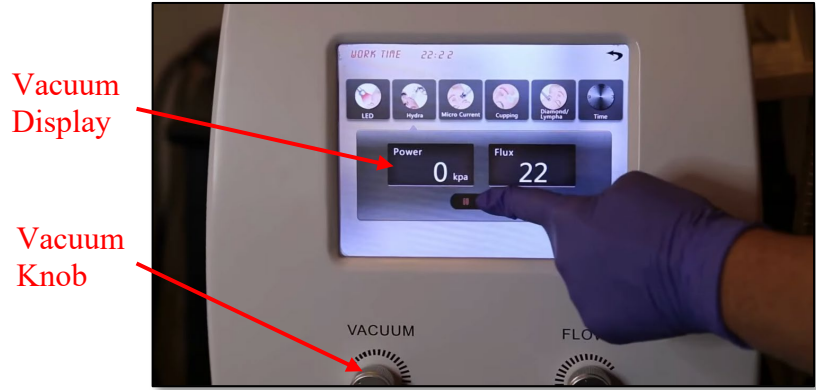
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**Claim 1** **MIRapeel**



**Exhibit 12** at 1. Posts on the MIRapeel Instagram page further describe how the MIRapeel uses “closed loop technology” that suctions waste away from the skin and into the waste jar for disposal. See limitation 1[c]. Thus, the vacuum source is configured to create a vacuum that draws waste material from the handpiece through the waste line for disposal.


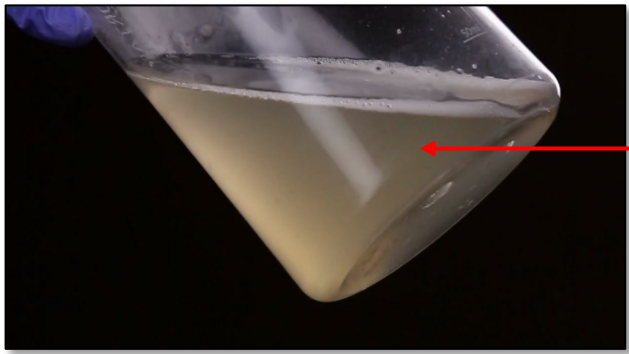
The MIRapeel video shows a knob on the MIRapeel used to control the vacuum source.



**Exhibit 9** at 3. As shown above, the MIRapeel displays the power of the vacuum when selected to the “Hydra” setting.

The MIRapeel video shows the MIRapeel system in use. During use of the MIRapeel system, the video demonstrates fluid moving away from the tip of the handpiece during a skin treatment procedure via tubing (the waste line).

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Claim 1	MIRApeel
	<p data-bbox="527 252 625 430">Supply Line Waste Line</p>  <p data-bbox="1323 325 1469 367">Handpiece</p> <p data-bbox="527 640 1485 766"><b>Exhibit 9</b> at 3. This fluid contains waste generated during the skin treatment procedure that is disposed in a waste container, as shown in the image below:</p>  <p data-bbox="1339 892 1469 955">Waste Container</p> <p data-bbox="527 1134 641 1176"><i>Id.</i> at 4.</p>



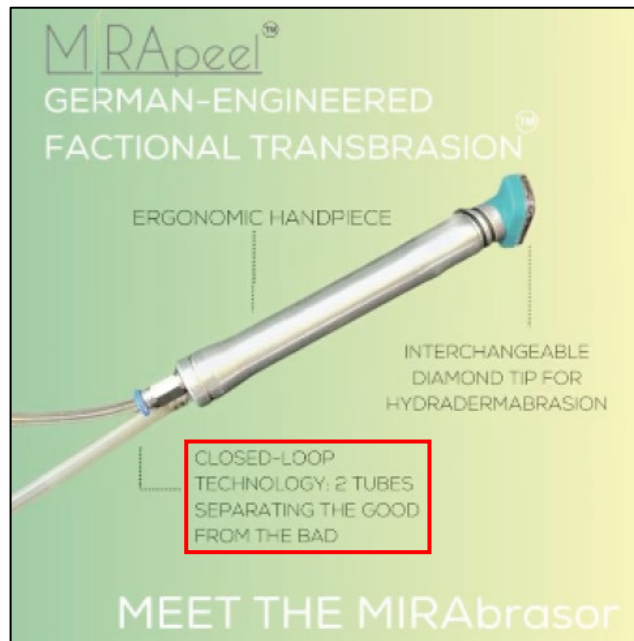
1 [d][i] that  
2 draws  
3 treatment  
4 material  
5 from either  
6 the first  
7 container or  
8 the second  
9 container to  
10 the  
11 handpiece  
12 when the tip  
13 is pressed  
14 against  
15 skin.

The vacuum source of the MIRapeel draws treatment material from either the first container or the second container to the handpiece when the tip is pressed against skin.


As explained above, the MIRapeel has a first container and a second container which contain treatment materials that are delivered to the skin through the tip of the handpiece. See limitations 1[a]–1[b][i]. As also explained above, the MIRapeel uses a vacuum in a closed circuit to infuse treatment materials into the skin through the tip of the handpiece while also suctioning away waste through the tip of the handpiece. See limitation 1[d], *supra*. Thus, the vacuum source of the MIRapeel draws treatment material from either the first container or the second container to the handpiece when the tip is pressed against skin.

The MIRAMedTech website describes “combin[ing] vacuum with infusion of active ingredients deep into the skin.” **Exhibit 6** at 1.

A post on the MIRapeel Instagram page describes how the MIRapeel uses “closed-loop technology: 2 tubes separating the good from the bad.”



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Claim 1	MIRApeel
	<p><b>Exhibit 11</b> at 1. Another post on the same Instagram page describes the “hydrodermabrasion and microchanneling process” using the handpiece assembly as “vacuum-aided.”</p>  <p><b>Exhibit 12</b> at 1. Since the “vacuum-assisted pressure” is generated by a “closed [] loop” system, the vacuum generated by the vacuum source both r draws waste material from the handpiece through the waste line for disposal and draws treatment material from either the first container or the second container to the handpiece when the tip is pressed against skin.</p>

74. Each of the Defendants MIRAMedtech Poland, MIRAMedtech Germany, and eMIRAMed is liable under 35 U.S.C. § 271(b) for actively inducing others to infringe the '607 Patent because, among other things, each of the Defendants has marketed, sold, and offered for sale, and continues to market, sell, and offer for sale, the accused hydrodermabrasion products 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 '607 Patent. See Exhibits 5 and 6. For example, upon information and belief, Defendants eMIRAMed and MIRAMedtech Germany provided and provide instructions and information to their customers and end users of the accused hydrodermabrasion products, encouraging assembly and use of the accused

1 hydrodermabrasion products in a manner that infringes the '607 Patent. *See, e.g.,*  
2 **Exhibit 13**; *see also Exhibit 21* (CEO of MIRAmtech showing “Step-by-Step  
3 procedure” for performing MIRApel treatment).

4 75. Further, customers and users have assembled and/or used the  
5 accused hydrodermabrasion products in a manner that infringes the '607 Patent  
6 (and continue to do so). *See Exhibit 9* (showing an end user of the MIRApel  
7 system); **Exhibit 21**; *see also Exhibit 13* (training webpage for MIRApel).

8 76. Each of the Defendants MIRAmtech Poland, MIRAmtech  
9 Germany, and eMIRAm is liable for contributory infringement under 35 U.S.C.  
10 § 271(c) because, among other things, each of the Defendants has sold or offered  
11 for sale, and continues to sell and/or offers for sale within the United States and/or  
12 has imported and continues to import into the United States, the accused  
13 hydrodermabrasion products constituting material parts of the invention of at least  
14 Claim 1 of the '607 Patent, that are not staple articles or commodities of  
15 commerce suitable for substantial non-infringing use. *See supra*; **Exhibits 5** and  
16 **6**. Each of the Defendants has and continues to so act, knowing that the accused  
17 hydrodermabrasion products are especially made for or adapted for use in an  
18 infringement of the '607 Patent. *See Exhibits 5–12*. Further, customers and users  
19 have assembled and/or used the accused hydrodermabrasion products in a manner  
20 that infringes the '607 Patent (and continue to do so). *See Exhibit 9* (showing an  
21 end user of the MIRApel system); **Exhibit 21**; *see also Exhibit 13* (training  
22 webpage for MIRApel).

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

27 78. Each of the Defendant's infringement has been and continues to be  
28 willful. Pursuant to 35 U.S.C. § 284, Plaintiff is entitled to damages for

1 Defendants' infringing acts and treble damages together with interests and costs  
2 as fixed by this Court.

3 79. This is an exceptional case. Pursuant to 35 U.S.C. § 285, Plaintiff is  
4 entitled to reasonable attorneys' fees for the necessity of bringing this action.

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

7 81. Unless enjoined by this Court, each of the Defendants will continue  
8 to infringe Plaintiff's patent rights and cause Plaintiff further irreparable injury.

9 **VIII. PRAYER FOR RELIEF**

10 **WHEREFORE**, Plaintiff HydraFacial prays for judgment in its favor and  
11 against Defendants for the following relief:

12 A. A judgment in favor of Plaintiff and against each of the Defendants  
13 on all claims alleged herein;

14 B. A judgment that each of the Defendants has infringed and continue  
15 to infringe the '052 Patent, '477 Patent, '287 Patent, and '607 Patent under 35  
16 U.S.C. § 271;

17 C. A preliminary and permanent injunction enjoining each of the  
18 Defendants, their officers, directors, agents, servants, employees, and attorneys,  
19 and those persons in active concert or participation with each of the Defendants,  
20 from (1) making, using, selling, offering to sell, and/or importing into the United  
21 States the MIRapeel system or inducing others to use them in an infringing  
22 manner, and (2) infringing the Asserted Patents in violation of 35 U.S.C. § 271;

23 D. An accounting of all of each of the Defendant's gains, profits, and  
24 advantages derived from each of their infringement of the Asserted Patents in  
25 violation of 35 U.S.C. § 271;

26 E. An Order that each of the Defendants pays to Plaintiff actual  
27 damages in the form of lost profits, or, in the alternative, other damages adequate  
28 to compensate for the infringement, but in no event less than a reasonable royalty

1 for the use made of the patented inventions by each of the Defendants, in  
2 accordance with 35 U.S.C. § 284;

3 F. An Order finding that Defendant’s infringement has been willful and  
4 trebling or otherwise increasing damages pursuant to 35 U.S.C. § 284 because of  
5 each of the Defendants’ willful infringement;

6 G. An Order finding this case exceptional under 35 U.S.C. § 285 and  
7 ordering each of the Defendants to pay Plaintiff its reasonable attorneys’ fees  
8 incurred in this action;

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

11 I. Such other and further relief as this Court may deem just and proper.  
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13 **IX. DEMAND FOR JURY TRIAL**

14 Plaintiff HydraFacial LLC hereby demands a trial by jury of all issues so  
15 triable.  
16

17 Respectfully submitted,

18 KNOBBE, MARTENS, OLSON & BEAR, LLP  
19

20 Dated: August 26, 2024

By: /s/ Ali S. Razai

21 Ali S. Razai  
22 Benjamin J. Everton  
23 Christian D. Boettcher

24 *Attorneys for Plaintiff Hydrafacial LLC*  
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