

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CODE200, UAB; TESO LT, UAB; METACLUSTER LT, UAB; AND
OXYSALES, UAB,

Petitioners

v.

LUMINATI NETWORKS LTD.,

Patent Owner

Case IPR2020-01506

Patent 10,469,614

**PATENT OWNER'S PRELIMINARY RESPONSE
UNDER 37 CFR §42.107**

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	THE PETITION SHOULD BE DENIED BECAUSE THE PARALLEL DISTRICT COURT LITIGATION, WHICH ASSERTS THE SAME PRIOR ART AS THIS PETITION, BEGINS JURY SELECTION ON MAY 10, 2021, OVER NINE MONTHS BEFORE A FINAL DETERMINATION WOULD BE EXPECTED IN THIS IPR.....	4
	A. FACTOR 1.....	5
	B. FACTOR 2.....	7
	C. FACTOR 3.....	9
	D. FACTOR 4.....	10
	E. FACTOR 5.....	11
	F. FACTOR 6.....	13
III.	OVERVIEW - THE '614 PATENT DISCLOSES AND CLAIMS METHODS USING A NOVEL NETWORK ARCHITECTURE THAT IS NOT DISCLOSED IN ANY OF THE PRIOR ART ADVANCED BY PETITIONERS	14
	A. THE CHALLENGED CLAIMS.....	18
	B. PRIORITY DATE.....	18
IV.	PERSON OF ORDINARY SKILL IN THE ART	18
V.	CLAIM CONSTRUCTION.....	19
VI.	THE ART CITED IN THE ALLEGED GROUNDS.....	21
	A. MITHYANTHA.....	21
	B. MORPHMIX.....	24
VII.	THE FAILED GROUNDS OF ALLEGED INVALIDITY	27
	A. GROUND 1: FAILURE OF MITHYANTHA TO ANTICIPATE CLAIM 1	28
	B. GROUND 2: FAILURE OF MITHYANTHA + RFC 2616 + GENERAL KNOWLEDGE TO RENDER OBVIOUS CLAIM 1	31
	C. GROUND 3: FAILURE OF MORPHMIX TO ANTICIPATE CLAIM 1	

D. GROUND 4: FAILURE OF MORPHMIX + RFC 2616 + GENERAL
KNOWLEDGE TO RENDER OBVIOUS CLAIM 136

VIII. CONCLUSION37

TABLE OF AUTHORITIES

AGENCY DECISIONS

Apple Inc. v. Fintiv Inc.,
IPR2020-00019, Paper 11 (PTAB March 20, 2020)
(precedential, designated May 5, 2020)..... passim

Google LLC f/k/a Google Inc. v. Personalized Media Communications, LLC,
PTAB-IPR2020-00719, Paper 16 (PTAB August 31, 2020).....8

CASES

KSR Int’l Co. v. Teleflex, Inc.
550 U.S. 398, 127 S. Ct. 1727, 167 L. Ed. 2d 705 (2007)..... 31, 36

RULES AND RULEMAKING

PTAB Office Trial Practice Guide, July 2019 Update 1, 25

EXHIBIT LIST

2001	Oxylabs' Motion to Stay Pending <i>Inter Partes</i> Reviews (public-redacted) in <i>Luminati v. Teso Lt UAB et al.</i> , E.D. Texas, Case No. 2:19-cv-00395-JRG ECF No. 131
2002	Joint Claim Construction and Prehearing Statement support in <i>Luminati v. Teso Lt UAB et al.</i> , E.D. Texas, Case No. 2:19-cv-00395-JRG ECF No. 105-1
2003	Plaintiff's Markman opening brief in <i>Luminati v. Teso Lt UAB et al.</i> , E.D. Texas, Case No. 2:19-cv-00395-JRG ECF No. 126
2004	Defendants' Markman response brief in <i>Luminati v. Teso Lt UAB et al.</i> , E.D. Texas, Case No. 2:19-cv-00395-JRG ECF No. 138
2005	Plaintiff's Markman reply brief in the <i>Luminati v. Teso Lt UAB et al.</i> , E.D. Texas, Case No. 2:19-cv-00395-JRG ECF No. 145
2006	Stipulation filed in IPR2020-01266 on November 20, 2020, Paper No 14.
2007	Oxysales' Answer (public-redacted) in <i>Luminati v. Teso Lt UAB et al.</i> , E.D. Texas, Case No. 2:19-cv-00395-JRG, ECF. No. 95
2008	November 5, 2020 ECF notice from the district court moving jury selection from May 3 to May 10, 2021. <i>Luminati v. Teso Lt UAB et al.</i> , E.D. Texas, Case No. 2:19-cv-00395-JRG
2009	Dr. Thomas Rhyne Markman Declaration in <i>Luminati v. Teso Lt UAB et al.</i> , E.D. Texas, Case No. 2:19-cv-00395-JRG, ECF No. 126-5
2010	Sur-reply on Motion to Dismiss in <i>Luminati v. Teso Lt UAB et al.</i> , E.D. Texas, Case No. 2:19-cv-00395-JRG ECF No. 47
2011	Order on Motion to Dismiss in <i>Luminati v. Teso Lt UAB et al.</i> , E.D. Texas, Case No. 2:19-cv-00395-JRG ECF No. 85
2012	Declaration of Dr. Thomas Rhyne

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.