

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

OXYLABS, UAB,
Petitioner

v.

BRIGHT DATA LTD.,
Patent Owner

Case IPR2023-01425
Patent 11,206,317

**REPLY IN SUPPORT OF PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 11,206,317**

Oxylabs' Petition included a *Sotera*-style stipulation, as contemplated by the Vidal Memorandum. Pet., 56, 58; EX1030, 3, 9. The stipulation includes the Goodell thesis (the sole reference at issue, EX1005), but does not include the Blossom system, a prior-art **system** that Oxylabs cannot raise here.

The PTAB has repeatedly held that a *Sotera*-style stipulation precludes discretionary denial under *Finitiv*.¹ Bright Data responds, without citing any legal support, that the factual similarities between Goodell and the Blossom system undermine Oxylabs' stipulation, leading to "duplicative efforts and risks [of] conflicting decisions." See POPR at 22-23, 26, 28.

The PTAB has rejected this argument as a matter of law. See *Meta Platforms, Inc. v. Eight KHZ, LLC*, IPR2023-01021, Paper 9, 6-8, 2024 WL 106695, at *3 (Jan. 9, 2024) (system art did not undermine *Sotera*-style stipulation); *Boston Sci. Corp. v. Nevro Corp.*, IPR2020-01563, Paper 14, 24-26, 2021 WL 1011487, at *12 (Mar. 16, 2021) (same). Further, as a factual matter, Oxylabs demonstrates, below, that (i) Goodell is much broader than its discussion of Blossom, and the Petition's arguments rely extensively on non-Blossom disclosures, and (ii) the Blossom evidence available in district court is not limited to Goodell's disclosures. The factual

¹ See, e.g., *BMW v. Northstar Sys. LLC*, IPR2023-01190, Paper 10, 10-11, 2024 WL 209742, at *4 (Jan. 19, 2024); *Samsung Elecs. Co. v. Resonant Sys.*, IPR2023-00992, Paper 16, 15, 2024 WL 116646, at *5-6 (Jan. 10, 2024); *Cellco P'ship v. Gen. Access Sol'ns, Ltd.*, IPR2023-01147, Paper 14, 9-10, 2024 WL 99838, at *3-4 (Jan. 9, 2024).

distinctions between Goodell and the expected Blossom district-court evidence support the conclusion that Oxylabs' *Sotera*-style stipulation "mitigates concerns of potentially conflicting decisions and duplicative efforts." EX1030, 7.

Goodell is not limited to Blossom. Goodell describes "Perspective Access Networks" (PANs), an "infrastructure from which users can specify the location from which they wish to view the internet." EX1005, Abstract. The thesis describes theoretical benefits of PANs (*id.*, 23-27), high-level theoretical overviews of PANs (*id.*, 28-42, 73-109, 133-189), prior-art work relating to PANs, such as Tor (*id.*, 44-72), the "special characteristics" of Blossom, a "prototype implementation" of PANs (*id.*, 109-110), and "practical applications" of PANs using "present-day scenarios" (*id.* 125-132). While Blossom is a PAN, not all PANs are Blossom—Blossom was a "proof-of-concept implementation" described in the thesis, *id.*, 110.

The analysis in the Petition confirms this distinction. For example, the [1.1] analysis provides evidence for "both Blossom and [PANs] more generally." Pet., 35. The [1.2] analysis, however, does *not* cite to Blossom-specific evidence, but to evidence pertaining to PANs generally. *Id.*, 36-37. The [1.3] analysis identifies three ways the claim term is satisfied—none rely on Blossom. *Id.*, 38-41. For the Petition's purposes, Goodell is much broader than its treatment of Blossom, and the discussion of the non-Blossom aspects of Goodell form the backbone of the Petition's analysis.

Blossom is not limited to Goodell. The record includes a few types of Blossom evidence available in the district court, including screenshots (EX1015), contemporaneous descriptions (EX1016), and academic treatment (EX1011, 5, 17). In the related litigation, Oxylabs may also submit Blossom source code, expert testimony, and inventor testimony (*e.g.*, EX1033) that could show how Blossom’s structure and function have changed over time. As such, before the district court, Oxylabs may present a complete view of Blossom that is unavailable using only Goodell’s snapshot-in-time, limited description.

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In sum, (i) as a matter of law, the Blossom system does not undermine Oxylabs’ *Sotera*-style stipulation, and, (ii) as a matter of fact, the Blossom factual presentation expected in the district court does not overwhelmingly overlap with the Petition’s analysis of Goodell. Despite Blossom, the Board should find that Oxylabs’ stipulation “mitigates concerns of potentially conflicting decisions and duplicative efforts.” EX1030, 7.

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Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e) and 37 C.F.R. § 42.105(a), the undersigned certifies that on January 31, 2024, a complete copy of this Reply in Support of Petition for Inter Partes Review was served via e-mail at the following e-mail addresses:

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