

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

Case IPR2022-00135

Patent No. 10,257,319

DECLARATION OF DR. V. THOMAS RHYNE

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

I. INTRODUCTION

I, Dr. V. Thomas Rhyne, declare the following:

1. I have been retained as an independent expert in this matter by counsel for Patent Owner Bright Data Ltd. (“Bright Data”). I have been asked to provide my opinions on certain references in the above-identified *inter partes* review (“IPR”) proceeding, IPR2022-00135, involving U.S. Patent No. 10,257,319 (“the ’319 Patent”).¹

2. I have also reviewed the Petition (Paper 2) and the exhibits submitted with the Petition as discussed herein. I have also reviewed U.S. Patents Nos. 10,469,614 (EX. 2002); 10,491,712 (EX. 2003); 10,491,713 (EX. 2004); and 11,050,852 (EX. 2005) all of which are assigned to Bright Data. I have also reviewed U.S. Patent No. 8,972,602 (EX. 2006) which is assigned to Citrix Systems, Inc. I have also reviewed the Court’s Alice Order (Dkt. 303) (EX. 2007) in the case of *Bright Data Ltd. f/k/a Luminati Networks Ltd. v. Teso LT, UAB a/k/a UAB Teso LT, et al.*, Case No. 2:19-cv-00395-JRG (E.D. Tex. Feb. 12, 2021) (the “Teso Litigation”).

3. I am being paid for my work preparing this declaration at my normal consulting rate plus reimbursement of any direct expenses. My compensation is not

¹ I also submitted a similar declaration in the related IPR proceeding, IPR2022-00138, involving U.S. Patent No. 10,484,510. *See The Data Company Technologies, Inc. v. Bright Data Ltd.*, IPR2022-00138, Exhibit 2001 (PTAB February 16, 2022).

tied to the outcome of this matter and is not based on the substance of the opinions that I provide.

II. MY QUALIFICATIONS

4. My background and qualifications as an expert are detailed in my curriculum vitae, which is attached hereto as Exhibit A. I was also designated and recognized by the Court as a qualified expert in computer and network technology during trial in the Teso Litigation.

5. I hold degrees from Mississippi State University (Bachelor of Science in Electrical Engineering with Honors, 1962), the University of Virginia (Master of Electrical Engineering in 1964), and the Georgia Institute of Technology (Ph.D. in Electrical Engineering, 1967). I have been a Registered Professional Engineer in the State of Texas since 1969. I have also been a Registered Patent Agent with the U.S. Patent and Trademark Office (the “USPTO”) since 1999.

6. I taught electrical engineering, computer engineering, computer architecture, and computer science at the undergraduate and graduate levels full-time at Texas A&M University from 1967 to 1983 and part-time at the graduate level at the University of Texas from 1983 to 1991. My twenty-plus years of industrial experience include work at the Electric Power Research Institute, Texas Instruments, Control Data Corporation, NASA, Texas Digital Systems, Inc. (a company I co-founded to produce microprocessor-based computer peripherals

in 1976), the Microelectronics and Computer Technology Corporation (“MCC”), and Motorola, Inc.

7. I have extensive experience with computer technology, including design and teaching experience with a variety of computer systems, microcomputer systems, and microcontrollers. I have participated in the design of several computer systems and microprocessors and have designed systems which made use of those devices as controllers. I am familiar with a variety of computer architectures and am an experienced programmer in a variety of programming languages as well as assembly-level language on a number of different computers and microprocessors. I have been an Internet user since the early 1990’s.

8. Based on my academic and consulting experience, I am familiar with a variety of computer interfaces, website operations, and data-communications protocols. I have managed large and complex software-development programs, and I have been and am familiar with the Internet and its use for providing both data and services to its users. Prior to joining MCC, I was responsible for bringing access to the ARPANET to Texas A&M University, an activity which gave me insight and experience with the exchange of information over wide-area networks.

9. My experience has also included the use of a variety of networked communications systems, including use of the ARPANET and extensive use of the Internet as that system came into being in the early 1990s. I also coordinated

MCC's initial access to the ARPANET and later to the Internet. I am an experienced user of several search engines, including Google Chrome, Internet Explorer, Microsoft Edge, and Mozilla Firefox. In addition, in the early 1990s MCC researchers developed "EINet Galaxy," one of the first web browsers with search engine capabilities; I was one of the alpha testers for that effort.²

10. I managed distributed database development for several years at MCC, as well as MCC's successful research and development program on Internet-based credit card fraud detection using neural networks. I have also worked as a technical expert on patent cases dealing with complex software systems, the provision of secured communication using SSL/TLS during web sessions conducted with cellular telephones, and with remotely accessed home security systems. My litigation work has also included cases dealing with XML and HTTP.

11. While working at MCC in 1994 I was assigned to represent MCC and its participating companies in the planning efforts of the U.S. Technology Policy Working Group addressing the technical challenges associated with the planned

² See, for example, page 10 of the *Proceedings of the Computer and Information Sciences – ICIS 2003*, International Symposium, Antalya, Turkey, November 3-5, 2003, which states that the "Earliest forms of search engines, launched in 1990, were for searching ftp and gopher directories. 1994 was a busy year for the launch of a number of search engines. In January 1994, MCC Research introduced EINet Galaxy ..."

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