

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

OXYLABS, UAB,
Petitioner

v.

BRIGHT DATA LTD.
Patent Owner

Declaration of Anthony M. Garza
Exhibit 1037

I, Anthony M. Garza, declare as follows:

1. I am over the age of twenty-one and have never been convicted of any felony. I have personal knowledge of the following facts and statements in this declaration and, if called as a witness, I could and would testify competently thereto.

2. I am an attorney with Charhon Callahan Robson & Garza PLLC. I represent Oxylabs in the instant matter.

3. In signing this declaration, I understand that the declaration will be filed as evidence in a contested case before the Patent Trial and Appeal Board of the United States Patent and Trademark Office.

4. EX1009 is a true and correct copy of a database entry for a dissertation entitled “Perspective Access Networks” that I downloaded from the ProQuest SciTech Premium Collection database.

5. EX1010 is a true and correct copy of pages from Dissertation Abstracts International B, Vol. 65, No. 5, Nov. 2004, that I received from a librarian at the New York Public Library.

6. EX1011 is a true and correct copy of a paper entitled “Design of a blocking-resistant anonymity system” that I downloaded from the Tor project’s collection of technical papers (shown at EX1012).

7. EX1013 and EX1014 are true and correct copies of a screenshots I took from the Internet Archive’s Wayback Machine’s results for the URL listed on EX1013: afs.eecs.harvard.edu/~goodell/thesis.pdf

8. EX1018 is a true and correct copy of a screenshot I took from the Internet Archive’s Wayback Machine’s results for the URL listed on EX1018: <http://afs.eecs.harvard.edu/~goodell/blossom/bib/author.html>

9. EX1019 is a true and correct copy of a screenshot I took from the Internet Archive’s Wayback Machine’s results for the URL listed on EX1019: <http://afs.eecs.harvard.edu/~goodell/blossom/bib/author.html>

10. EX1020 is a true and correct copy of a screenshot I took from the Internet Archive’s Wayback Machine’s results for the URL listed on EX1020: <http://afs.eecs.harvard.edu/~goodell/blossom/>

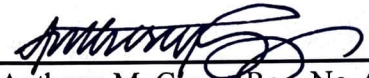
11. EX1017 is a true and correct copy of a screenshot I took from a search on Google Scholar for the dissertation “Perspective Access Networks.”

12. Because of the *Bright Data* district-court litigation, Petitioner Oxylabs engaged a second prior-art search. Petitioner expanded that search to include *product* art useable in a district-court case. One result of this search was Blossom, software written by Geoffrey Goodell, which I learned of on May 22, 2023. After I learned of Blossom, on behalf of the Petitioner, I searched for works by its author, and thereby located (in early June 2023) the Goodell dissertation “Perspective Access Networks.” Petitioner Oxylabs relies on both Blossom and Goodell in the *Bright Data* litigation. After discovering the Goodell dissertation—found as a result of the district-court prior-art search—Petitioner Oxylabs shifted its prior-art theories to focus on Goodell in this IPR petition (rather than the *Ling* and *Goldstein* references used in the prior IPR petition).

13. I declare that all statements made herein of my knowledge are true, that all statements made on information and belief are believed to be true, and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

14. I declare under penalty of perjury that the foregoing is true and correct.

15 Sept 2023


Anthony M. Garza (Reg. No. 57,334)