

Latham & Watkins Successfully Defend Patents at the ITC for Cosmetic Devices

By Adolfo Pesquera

December 20, 2024

What You Need to Know

- Serendia Inc. succeeded in defending four patents used for radio frequency microneedling devices.
- An administrative law judge at the U.S. International Trade Commission recommended relief for Serendia that affects one group of defendants.
- **Latham & Watkins** represented Serendia and a trial took place in November-December 2023.

An administrative law judge on Thursday ruled that four companies violated the Tariff Act of 1930, finding they infringed on four patents used for novel radio frequency microneedling medical devices.

Latham & Watkins attorneys secured the win for Serendia LLC, which acted to protect its partners, ViOL Co. Ltd. and Benev Co. Inc.

Mary Joan McNamara, the presiding administrative law judge for the U.S. International Trade Commission in Washington, D.C., [issued an "initial determination,"](#) finding the asserted patents valid and were violated by respondents Jeisys Medical Ltd., Cynosure



Demonstrations of RF microneedling, a non-invasive cosmetic procedure for smoothing the skin.

LLC, EndyMed Medical Ltd., and EnyMed Medical Inc.

McNamara recommended a limited exclusion order with a standard certification provision; cease and desist orders against Cynosure and EndyMed; and that a bond be entered during the presidential review period.

McNamara noted in a footnote that the parties on Dec. 9 filed a joint unopposed motion to suspend remaining procedural schedule deadlines in the investigation because of a pending motion to terminate Jeisys and

Cynosure due to a settlement. The motion to suspend was granted Dec. 10.

However, because the actual termination would not be addressed by the commission by the time McNamara's determination was issued, Jeisys and Cynosure were not deleted from her ruling, she noted.

"Once their motion to terminate has been addressed by the commission ... Jeisys and Cynosure's accused products will no longer be at issue in this investigation," McNamara said.

Only the EndyMed respondents remain subject to the determination. Those entities are represented by intellectual property attorney Guy Yonay of Pearl Cohen Zedek Latzer Baratz in New York. Yonay did not immediately respond to a request for comment.

Serendia's counsel, **Kevin Wheeler** of **Latham & Watkins**, said, "We appreciate the Administrative Law Judge's thorough review and are pleased with her well-reasoned decision, finding that numerous competitors infringed upon Serendia's four U.S. Patents. The company looks forward to seeing the market for RF microneedling devices continue to grow free from unlicensed competition."

RF microneedling is a minimally invasive cosmetic procedure that uses radiofrequency energy and microneedling to improve skin texture and firmness.

According to the petitioner's complaint, filed March 1, 2023, Serendia sought to prevent a loss estimated in the hundreds of millions annually from infringing RF microneedling devices coming into the country.

Serendia asserted that Dr. Jongju Na—a dermatologist, researcher and inventor—developed the patented technology. Na commercialized his technology in South Korea and competitors around the world soon began implementing his inventions in their products.

Na assigned his patents to Serendia, and **Latham** took the case to ensure competitors obtained the necessary licenses.

A trial was held at the commission in November and December 2023, with Serendia choosing to assert infringement on four of the original six patents cited in its complaint.

After the trial and prior to McNamara's initial determination, all but one of the original 10 respondents agreed to settle and take license to the asserted patents.

The **Latham** team also included partners **Charles Sanders**, **Michael David**, **Cecilia Peniza**, and **Gabriel Bell**, associates **Bradley Hyde**, **Benjamin Behrendt**, **Hannah Fan**, **Franco Benyamin**, and **Nicole Elena Bruner**, and patent litigation attorney **Daniel Ripley McNeely**.