

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

LUMINATI NETWORKS LTD.

Plaintiff,

v.

TESO LT, UAB; OXYSALES, UAB;
METACLUSTER LT, UAB;

Defendants.

Case No.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Luminati Networks Ltd. (“Luminati” or “Plaintiff”) brings this action under the patent laws of the United States, Title 35 of the United States Code, and makes the following allegations against Teso LT, UAB, also known as UAB Teso LT (“Teso”) and sister companies metacluster lt, UAB, also known as UAB metacluster lt and metacluster, UAB (“Metacluster”) and oxysales, UAB (“Oxysales”) (collectively “Defendants”):

THE PARTIES

1. Plaintiff Luminati is an Israeli company having a principal place of business at 3 Hamahshev St., Netanya 42507, ISRAEL.

2. Upon information and belief, Defendant Teso, previously known as UAB Tesonet (“Tesonet”), is a Lithuanian corporation located at A. Goštauto g. 40A, LT-03163, Vilnius, Lithuania. Upon information and belief, Tesonet underwent a corporate restructuring in late 2018, after the filing of Luminati’s complaint in this Court against Tesonet on July 18, 2018 (Case No. 2:19-cv-299-JRG, “First Action”), resulting in the creation of the following sister companies to

Teso: Metacluster; Oxysales; code200, UAB; and coretech, UAB, UAB. Upon information and belief, each of the sister companies share common ownership and control. Upon information and belief, since the restructuring in late 2018, Teso has and continues to use, offer to sell, and/or sell and/or import into the United States the patented inventions of the Asserted Patents within the United States, specifically including the “Oxylabs Residential Proxy Service” provided previously by Tesonet and as now provided and/or sold by Defendants.

3. Upon information and belief, Defendant Metacluster is a Lithuanian corporation related to Teso that was incorporated as the result of a corporate restructuring of Tesonet, its predecessor-in-interest. Upon information and belief, Metacluster is located at A. Goštauto g. 40A, LT-03163, Vilnius, Lithuania, the same location as Teso. Upon information and belief, Defendants share common ownership and control. Upon information and belief, since the restructuring in late 2018, Metacluster has and continues to use, offer to sell, and/or sell and/or import into the United States the patented inventions of the Asserted Patents within the United States, specifically including the “Real-Time Crawler” Residential Proxy Service, provided previously by predecessor in interest Tesonet. Upon information and belief, Metacluster is a successor in interest in Teso’s Real-Time Crawler residential proxy service.

4. Upon information and belief, Defendant Oxysales is a Lithuanian corporation related to Teso that was incorporated as the result of a corporate restructuring of Tesonet, its predecessor-in-interest. Oxysales is located at A. Goštauto g. 40A, LT-03163, Vilnius, Lithuania, the same location as the other Defendants. Upon information and belief, Defendants share common ownership and control. Upon information and belief, since the restructuring in late 2018, Oxysales has and continues to at least sell or offer to sell the residential proxy services provided

by Teso and Metacluster and previously provided by predecessor in interest Tesonet. Upon information and belief, Oxysales is a successor in interest to Tesonet.

5. Upon information and belief, Defendants have and continue to use, provide, sell, and offer to sell as well as import into the United States residential proxy services including Oxylabs Residential Proxy Service and Real-Time Crawler when it uses the Residential Proxy Service (“Accused Instrumentalities”), including through direct communication with customers including customers in the United States and, for example, through Defendants’ website. <https://oxylabs.io/>. Upon information and belief, Defendants share common shareholders and jointly provide, sell and offer to sell the Accused Instrumentalities through the same website. As such, Defendants are jointly and severally liable for infringing the Asserted Patents.

JURISDICTION AND VENUE

6. This is an action for patent infringement under the patent laws of the United States of America, 35 U.S.C. § 1, *et seq.*

7. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331, 1338, and 1367. Teso has not contested subject matter jurisdiction of this Court and accepted service of process in the First Action.

8. This Court has personal jurisdiction over Teso because it, directly or through its subsidiaries, divisions, groups, or distributors, has sufficient minimum contacts with this forum as a result of business conducted within the State of Texas, and/or pursuant to Fed. R. Civ. P. 4(k)(2). On information and belief, Teso transacts substantial business in the State of Texas, directly or through agents, including: (i) at least a portion of the infringement alleged herein, and (ii) regularly does or solicits business in Texas, engages in other persistent courses of conduct, maintains continuous and systematic contacts within this Judicial District, purposefully avails itself of the

privilege of doing business in Texas, and/or derives substantial revenue from services provided in Texas. For example, Teso embeds its software, which is the subject of the infringement alleged herein, in a number of software applications which are placed into the stream of commerce with the knowledge, understanding, and/or intention that they be downloaded and executed by devices located in the State of Texas, as well as this Judicial District, including the Marshall Division. Upon information and belief, the software effectively turns the devices on which it is installed into residential proxy devices that operate as part of the service of residential proxy systems including the Accused Instrumentalities offered, operated and provided by Defendants. Teso and its predecessor in interest Tesonet have previously been the subject of jurisdiction in this Court by the same actions accused herein in the First Action.

9. This Court has personal jurisdiction over Metacluster because it, directly or through its subsidiaries, divisions, groups, or distributors, has sufficient minimum contacts with this forum as a result of business conducted within the State of Texas, and/or pursuant to Fed. R. Civ. P. 4(k)(2). On information and belief, Metacluster transacts substantial business in the State of Texas, directly or through agents, including: (i) at least a portion of the infringement alleged herein, and (ii) regularly does or solicits business in Texas, engages in other persistent courses of conduct, maintains continuous and systematic contacts within this Judicial District, purposefully avails itself of the privilege of doing business in Texas, and/or derives substantial revenue from services provided in Texas. For example, Metacluster's Real-Time Crawler utilizes Teso's Residential Proxy Service, which embeds software, which is the subject of the infringement alleged herein, in a number of software applications which are placed into the stream of commerce with the knowledge, understanding, and/or intention that they be downloaded and executed by devices located in the State of Texas, as well as this Judicial District, including the Marshall Division,

causing these devices to serve as residential proxy devices for the Accused Instrumentalities, including Real-Time Crawler. Metacluster and its predecessor in interest Tesonet have previously been the subject of jurisdiction in this Court by the same actions accused herein in the First Action.

10. This Court has personal jurisdiction over Oxysales because it, directly or through its subsidiaries, divisions, groups, or distributors, has sufficient minimum contacts with this forum as a result of business conducted within the State of Texas, and/or pursuant to Fed. R. Civ. P. 4(k)(2). On information and belief, Oxysales transacts substantial business in the State of Texas, directly or through agents, including: (i) at least a portion of the infringement alleged herein, and (ii) regularly does or solicits business in Texas, engages in other persistent courses of conduct, maintains continuous and systematic contacts within this Judicial District, purposefully avails itself of the privilege of doing business in Texas, and/or derives substantial revenue from services provided in Texas. For example, Oxysales sells and offers for sale Defendants' Accused Instrumentalities, which includes Defendants' software, which is the subject of the infringement alleged herein, which is embedded in a number of software applications which are placed into the stream of commerce with the knowledge, understanding, and/or intention that they be downloaded and executed by devices located in the State of Texas, as well as this Judicial District, including the Marshall Division, causing these devices to serve as residential proxy devices for the Accused Instrumentalities. Oxysales' predecessor in interest Tesonet has previously been the subject of jurisdiction in this Court by the same actions accused herein in the First Action.

11. Upon information and belief, residential proxy devices with Defendants' embedded software are located throughout the United States, including Texas. *See e.g.* <https://www.privateproxyreviews.com/oxylabs/>. Defendants tout the use of millions of residential proxy devices in the United States, as shown in the image below.

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