

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN

EDGE SYSTEMS LLC, dba THE  
HYDRAFACIAL COMPANY

Plaintiff,

v.

Case No.  
Hon.

MICHIGAN BODY CONTOURS  
& COSMETICS, LLC, dba MI BODY  
CONTOURS & COSMETICS

Defendant.

\_\_\_\_\_ /

**COMPLAINT FOR TRADEMARK INFRINGEMENT AND  
UNFAIR COMPETITION (INJUNCTIVE RELIEF SOUGHT)**

Plaintiff Edge Systems LLC, dba The HydraFacial Company  
("HydraFacial"), for its complaint against Defendant Michigan Body Contours &  
Cosmetics, LLC, dba MI Body Contours & Cosmetics ("MI Body Contours"),  
hereby alleges as follows:

**JURISDICTION AND VENUE**

1. HydraFacial's claims arise under the Trademark Act of 1946 (the  
Lanham Act), as amended by the Trademark Dilution Revision Act of 2006  
(15 U.S.C. §§ 1051, et seq.). This Court has jurisdiction over such claims pursuant

to 28 U.S.C. §§ 1338 (a) and 1338 (b) (trademark and unfair competition), 28 U.S.C. § 1331 (federal question) and 15 U.S.C. § 1121 (Lanham Act). This Court has supplemental jurisdiction over the remaining state law claims under 28 U.S.C. § 1367.

2. HydraFacial is informed and believes that venue is proper in this Court under 28 U.S.C. § 1391(b) because MI Body Contours transacts affairs in this district and because a substantial part of the events giving rise to the claims asserted arose in this district.

### **PARTIES**

3. HydraFacial is a California Limited Liability Company with its principal place of business at 2165 E. Spring Street, Long Beach, CA 90806. Operating since approximately 1997, HydraFacial is one of the companies most recognized and best known in the world for “hydrodermabrasion” products and services. HydraFacial researches, develops, manufactures, markets, licenses, and sells a variety of hydrodermabrasion methods, equipment, services, and products, including its well-known HYDRAFACIAL<sup>®</sup> branded products and services, as well as other skincare methods, services, and products.

4. HydraFacial is informed and believes that defendant, MI Body Contours, is a Michigan LLC headquartered at 17000 Executive Drive Plaza, Suite 204, Dearborn MI 48126, having as its resident agent Nouhad Bazzi.

5. On information and belief, MI Body Contours offers and performs cosmetic surgery and non-invasive cosmetic and aesthetician services and products, including facials and facial treatments, in Dearborn, Michigan, in this judicial district. MI Body Contours is responsible for the wrongful conduct alleged in this Complaint.

### **FACTS AND ALLEGATIONS COMMON TO ALL CLAIMS**

#### **HydraFacial's "HydraFacial" Trademark**

6. HydraFacial distinguishes and identifies its hydrodermabrasion equipment and services, and related products, with its HYDRAFACIAL Marks. It does business under its "The HydraFacial Company" and "HydraFacial" tradenames. For many years prior to the events giving rise to this Complaint and continuing into the present, HydraFacial spent great amounts of time, money, and effort advertising and promoting its products and services under its HYDRAFACIAL Marks. HydraFacial's hydrodermabrasion equipment and related serums are offered and sold on a massive scale all over the world, including throughout the United States and in Michigan, all under HydraFacial's

HYDRAFACIAL Marks. Through its investments and sales volumes, HydraFacial has created considerable goodwill and a reputation for high-quality products, methods, and technology. For long over a decade, HydraFacial continuously has used its HYDRAFACIAL Marks to distinguish its hydrodermabrasion products and services.

7. HydraFacial owns patented technologies, methods, and machines for “controlled removal of epidermal layers” and “methods for treating the skin using vacuum,” which are shown in United States Patent Nos. 6641591, 7678120, 7789886, 8066716, 8337513, and 9468464, among others. HydraFacial licenses its HYDRAFACIAL Marks to aestheticians who purchase HydraFacial’s patented equipment and use it properly with HydraFacial’s related products and serums. HydraFacial strictly controls the use by licensees of its HYDRAFACIAL trademark and requires that its licensees meet and maintain its high standards for the quality of services, methods, products, and practices, among other requirements.

8. Many of HydraFacial’s trademarks are federally registered; all are in full force and effect, valid and protectable, and exclusively owned by HydraFacial. HydraFacial continuously has used each of its trademarks, from the registration

date or earlier, until the present and during all time periods relevant to HydraFacial's claims.

9. HydraFacial owns, among others, the following United States Registrations for its trademarks, attached as Exhibit A the "Hydrafacial Registrations"). Some of these registrations have become incontestable under the provisions of 15 U.S.C. § 1065.

- a. Registration No. 4,317,059 for HYDRAFACIAL (first use August 12, 2005; Sections 8 and 15 accepted and acknowledged June 27, 2018);
- b. Registration No. 4,738,970 for HYDRAFACIAL (first use May 17, 2005; Sections 8 and 15 accepted and acknowledged August 14, 2020);
- c. Registration No. 3,341,027 for HYDRAFACIAL MD (first use February 15, 2005; registered May 19, 2015);
- d. Registration No. 4,738,971 for HYDRAFACIAL MD (first use May 17, 2005; registered May 19, 2015);
- e. Registration No. 5,012,576 for HYDRAFACIAL MD CTGF (first use February 6, 2005; registered August 2, 2016);

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