

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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NETNUT LTD,  
Petitioner,

v.

BRIGHT DATA LTD.,  
Patent Owner.

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IPR2021-01492 (Patent 10,257,319)  
IPR2021-01493 (Patent 10,484,510)<sup>1</sup>

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Before THOMAS L. GIANNETTI, SHEILA F. McSHANE, and  
RUSSELL E. CASS, *Administrative Patent Judges*.

PER CURIAM.

ORDER  
STAY OF PROCEEDINGS  
*37 C.F.R. § 42.5*

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<sup>1</sup> The parties are not authorized to use this caption.

IPR2021-01492 (Patent 10,257,319)  
IPR2021-01493 (Patent 10,484,510)

## I. BACKGROUND

NetNut Ltd.’s petitions in these proceedings for *inter partes* review of U.S. Patent No. 10,257,319 B2 (“the ’319 patent”) and U.S. Patent No, 10,484,510 B2 (“the ’510 patent”) were granted on March 21, 2022. Paper 12.<sup>2</sup>

On July 25, 2022, this panel entered decisions denying institution of *inter partes* review of the ’319 and ’510 patents, respectively, in IPR2021-00861 and IPR2022-00862. *See* IPR2022-00861, Paper 17; IPR2022-00862, Paper 17. Those decisions also denied the requested joinder with, respectively, IPR2021-01492 and IPR2021-01493. *Id.*

On August 23, 2022, the Director of the United States Patent and Trademark Office, *sua sponte*, vacated the panel decisions denying institution in IPR2022-00861 and IPR2022-00862 and remanded those cases to the panel “to consider the Patent Owner’s remaining arguments, including those for discretionary denial under *Fintiv*<sup>3</sup> and against the merits of the Petitioner’s patentability challenges.” *Code200, UAB v. Bright Data Ltd.*, IPR2022-00861, -00862, Paper 18 (PTAB Aug. 23, 2022) (precedential).

## II. DISCUSSION

The Director’s August 23, 2022 decision in *Code200* calls upon the panel “to consider the Patent Owner’s remaining arguments [in IPR2022-00861 and IPR2022-00862], including those for discretionary denial under *Fintiv* and against the merits of the Petitioner’s patentability challenges.”

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<sup>2</sup> Citations refer to paper numbers in IPR2021-01492. Similar papers were filed in IPR2021-01493.

<sup>3</sup> *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 (PTAB March 20, 2020) (precedential).

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*Code200*, Paper 18 at 7. To allow time for consideration of whether to institute *inter partes* review in IPR2022-00861 and IPR2022-00862 and the possible joinder of those proceedings with these cases,<sup>4</sup> the panel has determined that there is good cause to vacate the current Scheduling Orders in IPR2021-01492 and IPR2021-01493, including any prior modifications to the Due Dates, and to stay these proceedings. This will allow the panel time to consider Director's directives on remand and to evaluate whether to proceed with *inter partes* review in IPR2021-00862 and IPR2021-00863, as well as to consider whether to join those cases to these proceedings. We note that if there is institution and joinder of IPR2022-00861 and IPR2022-00862 to IPR2021-01492 and IPR2021-01493, respectively, the schedules for the joined cases will be reconsidered and revised Scheduling Orders will be issued.

### III. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Scheduling Orders in IPR2021-01492 and IPR2021-01493 (including any subsequent orders modifying the Due Dates in those Scheduling Orders) are hereby vacated;

FURTHER ORDERED that all proceedings in IPR2021-01492 and IPR2021-01493 are stayed until further notice; and

FURTHER ORDERED that the stays in Reexamination Control Nos. 90/14,875 and 90/14,876 shall remain in effect and no further filings in those reexaminations are permitted.

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<sup>4</sup> Joinder was denied in IPR2022-00861 and IPR2022-00862 due to the denial of institution of trial in those cases. *See, e.g.*, IPR2022-00861, Paper 17, 17 (citing 35 U.S.C. § 315(c)).

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FOR PETITIONER:

Ronald Abramson

Mord Lewis

Ari Jaffess

LISTON ABRAMSON LLP

ron.abramson@listonabramson.com

michael.lewis@listonabramson.com

ari.jaffess@listonabramson.com

FOR PATENT OWNER:

Thomas Dunham

Elizabeth O'Brien

RUYAKCHERIAN LLP

tomd@ruyakcherian.com

elizabetho@ruyakcherian.com