

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

BRIGHT DATA, LTD., (CAUSE NO. 2:19-CV-395-JRG
)
Plaintiff, ()
vs. ()
TESO, LT UAB, et al (NOVEMBER 3, 2021
) MARSHALL, TEXAS
Defendants. (8:30 A.M.

VOLUME 3

TRIAL ON THE MERITS

BEFORE THE HONORABLE RODNEY GILSTRAP
UNITED STATES CHIEF DISTRICT JUDGE
and a jury

SHAWN M. McROBERTS, RMR, CRR
100 E. HOUSTON STREET
MARSHALL, TEXAS 75670
(903) 237-7464
shawn_mcroberts@txed.uscourts.gov

1 They need reliable and accurate data.

2 Q. Did Oxylabs create its own source code?

3 A. Of course.

4 Q. Have you ever seen any private Bright Data source code?

5 A. Never.

6 Q. Does Bright Data make some of its source code publicly
7 available?

8 A. Yes.

9 Q. As far as you're aware, has anyone at Oxylabs ever seen
10 any Bright Data, Luminati, Hola private source code?

11 A. They did not.

12 MR. GOVETT: Let's look at slide 24 from opening, if
13 we could, please. I'm sorry. It should be the timeline from
14 the proxy service. There we go. Thank you.

15 Q. (BY MR. GOVETT) Do you see the timeline at the bottom
16 here, sir?

17 A. Yes.

18 Q. Was October 2016, is that the date when Oxylabs'
19 residential proxy service began development?

20 A. Correct.

21 Q. And is February 2018 when Oxylabs' residential proxy
22 service launched?

23 A. Yes.

24 MR. GOVETT: You can take that down, please.

25 Q. (BY MR. GOVETT) So how long is it about from -- from the

1 time you began development until the time you launched?

2 A. A year and a half or so.

3 Q. And how many people worked to develop the system?

4 A. At least five.

5 Q. Do you have the names? Please use Mr., Mrs.

6 A. Yeah. Mr. Jytautas, Mr. Rokas, Mr. Povilas. You know,
7 in start-up environment, everyone is doing everything. We are
8 a small company then, so at least those guys were fully
9 focused on this. But everyone else was just, you know,
10 helping back and forth.

11 Q. Did you also help?

12 A. Yeah, of course.

13 Q. Now, February 2018, is that when the service began to
14 make money?

15 A. It began to make money, yes.

16 MR. GOVETT: Let's look at Defendants' 888 at page
17 1, please.

18 Q. (BY MR. GOVETT) When did this patent issue?

19 A. April 9, 2019.

20 Q. Is that after your service was up and running by more
21 than a year?

22 A. Yes, we were up and running.

23 Q. Did you take any part of this '319 patent and use it in
24 developing your service?

25 A. No. It was already developed.

1 MR. GOVETT: Let's look at Defendants' 889 at page
2 1, please.

3 Q. (BY MR. GOVETT) When did this patent issue?

4 A. On the 19th of November, 2019.

5 Q. Same question. Did you take any part of this patent and
6 use it to develop your service?

7 A. No.

8 MR. GOVETT: Let's look at Defendants' 887 at page
9 1, please.

10 Q. (BY MR. GOVETT) What's the date of this patent?

11 A. November 5th, 2019.

12 Q. Is November 5th an important day for you?

13 A. It is.

14 Q. What is it?

15 A. It's my birthday.

16 Q. This Friday is your birthday?

17 A. Yes.

18 Q. Same question. Is this after Oxylabs offered its
19 residential proxy service --

20 A. Yes.

21 Q. -- in February 2018?

22 A. Yes.

23 Q. Did you take -- did you or anyone at Oxylabs take
24 anything from this patent and use it to develop your service?

25 A. No.

1 Q. Now, how would we relate to Oxylabs?

2 A. We are a data collection company.

3 Q. So what does that mean?

4 A. Companies can either -- we gather data for companies at
5 scale by multiple ways.

6 Q. Is price comparison one of the uses?

7 A. Yes.

8 Q. Explain that, please.

9 A. So companies, for example, airlines, they do have
10 different pricing, or maybe even better hotels, so a hotel has
11 a different prices on, you know, different time being. And it
12 changes, depends on your location, on time, weekend or -- and
13 regular day. And that information is valuable or interested
14 for competitive intelligence reasons to our customers.

15 So they collect that data, and we -- we collect the data
16 on behalf of them and provide it to them by multiple product
17 sets that we have. And then, you know, those companies, in
18 order to get fully booked, you had full hotel rates, they have
19 to, you know, adjust their pricings to make it cheaper. And
20 that is one of the use case that happens using Oxylabs.

21 MR. GOVETT: Now, if we look at Plaintiff's Exhibit
22 490, please, page 1 --

23 Q. (BY MR. GOVETT) -- what is this?

24 A. This is one of Oxylabs' products that we have called
25 residential proxies.

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.