

South Korean Needle Operation Secures Patent Win At ITC

By **Andrew Karpan**

Law360 (December 20, 2024, 9:37 PM EST) -- The U.S. subsidiary of a South Korean dermatologist's needle business has convinced a judge at the U.S. International Trade Commission that several rivals in the marketplace for selling microneedles to plastic surgeons are infringing patents.

Administrative Law Judge MaryJoan McNamara sided Thursday with the infringement case from Serendia LLC, the California-based outpost of South Korean medical equipment manufacturer ViOL. Serendia had gone to the agency last year with an expansive complaint that targeted at least six groups of rival needle companies.

The finding from Judge McNamara will have to be approved by the full ITC before it takes effect. If it does, the ITC could issue an order banning the importation of the needles that infringe.

Following an evidentiary hearing last year, Judge McNamara had come down on Serendia's side against three of them: Jeisys Medical Inc., Cynosure LLC and EndyMed Medical Inc. All are involved in the business of supplying plastic surgeons. Jeisys is also based in South Korea, though was recently picked up by a French private equity company; Cynosure is a medical developer based in Massachusetts; and EndyMed is a clinic supplier based in New Jersey.

Serendia has also gone to federal court against both EndyMed Medical and Cynosure, both in Delaware, and where both actions have been held for the end of litigation at the ITC.

The larger legal fight is over patents covering ways of using "RF microneedling devices," according to a statement from Serendia lawyer **Kevin Wheeler of Latham & Watkins LLP**. "The company looks forward to seeing the market for RF microneedling devices continue to grow free from unlicensed competition."

"More bluntly, it's about beauty and youth," **Wheeler** told Judge McNamara in last year's hearing, according to a transcript. "It's skin resurfacing treatments that are intended to make the patient look younger and more beautiful. And as you can see here, on the screen, from these before and after photos, the modern techniques are quite effective, and it's becoming wildly popular as a result."

The modern techniques that Serendia had gone to the agency to litigate over were developed by Jongju Na, described by **Wheeler** at the hearing as "the chief doctor at multiple clinics," and "also the inventor of something called multiple growth factor, which is the use of microneedling to regrow hair." Na founded ViOL and then, later, Serendia. Through Serendia, he has a deal with the California company Benev, which sells Na's needle device under the brand name Sylfirm X.

The ruling from Judge McNamara indicated that this arrangement was enough to get through the agency's "domestic injury" requirements, which limits use of its judges to companies involved in making products in the U.S.

Representatives for the three companies left in the case did not return a request for comment.

The patents-at-issue are U.S. Patent Nos. 9,320,536; 9,480,836; 9,775,774; and 10,869,812.

Serendia is represented by **Kevin Wheeler, Charles Sanders, Michael David, Cecilia Peniza, Gabriel Bell, Bradley Hyde, Benjamin Behrendt, Hannah Fan, Franco Benyamin, Nicole Elena Bruner and Daniel Ripley McNeely** of **Latham & Watkins LLP**.

Lutronic is represented by Richard V. Wells, Christine M. Streatfeild, Graham Cronogue, Aaron Lines, James S. Blank and Dorian Ojemen of Baker McKenzie LLP.

Ilooda and Cutera are represented by Brian R. Nester, Robert T. Haslam, Anupam Sharma, Daniel E. Valencia, W. Kiersten Choi, Daniel J. Farnoly and Yong Joon Kwon of Covington & Burling LLP.

EndyMed is represented by David A. Loewenstein, Guy Yonay, Clyde A. Shuman and Kyle Auteri of Pearl Cohen Zedek Latzer Baratz LLP.

Jeisys and Cynosure are represented by Brian C. Rupp, David M. Airan and James W. Sanner of Leydig Voit & Mayer Ltd. and Paul M. Bartkowski of Bartkowski PLLC.

Rohrer Aesthetics is represented by Kenneth Sheehan, Lesley McCall Grossberg and Jacqueline M. Lesser of Ice Miller LLP.

Sung Hwan is represented by Steven J. Corr, Ryan B. McCrum, Yeah-Sil Moon, Marlee R. Hartenstein and Laura M. Kanouse of Jones Day.

The case is In the Matter of: Certain Dermatological Treatment Devices and Components Thereof, case number 337-TA-1356, before the U.S. International Trade Commission.

--Editing by Andrew Cohen.