

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

BRIGHT DATA LTD.,
Patent Owner.

Case IPR 2021-01492
Patent 10,257,319

**PETITIONERS' OBJECTIONS TO NEW EVIDENCE
INCLUDED IN PATENT OWNER'S SUR-REPLY**

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

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioners object to new purported evidence included in Patent Owner’s Sur-Reply (Paper 41) filed on May 1, 2023. These objections are timely filed and served within five business days of service of the evidence to which the objections are directed.

Specifically, Patent Owner included the following table in its Sur-Reply:

Residential Proxy Service	Data Center Proxy Service
72 million+ residential IP addresses	1.6 million datacenter IP addresses
Approx. \$53.7 million revenue in 2021	Approx. \$22.1 million revenue in 2021 ¹³

Sur-Reply at 29. As shown above, Patent Owner’s purported support for the table is its footnote 13. Footnote 13 cites to “IPR2022-00687, Paper 18 at 75 (PTAB Jan. 20, 2023).” *Id.* at 29 n.13.

Petitioners object to the alleged evidence in the above table and to the alleged supporting evidence from a different proceeding (IPR2022-00867) because it is improper for Patent Owner to include new evidence in its Sur-Reply. 37 CFR § 42.23 (“A sur-reply may only respond to arguments raised in the corresponding reply and may not be accompanied by new evidence other than deposition transcripts of the

cross-examination of any reply witness.”); Patent Trial and Appeal Board Consolidated Trial Practice Guide (November 2019) at 73 (same).

Patent Owner’s new evidence also lacks any foundation, lacks any authentication in accordance with Fed. R. Evid. 901(a), and would constitute hearsay. Patent Owner’s new evidence further is irrelevant and inadmissible under Fed. R. Evid. 401/403 because it lacks nexus with the patent claims, for the reasons explained in Petitioners’ Reply with respect to Patent Owner’s other arguments related to “residential” IP addresses. Reply at 24-26.

Respectfully submitted,

CHARHON CALLAHAN ROBSON
& GARZA, PLLC

Dated: May 8, 2023

/s/ Craig Tolliver
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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned hereby certifies that the above Petitioners' Objections to New Evidence Included in Patent Owner's Sur-Reply was served on counsel for Patent Owner via e-mail, as authorized by Patent Owner, at the following e-mail addresses:

Thomas Dunham tomd@cherianllp.com
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(Lead Attorney for Petitioners)

Dated: May 8, 2023