

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

OXYLABS LT, UAB,
Petitioner,

v.

BRIGHT DATA LTD.,
Patent Owner.

Case IPR2024-00126
Patent 11,616,826

PETITIONER'S UPDATED MANDATORY NOTICE

PETITIONER’S EXHIBIT LIST

Ex. #	Shorthand	Description
1001	'826 Patent	U.S. Patent No. 11,616,826
1002	Olivier	Declaration of Dr. James Olivier
1003	Kocherlakota	U.S. Patent No. 6,785,705 (issued Aug. 31, 2004)
1004	Cohen	U.S. Patent No. 6,389,462 (issued May 14, 2002)
1005	RFC 2616	Internet Engineering Task Force, <i>Hypertext Transfer Protocol – HTTP/1.1</i> , June 1999
1006	RFC 1122	Internet Engineering Task Force, <i>Requirements for Internet Hosts – Communication Layers</i> , October 1989
1007	'826 FH	Prosecution History of U.S. Patent No. 11,616,826
1008	'341 FH	Prosecution History of U.S. Patent No. 11,044,341
1009		Reserved
1010	<i>Teso</i> CC Order	Claim Construction Opinion and Order, Document 191, <i>Luminati Networks Ltd. v. Teso LT et al.</i> , Case No. 2:19-cv-00395 (E.D. Tex.)
1011	<i>Code200</i> CC Order	Claim Construction Memorandum Opinion and Order, Document 97, <i>Luminati Networks Ltd. v. Code200 et al.</i> , Case No. 2:19-cv-00396 (E.D. Tex.)
1012	Motion for Hearing	Defendants’ Motion for Hearing Regarding O2 Micro Issue, Document 444, <i>Bright Data Ltd. v. Teso LT et al.</i> , Case No. 2:19-cv-00395 (E.D. Tex.)
1013	Supplemental CC Order	Supplemental Claim Construction Order, Document 453, <i>Bright Data Ltd. v. Teso LT et al.</i> , Case No. 2:19-cv-00395 (E.D. Tex.)
1014		Reserved
1015	RFC 791	Internet Engineering Task Force, Request for Comments 1122 <i>Internet Protocol</i> , September 1981
1016	RFC 793	Internet Engineering Task Force, Request for Comments 1122 <i>Transmission Control Protocol</i> , September 1981
1017	RFC 1123	Internet Engineering Task Force, Request for Comments 1123 <i>Requirements for Internet Hosts - Application and Support</i> , October 1989
1018	Coley	U.S. Patent 5,826,014 (issued Oct. 20, 1998)
1019	Haverstock	U.S. Patent No. 6,449,640 (issued Sep. 10, 2002)
1020	RFC Index	August 3, 2001 archived Internet Society webpage for RFC Index from Internet Archive (Wayback Machine),

Ex. #	Shorthand	Description
		available at: http://web.archive.org/web/20010803120225/http://www.rfc-editor.org:80/rfc-index2.html
1021	Keepalive HowTo	June 11, 2008 archived Internet Society webpage for TCP KEEPALIVE HOWTO, available at https://web.archive.org/web/20080611153148/https://tldp.org/HOWTO/TCP-Keepalive-HOWTO/index.html
1022	Masters	U.S. Patent No. 8,108,554 to Masters (filed Oct. 27, 2008)
1023	Definitive Guide	Gourley, D., et al. (2002). HTTP: The Definitive Guide. Germany: O'Reilly Media, Incorporated. Available at https://archive.org/details/httpdefinitivegu00gour/page/n9/mode/2up
1024	RESERVED	
1025	'622 Patent	U.S. Patent No. 11,190,622
1026	'622 POR	<i>Metacluster LT, UAB v. Bright Data LTD.</i> , IPR2022-00687, Paper 18 (Patent Owner Response) (PTAB Oct. 4, 2023).
1027	'622 Reply	<i>Metacluster LT, UAB v. Bright Data LTD.</i> , IPR2022-00687, Paper 25 (Petitioner's Reply) (PTAB Oct. 4, 2023).
1028	'622 FWD	<i>Metacluster LT, UAB v. Bright Data LTD.</i> , IPR2022-00687, Paper 38 (PTAB Oct. 4, 2023).
1029	Williams	Transcript of December 19, 2024, Deposition of Tim A. Williams, Ph.D.
1030	'622 Williams Dec	Declaration of Dr. Tim A. Williams in IPR2022-00687
1031	Claim Comparison	Table comparing challenged claims of '826 Patent with invalidated claims of '622 Patent
1032	Petitioner's Request	March 29, 2024, email to the Board from Petitioner requesting preliminary reply
1033	PO's Related Fed. Cir. Arguments	Brief for Appellant, <i>Bright Data Ltd., v. Code200 UAB</i> , Case No. 23-2144 (filed Feb. 06, 2024)
1034	Related Fed. Cir. Decision	<i>Bright Data Ltd., v. Code200 UAB</i> , Case No. 23-2144 (Fed. Cir. Aug. 1, 2025).

Pursuant to 37 C.F.R. §42.8, Oxylabs LT, UAB (“Petitioner”) files these Updated Mandatory Notice in light of the Federal Circuit’s recent opinion in *Bright Data Ltd., v. Code200 UAB*, Case No. 23-2144 (Fed. Cir. Aug. 1, 2025). *See* EX1034.

The above decision—affirming the Board’s decision to hold all challenged claims unpatentable in ten related IPRs (listed below in Section B.2)—may affect the pending Director Review request. Specifically, Patent Owner made the same prosecution history disclaimer arguments on appeal that Patent Owner now asks the director to consider. *Compare* EX1033, 46-48 (urging that its presenting of a claim construction in prior IPR proceedings constitutes prosecution disclaimer) (*citing* statements from IPR2020-01358); *with* Paper 26, 9-10 (urging its statement in IPR2020-01358 constitutes prosecution disclaimer) (*citing* EX2050). The Federal Circuit declined to credit these arguments. EX1034, 10 (“Bright Data also directs us to the prosecution history, but it is no more helpful to it.”); *see also id.* at 13 (“We have considered Bright Data’s remaining arguments and find them unpersuasive.”).

B. Related Matters (37 C.F.R. § 42.8(b)(2))

1. Litigation

The ’826 Patent is a continuation of U.S. Patent No. 11,044,341 (the ’341 Patent), which is a continuation of U.S. Patent No. 10,469,628 (’628 Patent),

which is a continuation of U.S. Patent No. 10,225,374 ('374 Patent), which is a continuation of U.S. Patent No. 10,069,936 ('936 Patent) ("Parent Patents").

Through these Parent Patents, the '826 Patent shares a common specification and priority claim with U.S. Patent Nos. 10,484,511 (the '511 Patent), 11,190,622 (the '622 Patent); 10,257,319 (the '319 Patent); 10,484,510 (the '510 Patent); and 10,637,968 (the '968 Patent). PO has accused Oxylabs (as Code200, Metaccluster, and Oxysales) of infringing claims of the '511 Patent and the '968 Patent in *Bright Data Ltd. v. Code200, UAB*, Case No. 2:19-cv-00396 (E.D. Tex.) (the "*Code200* Litigation"). PO has also accused Oxylabs (as Teso, Metaccluster, and Oxysales) of infringing claims of the '319 and '510 Patents in *Bright Data Ltd. v. Teso LT, UAB*, Case No. 2:19-cv-00395 (E.D. Tex.) ("*Teso* Litigation"). Together, these actions are the "Related Litigation," and the patents asserted in the Related Litigation are referred to in this Petition as the "Related Patents."

There is no litigation involving the '826 Patent. The table below lists litigation involving patents claiming common priority to the '826 Patent.

Cases
<i>Bright Data Ltd. v. Teso LT, UAB et al.</i> , Case No. 2:19-CV-00395 (E.D. Tex.).
<i>Bright Data Ltd. v. NordVPN</i> , Case No. 2:19-CV-00414 (E.D. Tex.)
<i>Bright Data Ltd. v. NetNut, Ltd.</i> , Case No. 2:21-CV-00225 (E.D. Tex.)
<i>Luminati Networks Ltd. v. BI Science (2009) Ltd.</i> , Case No. 2:19-CV-00397 (E.D. Tex.) (closed)

Cases
<i>Bright Data Ltd. v. Code200, UAB et al.</i> , Case No. 2:19-CV-00396 (E.D. Tex.)
<i>Luminati Networks Ltd. v. NetNut, Ltd.</i> , Case No. 2:20-CV-00188 (E.D. Tex.) (closed)

2. *Administrative Proceedings*

The Related Patents were the subject of petitions for *inter partes* review in IPR2020-01266, IPR2020-01358, IPR2021-00122, and IPR2021-00249. The Board exercised its discretion and declined to institute review based on the *Fintiv* factors – the Board considered, but did not discuss any specific aspect of, the substantive merits of each petition within that framework. *Code200 v. Luminati Networks, Ltd.*, IPR2020-01266, Paper 18 at 11-12 (PTAB Dec. 23, 2020); *Code200 v. Luminati Networks, Ltd.*, IPR2020-01358, Paper 11 at 11 (PTAB Feb. 2, 2021); *Teso LT, UAB v. Luminati Networks Ltd.*, Case No. IPR2021-00122, Paper 12 at 11 (PTAB April 20, 2021); *Teso LT, UAB v. Luminati Networks Ltd.*, Case No. IPR2021-00249, Paper 12 at 12 (PTAB Feb. 6, 2021).

The Board found all challenged claims unpatentable for the '319 Patent and '510 Patent. Additionally, the Board found all challenged claims of the '622 Patent unpatentable in light of *Kocherlakota* and RFC 1122 in IPR2022-00687, which became final on December 6, 2023.

The table below lists IPR petitions for patents claiming common priority to the '826 Patent.

IPR Proceeding	Subject Matter	Status
Case No. IPR2022-00103	US 11,044,342	All Challenged Claims Held Unpatentable; <i>affirmed</i>
Case No. IPR2022-00135	'319 Patent	All Challenged Claims Held Unpatentable; <i>affirmed</i>
Case No. IPR2022-00138	'510 Patent	All Challenged Claims Held Unpatentable; <i>affirmed</i>
Case No. IPR2022-00353	11,044,344	All Challenged Claims Held Unpatentable; <i>affirmed</i>
Case No. IPR2022-00861	'319 Patent	All Challenged Claims Held Unpatentable; <i>affirmed</i>
Case No. IPR2022-00915	'319 Patent	All Challenged Claims Held Unpatentable; <i>affirmed</i>
Case No. IPR2022-00916	'319 Patent	All Challenged Claims Held Unpatentable; <i>affirmed</i>
Case No. IPR2022-00862	'510 Patent	All Challenged Claims Held Unpatentable; <i>affirmed</i>
Case No. IPR2021-01492	'319 Patent	Joined with IPR2022-00861; <i>affirmed</i>
Case No. IPR2021-01493	'510 Patent	Joined with IPR2022-00862; <i>affirmed</i>
Case No. IPR2022-00687	'622 Patent	All Challenged Claims Held Unpatentable; <i>not appealed</i>
Case No. IPR2020-01506	US 10,469,614	Institution Denied - Procedural
Case No. IPR2021-00122	'511 Patent	Institution Denied - Procedural
Case No. IPR2021-00249	'968 Patent	Institution Denied - Procedural
Case No. IPR2020-01266	'319 Patent	Institution Denied - Procedural
Case No. IPR2020-01358	'510 Patent	Institution Denied - Procedural
Case No. IPR2021-01502	US 9,241,044	Institution Denied - Procedural
Case No. IPR2021-01503	US 9,742,866	Institution Denied - Procedural
Case No. IPR2022-00936	US 11,206,317	Institution Denied

IPR Proceeding	Subject Matter	Status
Case No. IPR2022-01109	'319 Patent	Institution Denied - Procedural
Case No. IPR2022-01110	'510 Patent	Institution Denied - Procedural

3. *Appellate Proceedings*

PO appealed the findings of IPR2021-01492, -01493; IPR2022-00103, -00135, -00138, -00353, -00861, -00862, -00915, -00916. *Bright Data Ltd., v. Code200 UAB*, Case No. 23-2144 (Fed. Cir. Aug. 1, 2025). The Federal Circuit affirmed the Board's decision—holding the challenged claims to be unpatentable. EX1034, 2.

Dated: August 6, 2025

Respectfully submitted,
/Chad Wallis/
Chad Wallis
Reg. No. 78,733

Backup Counsel for Petitioner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on August 6, 2025, complete copies of Petitioner's Updated Mandatory Notice and EX1033-1034 were served via email (by consent), as follows:

tomd@cherianllp.com

elizabetho@cherianllp.com

/Chad Wallis/
Chad Wallis,
Reg. No. 78,733