

United States Patent and Trademark Office
Before the Patent Trial and Appeal Board

The Data Company Technologies Inc.
(Petitioner)

v.

Bright Data Ltd.
(Patent Owner)

Inter Partes Review

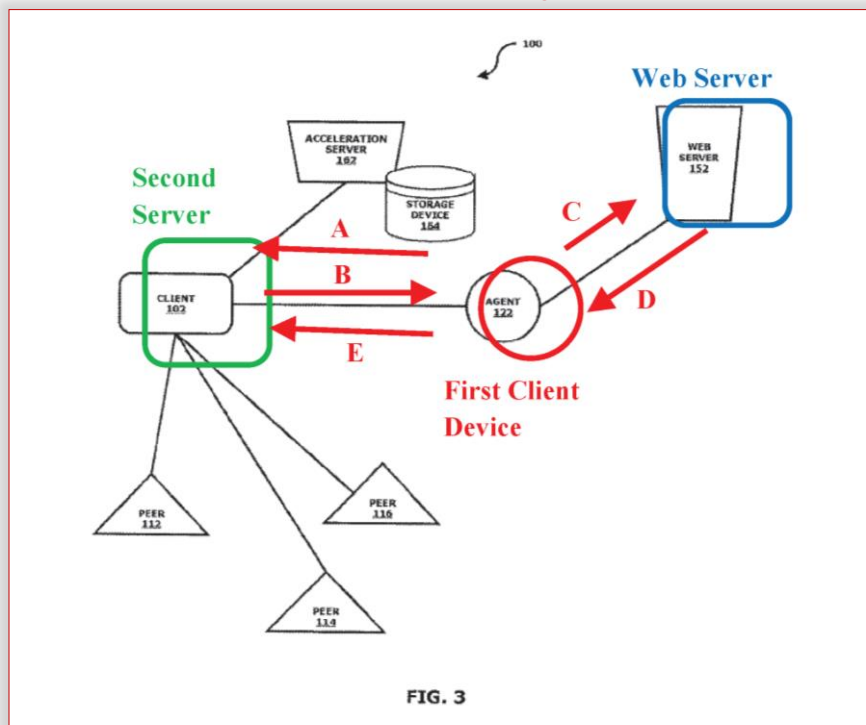
No. IPR2022-00135 | **U.S. Patent No. 10,257,319**

Petitioner's Demonstrative Exhibit

Data

Overview of '319 Patent Claims 1 and 24

Patent Owner's Expert Dr. Rhyme



Rhyme Declaration (Ex. 1108) at ¶11
(Dr. Rhyme's own annotations) (cited Reply at 8)

11. To illustrate the steps required by independent claim 1 of the '319 and '510 Patents, in light of the claim language and the above disclosures from the common specification, the "client 102" of Figure 3 is an example of the "second server" of the claims, with the numbered arrows corresponding with the bracketed letters identifying the elements of the claims as shown in the

'319 Patent

1. A method for use with a first client device, a first server that comprises a web server that receives requests, the first server stores a first content identifier, and for use with a second server, the method by the first client device comprising:

- B** ➔ receiving, from the second server, the first content identifier;
- C** ➔ sending, to the first server over the Internet, a Transfer Protocol (HTTP) request that includes the first content identifier;
- D** ➔ receiving, the first content from the first server over the Internet in response to the sending of the first content identifier; and
- E** ➔ sending, the first content by the first client device to the second server, in response to the receiving of the first content identifier.

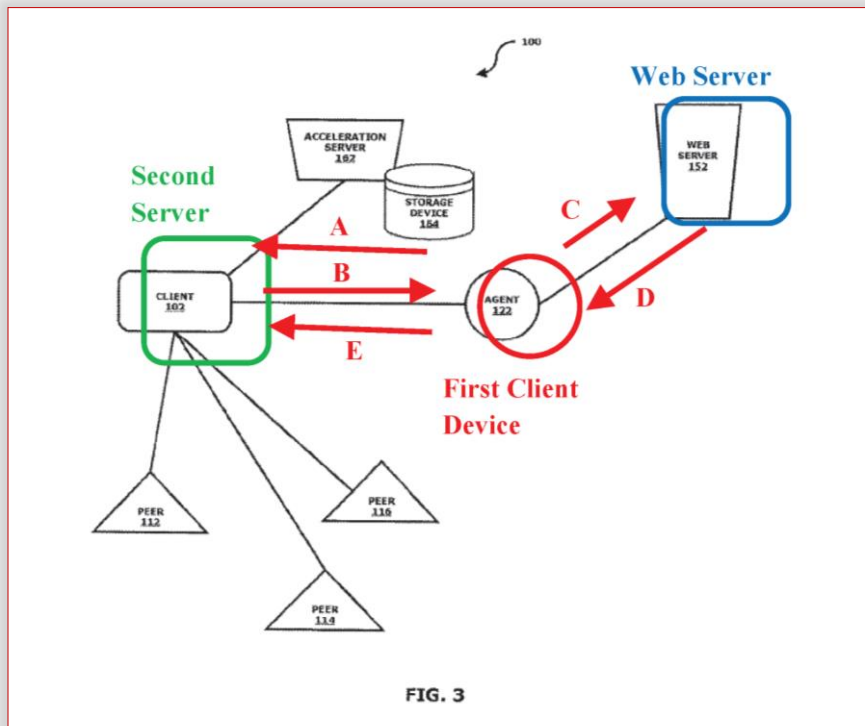
Ex. 1

- A** ➔ establishing, by the first client device, a Transmission Control Protocol (TCP) connection with the second server over the Internet using the TCP/IP protocol.

Ex. 1001 (c)

Plamondon's Appliance 200 Carries Out the Steps of Claim 1

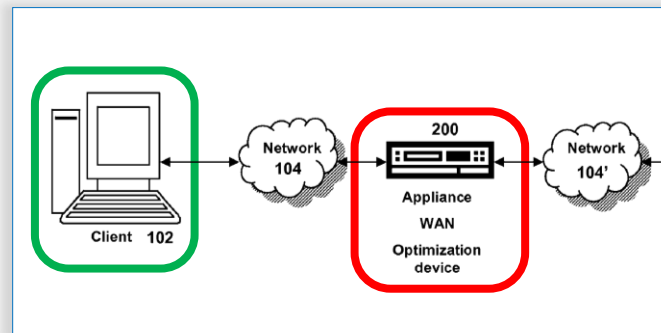
Patent Owner's Expert Dr. Rhyme



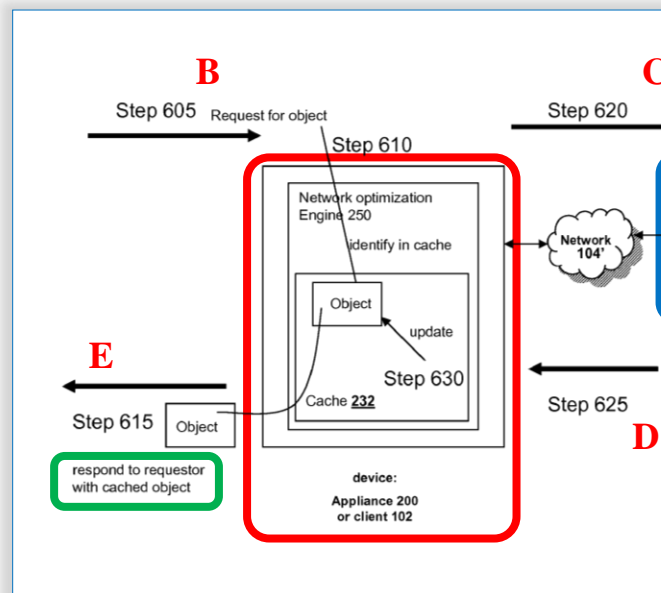
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Plamondon



Ex. 1010 at Fig. 1C annota



Plamondon's Appliance 200 Is a "client device" Under the Court's Role-Based Construction

December 7, 2020 Claim Construction Order

when it is retrieving and/or rendering resources"). The Court therefore adopts its preliminary construction and construes:

- "client device" as "communication device that is operating in the role of a client."

Ex. 1006 at 12 (cited Pet. at 8-9, Reply at 3)

February 8, 2021 Claim Construction Order

adopts the reasoning and ruling of that order. *Teso* Markman Order at 10-12. Specifically, the client device is defined by the role of the communication device as a client rather than by the components of the device and regardless of any additional role the device may serve, including as a server.

Accordingly, the Court construes "client device" as follows:

- "client device" means "communication device that is operating in the role of a client."

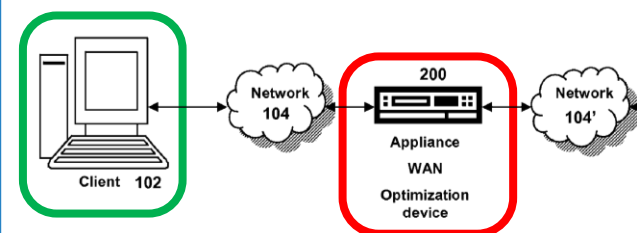
Ex. 1082 at 13 (cited Reply at 3)

May 10, 2022 Claim Construction Order

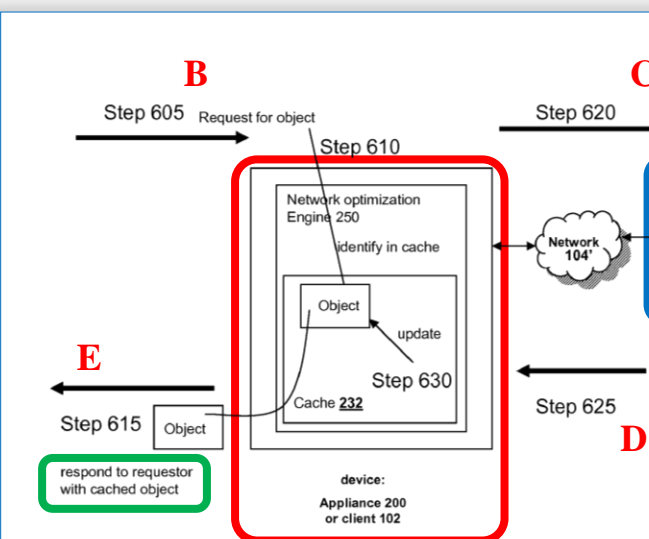
The Court therefore hereby construes "client device" to mean "communication device that is operating in the role of a client."

Ex. 2013 at 16 (cited Reply at 4)

Plamondon



Ex. 1010 at Fig. 1C annota



PO's "exclusivity" Reinterpretation Contradicts the Court's Construction

February 8, 2021 Claim Construction Order

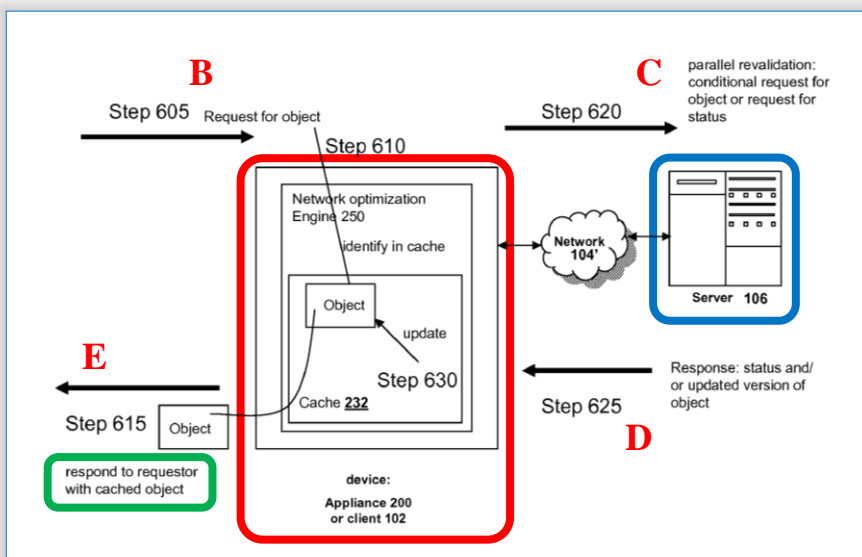
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Accordingly, the Court construes "client device" as follows:

- "client device" means "communication device that is operating in the role of a client."

Ex. 1082 at 13 (cited Reply at 3)

Plamondon



Patent Owner Response

Plamondon does not disclose a "first client device" receiving content identifier from a "second server" as recited in claim 1. Petitioner argues that Plamondon discloses appliance 200 receiving content identified by URLs from client 102. Petition at 18. However, in time, appliance 200 is operating in the role of a server, not a client. ¶147. Petitioner's expert agreed. EX. 2010 at 74:12-17; 75:17-18; 61:17-25; 75:6-16. Therefore, under the role-based construction, appliance 200 cannot correspond to the "first client device" of the '319 Patent. Petitioner alleges. EX.2044 at ¶147.

Petitioner's Reply

Though PO never made this argument in court, the court's construction of "client device" is consistent with the patent's definition. A "client device is defined by the role of the communication device as a client rather than by the components of the device and regardless of any additional role the device may serve, including as a server." Ex. 1082, 13. Also, the '510 patent reexamination confirmed that the definition is "a device that acts, at least at some point, as a client." Ex. 1082, 13.

Patent Owner Sur-Reply



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