

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

SINCLAIR PHARMA LIMITED, SINCLAIR PHARMA US, INC., VIORA,
INC., EMA AESTHETICS, LTD., AESTHETIC MANAGEMENT
PARTNERS, LLC, AND AESTHETIC MANAGEMENT PARTNERS, INC.,
Petitioner

v.

HYDRAFACIAL LLC,
Patent Owner.

Patent No. 11,865,287 to Ignon *et al.*
Issue Date: January 9, 2024
Title: Devices and methods for treating skin

Case No. IPR2025-00145
Patent No. 11,865,287

**DECLARATION OF HAROLD J. WALBRINK IN SUPPORT OF
PETITION FOR INTER PARTES REVIEW OF CLAIMS 1–12, 14–20, 22–
26, 28–37, and 39–45 OF U.S. PATENT NO. 11,865,287 UNDER 35 U.S.C.
§§ 311-319 AND 37 C.F.R. §§ 42.100 ET SEQ.**

Sinclair Pharma et al.
EUSUNG 1028

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	QUALIFICATIONS.....	1
III.	MATERIALS AND OTHER INFORMATION CONSIDERED	4
IV.	SUMMARY OF MY OPINIONS.....	4
V.	CONCLUSION	5

1. I, Harold Walbrink, of Laguna Niguel, California, declare that:

I. INTRODUCTION

2. I have been retained by Sinclair Pharma Limited, Sinclair Pharma US, Inc., Viora, Inc., EMA Aesthetics, Ltd., Aesthetic Management Partners, LLC, and Aesthetic Management Partners, Inc. (collectively “Petitioner”) to provide this declaration concerning the technical subject matter relevant to a petition for *inter partes* review of U.S. Patent No. 11,865,287 (“’287 patent”).

3. Specifically, I was asked to review the declaration of Eric Simon that was submitted by the petitioner in IPR2024-01491 as Exhibit 1003 and form an opinion of whether I agreed with the facts, analysis, and conclusions in that declaration.

II. QUALIFICATIONS

4. I am the Founder and Chief Executive Officer of Xinetix, Inc. in Laguna Niguel, California. Xinetix is a business and technology development consulting company providing product development services to startup and mid-tier medical device companies. As the Chief Executive Officer, I have provided both technical management and product design services to client companies.

5. I received my Bachelor of Science degree in engineering from California State University, Fullerton, with an emphasis on electrical engineering. I

later took coursework towards a certificate in microprocessor systems engineering at the University of California, Irvine.

6. From 2007 to 2010, I served as a senior partner in Business Catalytics, LLC in Laguna Hills, California. In this role, I headed up the research and development and manufacturing process focused activities.

7. I served in a variety of electrical engineering roles from 1971 to 1983. These roles were focused in the areas of communications, control systems, and imaging with several aerospace and commercial companies.

8. From 1983 to 1999, I served as the director of research and development for surgical instrumentation at Alcon Surgical in Irvine, California. In this role I designed and developed innovative ophthalmic surgical instrumentation, devices, and disposable products.

9. From 1990 to 1995, I worked in various roles at Birtcher Medical Systems in Irvine, California. I managed product design activities for a diverse range of product technologies including radiofrequency electrosurgical, video endoscopy, surgical instruments, electrocardiogram, Doppler ultrasound, and physical therapy devices.

10. From 1999 to 2003, I worked as the Chief Operating Officer, Executive Vice President, and General Manager of Newport Medical Instruments in Costa

Mesa, California. In this role I developed an advanced generation critical care ventilator product platform.

11. I have also served in a variety of interim management positions between 1995 and 2016. These included several research and development roles and senior leadership roles for a variety of medical technology companies.

12. I have over 40 years of product design and development within the healthcare, commercial, and aerospace industries. My experience ranges from company chairman to hands-on engineering. I am a recognized authority on medical device design in the areas of ophthalmology, electrosurgery, and respiratory care.

13. I have completed over fifty new product design and development projects. I am a named inventor on nine U.S. medical device patents.

14. Additional information regarding my education and technical experience is included in my Curriculum Vitae, which is attached to this Report as Exhibit A.

15. I am being compensated at my usual consulting rate of \$585 per hour for my consulting services in consulting on this matter. I am also being reimbursed for all reasonable expenses incurred due to this matter. No part of my compensation is contingent upon the nature of my findings, the presentation of my findings in testimony, or the outcome of this matter, and I have no interest in the matter or with either party.

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.