

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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CODE200, UAB, TESO LT, UAB, METACLUSTER LT, UAB,  
OXYSALES, UAB, AND CORETECHLT, UAB,  
Petitioner,

v.

BRIGHT DATA LTD.,  
Patent Owner.

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IPR2021-01493<sup>1</sup>  
Patent 10,484,510 B2

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

McSHANE, *Administrative Patent Judge*.

JUDGMENT  
Final Written Decision  
Determining All Challenged Claims Unpatentable  
Granting Motion to Seal  
*35 U.S.C. § 318(a); 37 C.F.R. § 42.14*

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<sup>1</sup> The Petitioners in IPR2022-00862 were joined to this case, with IPR2022-00862 then terminated. *See* Paper 24, 35–38.

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## I. INTRODUCTION

We have jurisdiction to hear this *inter partes* review under 35 U.S.C. § 6. This Final Written Decision is issued pursuant to 35 U.S.C. § 318(a). For the reasons discussed herein, we determine that Petitioner has shown by a preponderance of the evidence that challenged claims 1, 2, 6–11, 13, and 15–24 (the “challenged claims”) of U.S. Patent No. 10,484,510 B2 (Ex. 1001, “the ’510 patent”) are unpatentable.

### A. Procedural Background

In IPR2022-00862, Code200, UAB; Teso LT, UAB; Metacluster LT, UAB; Oxysales, UAB; and Coretech LT, UAB (collectively, “Code200” or “Petitioner”) filed a Petition requesting *inter partes* review of claims 1, 2, 6–11, 13, and 15–24 of the ’510 patent, along with the supporting Declaration of Keith J. Teruya. IPR2022-00862, Paper 1 (“Pet.”); IPR2022-00862, Ex. 1005 (“Teruya Decl.”). Bright Data Ltd.<sup>2</sup> (“Patent Owner”) filed a Preliminary Response to the Petition. IPR2022-00862, Paper 15. With the Petition, Petitioner also filed a Motion for Joinder with this case, IPR2021-01493. IPR2022-00862, Paper 7, Paper 13.

On July 25, 2022, we issued a Decision in IPR2022-00862 exercising discretion to deny institution based on an assessment of factors set forth in *General Plastic Industrial Co. Ltd. v. Canon Kabushiki Kaisha*, IPR2016-01357, Paper 19 (PTAB Sept. 6, 2017) (precedential as to § II.B.4.i) (*General Plastic*). IPR2022-00862, Paper 17. Our Decision also denied joinder of the parties in IPR2022-00862 to this case, IPR2021-01493. *Id.* at

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<sup>2</sup> Bright Data Ltd. was formerly known as Luminati Networks Ltd. See PO Resp. 68.

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17. The Director reviewed our Decision *sua sponte*, vacated the Decision, and remanded the case to the panel, with orders that our Decision denying institution and joinder be reconsidered consistent with the review. IPR2022-00862, Paper 18 (“Remand Decision”).

Pursuant to and consistent with the Remand Decision, we considered the Petition, Joinder Motion, and Preliminary Response in IPR2022-00862, instituted *inter partes* review, and granted joinder of the parties to this case. Paper 24 (“Inst. Dec.”). More specifically, we instituted *inter partes* review based on the following grounds:

Claims Challenged	35 U.S.C. § <sup>3</sup>	Reference(s)/Basis <sup>4</sup>
1, 6, 7, 13 <sup>5</sup> , 15, 16, 18–24	102(b)	Crowds <sup>6</sup>

<sup>3</sup> The Leahy-Smith America Invents Act (“AIA”), Pub. L. No. 112-29, 125 Stat. 284, 287–88 (2011), amended 35 U.S.C. §§ 102 and 103, effective March 16, 2013. Because the ’510 patent claims priority to a provisional application that was filed before this date, with Petitioner not contesting that priority, the pre-AIA versions of §§ 102 and 103 apply. *See* Ex. 1001, code (60); Pet. 17.

<sup>4</sup> Petitioner’s obviousness challenges additionally refer to the “[k]nowledge of [a person of ordinary skill in the art].” Pet. 10. We understand this to refer to a person of ordinary skill in the art’s understanding of the applied references and not to supplying missing limitations or incorporating an unspecified disclosure by reference to supply missing claim limitations.

<sup>5</sup> The Petition includes assertions for claim 13 under the Crowds anticipation ground. Pet. 33. Accordingly, we include this claim in the summary table, although not included in the Petition’s summary table. *Id.* at 10.

<sup>6</sup> Michael K. Reiter, *Crowds: Anonymity for Web Transactions*, ACM Transactions on Information and System Security, Vol. 1, No. 1, November 1998, at 66–92 (Ex. 1006).

Claims Challenged	35 U.S.C. § <sup>3</sup>	Reference(s)/Basis <sup>4</sup>
1, 2, 6–11, 13, 15, 16, 18–24	103(a)	Crowds, RFC 2616 <sup>7</sup>
1, 6, 10, 15–20, 23, 24	102(b)	Border <sup>8</sup>
1, 6, 8–11, 13, 15–20, 22–24	103(a)	Border, RFC 2616
1, 6–8, 13, 15, 16, 18–24	102(b)	MorphMix <sup>9</sup>
1, 2, 6–11, 13, 15, 16, 18–24	103(a)	MorphMix, RFC 2616

Pet. 10; Inst. Dec. 5<sup>10</sup>, 38.

Patent Owner filed a Patent Owner Response (“PO Resp.”), along with the Declaration of Tim Williams, Ph.D. Paper 30; Ex. 2065. Petitioner filed a Reply (“Pet. Reply”) to the Patent Owner Response. Paper 40.

Patent Owner filed a Sur-reply (“PO Sur-reply”). Paper 41.

An oral hearing was conducted on June 9, 2023. A transcript of the hearing is included in the record. Paper 51 (“Tr.”).

### *B. Related Matters*

The ’510 patent has been the subject of numerous proceedings in district court and the Board. Pet. 3–5; IPR2022-00862, Paper 10, 1–5. In particular, the parties identify four district court proceedings involving the

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<sup>7</sup> Hypertext Transfer Protocol—HTTP/1.1, Network Working Group, RFC 2616, The Internet Society, 1999 (Ex. 1013).

<sup>8</sup> U. S. Patent No. 6,795,848, issued September 21, 2004 (Ex. 1012).

<sup>9</sup> Marc Rennhard, MorphMix—A Peer-to-Peer-based System for Anonymous Internet Access (2004) (Ph.D. dissertation, Swiss Federal Institute of Technology) (Ex. 1008).

<sup>10</sup> In the Institution Decision, the summary table inadvertently includes claim 22 in the Border anticipation ground, which Petitioner did not challenge under this ground. *See* Pet. 10; Inst. Dec. 5.

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'510 patent and a related patent (U.S. Patent No. 10,257,319 (“the ’319 patent”)):

*Bright Data Ltd. v. NetNut Ltd.*, No. 2:21-cv-225 (E.D. Tex.)  
(pending);

*Luminati Networks Ltd. v. Teso LT, UAB, et al.*, No. 2:19-cv395 (E.D. Tex.) (pending) (“the Teso litigation”);

*Luminati Networks Ltd. v. BI Science (2009) Ltd.*, No. 2:19-cv397  
(E.D. Tex.) (dismissed); and

*Luminati Networks Ltd. v. Tefincom S.A.*, No. 2:19-cv-414  
(E.D. Tex.) (pending).

Pet. 3; IPR2022-00862, Paper 10, 2–3.

The ’510 patent has also been before the Board in IPR2020-00138 and IPR2022-00916. Pet. 5; IPR2022-00862, Paper 10, 1–2.

In addition, Patent Owner identifies *ex parte* reexaminations, Control No. 90/014,875 and Control No. 90/014,876, that have been ordered for U.S. Patent No. 10,257,319, a patent related to the ’510 patent, and for the ’510 patent, respectively. IPR2022-00862, Paper 10, 2. Those reexaminations have been stayed. *See* IPR2021-01492, Paper 14; IPR2021-01493, Paper 13.

### *C. The ’510 Patent*

The ’510 patent is titled “System Providing Faster and More Efficient Data Communication” and issued on November 19, 2019 from an application filed on February 17, 2019. Ex. 1001, codes (22), (45), (54). The patent is subject to a terminal disclaimer. *Id.* at code (\*). The application for the ’510 patent claims priority to several applications, including U.S. Provisional Application No. 61/249,624, filed October 8, 2009. *Id.* at code (60).

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