

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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THE DATA COMPANY TECHNOLOGIES INC.,  
Petitioner,

v.

BRIGHT DATA LTD.,  
Patent Owner.

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IPR2022-00138  
Patent 10,484,510 B2

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Record of Oral Argument  
Held: February 10, 2023

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

IPR2022-00138  
Patent 10,484,510 B2

A P P E A R A N C E S

ON BEHALF OF THE PETITIONER:

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The above-entitled matter came on for hearing on Friday,  
February 10, 2023, commencing at 11:01 a.m., by video/by telephone.

1 PROCEEDINGS

2 JUDGE McSHANE: This case is The Data Company Technologies  
3 Inc. v. Bright Data Limited, and this is IPR2022-00138.

4 I'm Judge McShane, and Judges Cass and Giannetti  
5 should also be visible to you.

6 Can we have appearances, please, for Petitioner.

7 MR. RADER: Thank you, Your Honor.

8 Michael Rader on behalf of the Petitioner, and with  
9 me is Adam Wichman.

10 JUDGE McSHANE: Okay. And you will be presenting for  
11 Petitioner, Mr. Rader?

12 MR. RADER: With the panel's permission, Mr. Wichman  
13 and I would like to split our argument time.

14 JUDGE McSHANE: Okay. That's fine. Thank you.

15 And who do we have for Patent Owner?

16 MR. DUNHAM: Good morning, Your Honors. This is Tom  
17 Dunham of Cherian LLP for Patent Owner, and with me is Robert  
18 Harkins and Elizabeth O'Brien. And like Mr. Rader, Mr. Harkins and I  
19 would like to split our time this morning as well.

20 JUDGE McSHANE: Okay. That's fine. Thank you very  
21 much.

22 All right. Briefly, I'm going to provide some  
23 general guidance. I call this the spiel.

24 If at any time during the proceeding you encounter

1 technical or audio difficulties, please let us know or  
2 contact the team members who provided you with the connection  
3 information.

4 We have the entire record available to us as we sit  
5 here, including the demonstratives. We -- we don't have a  
6 preference. Some folks want to actually launch their own  
7 demonstratives through the platform here, but we also have a  
8 set of demonstratives ourselves that we can refer to. So  
9 it's up to you how you want to present them.

10 When referring to the demonstrative slide, please do  
11 so clearly and explicitly by number. And definitely, if you give us the cites  
12 to the slide numbers, it helps us a lot in terms of reconciling the transcript to  
13 the  
14 demonstratives.

15 As discussed in the oral hearing order, each  
16 party's going to have 60 minutes to present its arguments  
17 total. Petitioner will go first and then may reserve  
18 rebuttal time. Patent Owner may present its response, and it  
19 can reserve sur-rebuttal time, and the sur-rebuttal is going  
20 to be limited to the issues that Petitioner raised in its  
21 rebuttal.

22 Does anybody have any questions?

23 Not hearing any questions. So, with that, Mr. Rader,  
24 you may proceed. And do you wish to reserve rebuttal time?

25 MR. RADER: Yes, Your Honor. We'd like to reserve 15

1 minutes.

2 JUDGE McSHANE: Thank you.

3 ORAL ARGUMENT ON BEHALF OF PETITIONER

4 MR. RADER: Okay. Well, thank you very much, Your  
5 Honors.

6 Again, my name is Michael Rader on behalf of the  
7 Petitioner, The Data Company Technologies Inc., and we're  
8 very pleased to be able to present argument to you today in  
9 this case.

10 We know that this is one of numerous IPRs before the  
11 Board on the '510 patent and related patents with the same  
12 specification. And as Judge McShane mentioned in the  
13 prehearing conference, there's a common issue here of claim  
14 construction of the "client device" term as well as the  
15 "second server" term.

16 What makes The Data Company IPRs different is that  
17 other parties' petitions proceeded only under the court's  
18 role-based constructions. The Data Company's petition, of  
19 course, does that, but in addition, our petition also explains  
20 how our primary reference, Plamondon, anticipates Claim 1  
21 even under the Patent Owner's construction. So we have that extra element  
22 to address.

23 With that background, I just want to take a minute or  
24 two to explain how I'm organizing the material in my mind  
25 and, therefore, how I plan to organize my presentation on

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