

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

PATENT OWNER'S SUR-REPLY

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United States Patent and Trademark Office
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TABLE OF AUTHORITIES

AC Techs., S.A. v. Amazon.com, Inc., 912 F.3d 1358 (Fed. Cir. 2019).....11

Assembly Guidance Systems v. Virtek Vision International, IPR2021-00062, Paper
24 May 6, 2022).....23

Elbex Video v. Sensormatic Electronics, 508 F.3d 1366 (Fed. Cir. 2007).....15

EWP Corp. v. Reliance Universal Inc., 755 F.2d 898 (Fed. Cir. 1985).19

Hill-Rom Servs., Inc. v. Stryker Corp., 755 F.3d 1367 (Fed. Cir. 2014).....9

In re WesternGeco LLC, 889 F.3d 1308 (Fed. Cir. 2018).....20

Kyocera Senco Indus. Tools, Inc. v. ITC, 22 F.4th 1369 (Fed. Cir. 2022)8

Microsoft Corp. v. Biscotti, Inc., 878 F.3d 1052 (Fed. Cir. 2017)20

Modine Mfg. Co. v. United States Int’l Trade Comm’n, 75 F.3d 1545 (Fed. Cir.
1996)10

Netword, LLC v. Centraal Corp., 242 F.3d 1347 (Fed. Cir. 2001)9

Phillips v. AWH Corp., 415 F.3d 1303 (Fed. Cir. 2005) 9, 10, 13

Quest Integrity USA, LLC v. Cokebusters USA Inc., 924 F.3d 1220 (Fed. Cir. 2019)
.....15

Tate Access Floors, Inc. v. Interface Architectural Resources, Inc., 279 F.3d 1357
(Fed. Cir. 2002).....12

Trs. Of Columbia Univ. v. Symantec Corp., 811 F.3d 1359 (Fed. Cir. 2016).....9

Ventana Medical Systems v. Biogenex Laboratories, 473 F.3d 1173 (Fed. Cir.

2006).15

PATENT OWNER'S LIST OF EXHIBITS	
EX. 2001	Declaration of Dr. V. Thomas Rhyne
EX. 2002	U.S. Patent No. 10,469,614
EX. 2003	U.S. Patent No. 10,491,712
EX. 2004	U.S. Patent No. 10,491,713
EX. 2005	U.S. Patent No. 11,050,852
EX. 2006	U.S. Patent No. 8,972,602 (“Mithyantha”)
EX. 2007	Order (Dkt. 303) in the case of <i>Bright Data Ltd. f/k/a Luminati Networks Ltd. v. Teso LT, UAB a/k/a UAB Teso LT, et al.</i> , Case No. 2:19-cv-00395 (E.D. Tex. Feb. 12, 2021)
EX. 2008	Patent Owner’s Sur-Reply (Dkt. 47) in the case of <i>Bright Data Ltd. f/k/a Luminati Networks Ltd. v. Teso LT, UAB a/k/a UAB Teso LT, et al.</i> , Case No. 2:19-cv-00395 (E.D. Tex. May 5, 2020)
EX. 2009	Patent Owner’s Reply (Dkt. 145) in the case of <i>Bright Data Ltd. f/k/a Luminati Networks Ltd. v. Teso LT, UAB a/k/a UAB Teso LT, et al.</i> , Case No. 2:19-cv-00395 (E.D. Tex. Oct. 20, 2020)
EX. 2010	Deposition Transcript of Dave Levin, dated July 22, 2022
EX. 2011	U.S. Patent No. 8,560,604
EX. 2012	U.S. Patent No. 10,069,936
EX. 2013	Claim Construction Order (Dkt. 146) in the case of <i>Bright Data Ltd. v. NetNut Ltd.</i> , Case No. 2:21-cv-00225 (E.D. Tex. May 10, 2022)

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