

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

Luminati Networks Ltd.,

Plaintiff,

v.

**Teso LT, UAB, Oxysales, UAB, and
Metacluster LT, UAB,**

Defendants.

**Civil Action No.
2:19-cv-00395-JRG**

Lead Case

FILED UNDER SEAL

**Teso LT, UAB, Oxysales, UAB, and
Metacluster LT, UAB,**

**Counterclaim And Third-
Party Plaintiffs,**

v.

**Luminati Networks Ltd., EMK Capital
LLP, EMK Capital Partners LP, EMK
Capital Partners GP Co-Investment LP,
Hola VPN Ltd., and Hola Networks Ltd.,**

**Counterclaim And Third-
Party Defendants.**

**OXYLABS' ANSWER, THIRD AMENDED COUNTERCLAIMS
AND THIRD AMENDED THIRD-PARTY COMPLAINT**

Teso LT, UAB (“Teso”), Oxysales, UAB (“Oxysales”), and Metacluster LT, UAB (“Metacluster”) (collectively, “Oxylabs”) file this Answer to Plaintiff Luminati Networks Ltd.’s (“Luminati”) Complaint for Patent Infringement filed on December 6, 2019 (the “Complaint”) (ECF No. 1) and Third Amended Counterclaims and Third Amended Third-Party Complaint. All

allegations of the Complaint not expressly admitted or not specifically responded to by Oxylabs are denied.

THE PARTIES

1. Oxylabs is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1 and, therefore, denies the allegations.

2. Responding to Paragraph 2, Oxylabs admits that Teso was previously known as UAB Tesonet (“Tesonet”), and is a Lithuanian entity with an office address of A. Goštauto g. 40A, LT-03163, Vilnius, Lithuania. Oxylabs further admits that, in 2018, Tesonet underwent a corporate restructuring and, as a result of that restructuring, (i) Tesonet’s name was changed to Teso LT, UAB and (ii) Metacluster, Oxysales, code200, UAB (“Code200”), and coretech lt, UAB (“Coretech”) were created. Oxylabs admits that Teso, Metacluster, Oxysales, Code200 and Coretech share, directly or indirectly, common or overlapping owners. Oxylabs denies the remaining allegations of Paragraph 2.

3. Responding to Paragraph 3, Oxylabs admits that Metacluster is a Lithuanian entity with an office address of A. Goštauto g. 40A, LT-03163, Vilnius, Lithuania, and that Teso also has this office address. Oxylabs further admits that Teso and Metacluster share a common owner. Oxylabs admits that Metacluster sells the Real-Time Crawler product (“RTC”) previously sold by Teso. Oxylabs denies the remaining allegations of Paragraph 3.

4. Responding to Paragraph 4, Oxylabs admits that Oxysales is a Lithuanian entity with an office address of A. Goštauto g. 40A, LT-03163, Vilnius, Lithuania, and that Teso and Metacluster also have this office address. Oxylabs further admits that Oxysales, Teso and Metacluster share a common owner. Oxylabs admits that Oxysales has provided sales agency, client support and marketing support to Teso and Metacluster. Oxylabs denies the remaining allega-

tions of Paragraph 4.

5. Responding to Paragraph 5, Oxylabs admits that Teso has sold Oxylabs' residential proxy network service ("RPN") and that Metacluster has sold RTC. Oxylabs further admits that the RPN and RTC products are advertised on the website <https://oxylabs.io>. Oxylabs further admits that Teso, Metacluster, and Oxysales have the same owner. Oxylabs denies the remaining allegations of Paragraph 5.

JURISDICTION AND VENUE

6. Oxylabs admits that Luminati has brought a lawsuit alleging patent infringement under the laws of the United States, as alleged in Paragraph 6. Oxylabs denies that it infringes any patents.

7. Oxylabs admits that this Court has subject-matter jurisdiction, as alleged in Paragraph 7. Oxylabs further admits that Teso did not contest subject-matter jurisdiction in the lawsuit styled *Luminati Networks Ltd. v. UAB Tesonet*, Case 2:18-cv-00299-JRG (the "First Lawsuit") and that Teso accepted service of process in the First Lawsuit.

8. Responding to Paragraph 8, Teso states that it does not contest personal jurisdiction. Oxylabs otherwise denies the allegations of Paragraph 8.

9. Responding to Paragraph 9, Metacluster states that it does not content personal jurisdiction. Oxylabs otherwise denies the allegations of Paragraph 9.

10. Responding to Paragraph 10, Oxysales states that it does not content personal jurisdiction. Oxylabs otherwise denies the allegations of Paragraph 10.

11. Responding to Paragraph 11, Oxylabs states that the Oxylabs website speaks for itself. Oxylabs otherwise denies the allegations of Paragraph 11.

12. Oxylabs denies the allegations of Paragraph 12.

13. Responding to Paragraph 13, Oxylabs states that it does not contest venue and that Oxysales, Teso, and Metacluster are not United States entities.

FACTUAL ALLEGATIONS

14. Responding to Paragraph 14, Oxylabs admits that U.S. Patent Nos. 10,469,614 (the “’614 patent”) states, on its face, that it issued on April 9, 2019. Oxylabs admits that U.S. Patent No. 10,257,319 (the “’319 patent”) states, on its face, that it issued on November 5, 2019. Oxylabs admits that U.S. Patent No. 10,484,510 (the “’510 patent”) states, on its face, that it issued on November 19, 2019. (The ’614 patent, ’319 patent, and ’510 patent, collectively, the “Patents-in-Suit.”) Oxylabs further admits that Luminati filed its complaint in the First Lawsuit before April 9, 2019 and November 5, 2019. Oxylabs otherwise denies the allegations of Paragraph 14.

15. Responding to Paragraph 15, Oxylabs states that the ’319 patent and the ’510 patent speak for themselves. Oxylabs is without knowledge or information sufficient to form a belief as to the truth of the other allegations in Paragraph 15 and, therefore, denies the allegations.

16. Oxylabs is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 16 and, therefore, denies the allegations.

17. Oxylabs is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 17 and, therefore, denies the allegations.

18. Responding to Paragraph 18, Oxylabs admits that Tesonet and Hola Networks Ltd. entered into a contract effective December 2015. Oxylabs also states that it understands that Hola Networks Ltd. offered a virtual provide network service called HolaVPN. Oxylabs otherwise denies the allegations of Paragraph 18.

19. Responding to Paragraph 19, Oxylabs admits that, in May 2017, Tomas Okmanas,

a Teso co-founder, met with Ofer Vilkeniski. Oxylabs further states that any e-mail sent by Mr. Vilenski to Mr. Okmanas speaks for itself. Otherwise, Oxylabs denies the allegations of Paragraph 19.

20. Responding to Paragraph 20, Oxylabs admits that, on or about June 1, 2017, the letter attached to the Complaint as ECF No. 1-4 was sent to Mr. Okmanas. Oxylabs further states that the letter and U.S. Patent Nos. 8,560,604 and 9,241,044 speak for themselves. Oxylabs otherwise denies the allegations of Paragraph 20.

21. Responding to Paragraph 21, Oxylabs admits that, on or about February 14, 2018, the letter attached to the Complaint as ECF No. 1-5 was sent to Mr. Okmanas. Oxylabs further states that the letter speaks for itself. Oxylabs otherwise denies the allegations of Paragraph 21.

22. Responding to Paragraph 22, Oxylabs admits that, on June 20, 2018, counsel for Tesonet sent a letter to David Cohen. Oxylabs further states that the letter speaks for itself. Oxylabs admits that “Oxylabs” is the brand name used in connection with certain products, including RPN and RTC. Oxylabs states that the Oxylabs website speaks for itself. Oxylabs otherwise denies the allegations of Paragraph 22.

23. Responding to Paragraph 23, Oxylabs states that the complaint in the First Lawsuit speaks for itself. Oxylabs further admits that the Patents-in-Suit issued after July 19, 2018.

24. Responding to Paragraph 24, Oxylabs states that the Oxylabs website speaks for itself. Oxylabs admits that contractual relationships exist between the Oxylabs entities. Oxylabs admits that residential proxies are located in Marshall, Texas. Oxylabs otherwise denies the allegations of Paragraph 24.

25. Oxylabs denies the allegations of Paragraph 25.

26. Oxylabs denies the allegations of Paragraph 26.

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