

**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**

FILED UNDER SEAL

**OXYLABS' MOTION TO STAY
PENDING *INTER PARTES* REVIEWS**

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Defendants Teso LT, UAB, Oxysales, UAB, and Metacluster LT, UAB (collectively, “Oxylabs”) file this Motion to Stay Pending *Inter Partes* Reviews (the “Motion”), and respectfully show as follows:

I. INTRODUCTION

Oxylabs moves to stay this case pending completion of the Patent Trial and Appeal Board’s (“PTAB”) *inter partes* reviews (“IPRs”) of the three patents-in-suit. Oxylabs recently filed three petitions with the PTAB directed to the three patents-in-suit. Oxylabs’ petitions are strong, and the petitions challenge the patentability of all of the asserted claims in this case based on anticipatory prior-art references and combinations that the U.S. Patent and Trademark Office did not consider during prosecution.

The stay factors favor Oxylabs. *First*, resolution of the pending IPRs will significantly simplify the present litigation. If instituted, the petitions are likely to result in the invalidation of some, if not all, of the asserted claims.¹ Additionally, any statements Luminati makes in the IPRs will be relevant to issues here, including issues of claim construction, which the Court has not yet addressed. And, if the IPRs are instituted and the patents survive, Section 315(e)(2) estoppel will apply, thus narrowing the case as well.

Second, Luminati faces no undue prejudice by a stay because any delay associated with a stay can be compensated by monetary damages. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

¹ See PTAB’s *Trial Statistics* (Jan. 2020) at 10, available at https://www.uspto.gov/sites/default/files/documents/trial_statistics_20200131.pdf (81% of instituted petitions result in some or all claims being held invalid).

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