

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

ALLERGAN, INC., ALLERGAN LIMITED, ALLERGAN USA, INC.,  
ZELTIQ AESTHETICS, INC., ZELTIQ IRELAND UNLIMITED  
COMPANY, AND REMED CO. LTD.,  
Petitioners,

v.

BTL HEALTHCARE TECHNOLOGIES A.S.,<sup>1</sup>  
Patent Owner.

---

PGR2021-00020  
Patent 10,695,575 B1

---

Before JOSIAH C. COCKS, BARBARA A. PARVIS, and DAVID COTTA,  
*Administrative Patent Judges.*

COTTA, *Administrative Patent Judge.*

DECISION  
Denying Institution of Post-Grant Review  
35 U.S.C. § 324

---

<sup>1</sup> Further to Patent Owner's request, we have changed the case caption to reflect that former patent owner BLT Medical Technologies S.R.O assigned the '575 patent to BLT Healthcare Technologies A.S. Ex. 3002.

## I. INTRODUCTION

Allergan, Inc., Allergan Limited, Allergan USA, Inc., Zeltiq Aesthetics, Inc., Zeltiq Ireland Unlimited Company, and Remed Co. Ltd. (collectively, “Petitioner”) filed a Petition (Paper 1 (“Pet.”)) requesting post-grant review of claims 1–29 (“the challenged claims”) of U.S. Patent No. 10,695,575 B1 (Ex. 1004, “the ’575 Patent”). The predecessor in interest of BLT Healthcare Technologies A.S. (“Patent Owner”), BTL Medical Technologies S.R.O., filed a Preliminary Response. Paper 8 (“Prelim. Resp.”). With our authorization (Paper 9), Petitioner filed a Reply to Patent Owner’s Preliminary Response (Paper 10) and Patent Owner filed a Sur-Reply to Petitioner’s Reply (Paper 13).

After considering the Petition, the Preliminary Response, Petitioner’s Reply, and Patent Owner’s Sur-Reply, as well as all supporting evidence, we determine the Petition does not demonstrate that it is more likely than not that at least one of the challenged claims of the ’575 patent is unpatentable. 35 U.S.C. § 324(a). Thus, we do not institute post-grant review of the challenged claims of the ’575 Patent.

## II. BACKGROUND

### A. *Real Parties-in-Interest*

Petitioner identifies as the real parties-in-interest the following: AbbVie Inc., Allergan, Inc., Allergan Limited, Allergan USA, Inc., Zeltiq Aesthetics, Inc., Zeltiq Ireland Unlimited Company, and Remed Co. Ltd. Pet. 92. Patent Owner names itself, BTL Industries, Inc., and BLT Medical Technologies S.R.O. as the real parties-in-interest. Paper 15, 1.

### B. *Related Matters*

As required by 37 C.F.R. § 42.8(b)(2), each party identifies a judicial matter that would affect, or be affected by, a decision in this proceeding. In

particular, the parties inform us that the '575 Patent is asserted in the following district court case: *BTL Industries, Inc. v. Allergen Ltd.*, Case No. 1-20-cv-01046 (D. Del.) (“parallel district court proceeding”), which was filed August 5, 2020 and is stayed. Pet. 92–93; Paper 5, 2. The parties additionally identify the following proceeding as a related matter: Certain Non-Invasive Aesthetic Body Contouring Devices, Components Thereof, and Methods of Using the Same, Inv. No. 337-TA-1219 (ITC), filed August 5, 2020 (“the ITC proceeding”). Pet. 92–93; Paper 5, 2.

The '575 Patent is also the subject of PGR2021-00021. Paper 3, 1; Paper 5, 1. The instant Petition is the first ranked Petition. Paper 3, 1.

Petitioner also has filed contemporaneously petitions for *inter partes* review as follows: (1) a petition for *inter partes* review of U.S. Patent No. 10,493,293 (IPR2021-00296); and (2) a petition for *inter partes* review of U.S. Patent No. 10,478,634 (IPR2021-00312). Petitioner further has filed contemporaneously petitions for post grant review of U.S. Patent No. 10,709,895 (PGR2021-00015 and PGR2021-00016); U.S. Patent No. 10,632,321 (PGR2021-00017 and PGR2021-00018); U.S. Patent No. 10,709,894 (PGR2021-00022 and PGR2021-00023); and U.S. Patent No. 10,695,576 (PGR2021-00024 and PGR2021-00025). Paper 5, 2.

### C. The '575 Patent

The '575 Patent relates to “device[s] and methods using the influence of magnetic and induced electric field on biological structure.” Ex. 1004, 1:53–55. A circuit for “providing high power pulses to the stimulating magnetic field generating device” is shown in Figure 5b, reproduced below. *Id.* at 14:31–33.

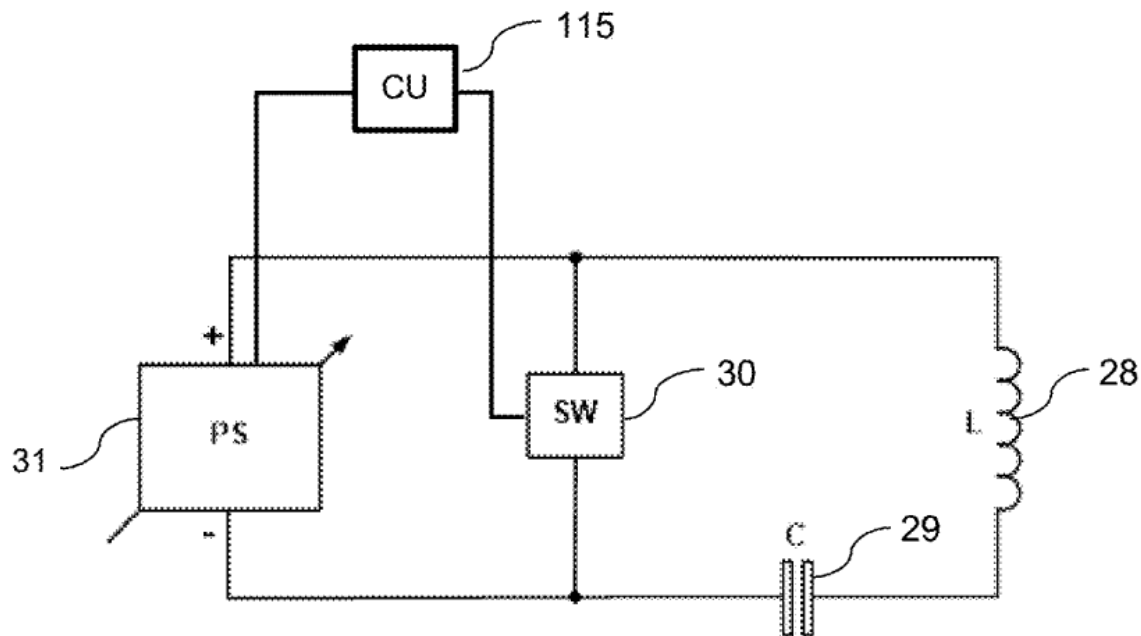


Figure 5b

Figure 5b, above, shows a “circuit for providing high power pulses for improved function of a treatment device.” *Id.* at 15:8–9. Figure 5b includes “magnetic field generating device 28 and energy storage device 29 . . . connected in series and disposed in parallel to switch 30.” *Id.* at 15:9–12. “To provide an energy pulse, controlled shorting of energy source 31 takes place through the switch 30.” *Id.* at 15:12–15. “[E]nergy source 31” or “switch 30,” or alternately both, “may be regulated by control unit 115. *Id.* at 15:23–26.

An “exemplary embodiment” of a “magnetic treatment device including two independent magnetic field generating circuits” is shown in Figure 12, reproduced below. *Id.* at 20:48–50.

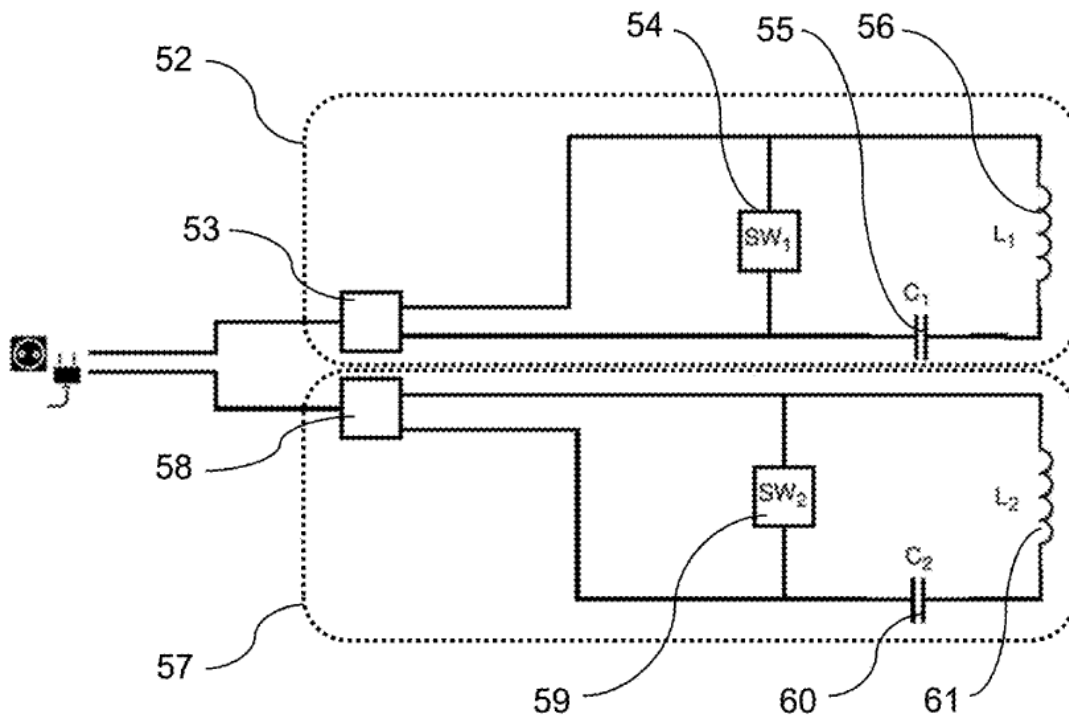


Figure 12

Figure 12, above, shows “an exemplary embodiment of the magnetic treatment device including two independent magnetic field generating circuits.” *Id.* at 20:48–50. The circuit shown in Figure 12 includes magnetic field generating circuit 52 and magnetic field generating circuit 57. *Id.* at Fig. 12, 20:47–56. Magnetic field generating circuit 52 includes “energy source 53, switching device 54, energy storage device 55, and magnetic field generating device 56.” *Id.* at 20:50–53. Magnetic field generating circuit 57 includes “energy source 58, switching device 59, energy storage device 60, and magnetic field generating device 61.” *Id.* at 20:53–56. A control unit controls provides energy from the energy storage devices to the coils to generate magnetic impulses by the coils. *Id.* at 21:14–17.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.