

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

LUMINATI NETWORKS LTD.

Plaintiff,

v.

CODE200, UAB; OXYSALES, UAB;
METACLUSTER LT, UAB

Defendants.

Case No. 2:19-cv-396-JRG

JURY TRIAL DEMANDED

AMENDED 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 code200, UAB (“Code200”) 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 Code200 is a Lithuanian corporation located at A. Goštauto g. 40A, LT-03163, Vilnius, Lithuania. Upon information and belief, Code200’s predecessor-in-interest UAB Tesonet (“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: Teso LT, UAB; Metacluster; Oxysales; Code200; and coretech, 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, Code200 has and continues to use, offer to sell, and/or sell and/or import into the United States the patented inventions of the Asserted Patent within the United States, specifically including the Oxylabs Data Center Proxies Service provided previously by Tesonet.

3. Upon information and belief, Defendant Metacluster is a Lithuanian corporation related to Teso and the other Defendants 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 and the other Defendants. 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,” provided previously by predecessor in interest Tesonet. Upon information and belief, Metacluster is a successor in interest in Tesonet’s Real-Time Crawler service.

4. Upon information and belief, Defendant Oxysales is a Lithuanian corporation related to Teso and the other Defendants 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 Teso and 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 data center proxy services provided by Code200 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 data center proxy services including Oxylabs Data Center Proxy Service and Real-Time Crawler when it uses the Oxylabs Data Center 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.

8. This Court has personal jurisdiction over Code200 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, Code200 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, Defendants advertise their proxy servers as located throughout the world, including the United States and upon information and belief has customers and servers located in Texas which implement at least a portion of the infringement herein.

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 Service sometimes utilizes Code200's Data Center Proxy Service, which upon information and belief has customers and servers located in the State of Texas which implement at least a portion of the infringement herein.

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 upon information and belief includes customers and servers located in the State of Texas which implement at least a portion of the infringement herein.

11. Upon information and belief, Defendants' data proxy servers are located throughout the United States, including upon information and belief in Texas. *See e.g.* <https://www.privateproxyreviews.com/oxylabs/>. Defendants tout the location of data center servers around the world and United States.

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