

# The Latest Information Regarding All Legal Proceedings Between Oxylabs and Luminati (now Bright Data)

## Our commitment to a fair market in which innovation thrives through legitimate competition

The story's first chapter dates back to July 2018, when Luminati (now Bright Data) sued Oxylabs, claiming that Oxylabs' technology infringed Bright Data's patents. Oxylabs has always maintained the position that Oxylabs has not infringed on any of Bright Data's patents.

In fact, Bright Data's allegations were resolved in the first concluded case, as a settlement was reached between both parties, resulting in all claims and counterclaims in the case being dismissed with prejudice. Hence, our existing and future partners should not be concerned regarding Bright Data's messages regarding Oxylabs' products.

That said, little did we know at the time, for Bright Data, it wasn't necessarily all about winning

about tying up its competition in endless legal proceedings, distracting its rivals from their core business operations, and discouraging regular companies from using non-Bright Data providers. Indeed, Bright Data filed two additional lawsuits against Oxylabs. In those lawsuits, Oxylabs asserts that Bright Data's patents are not infringed, are invalid, and are not eligible for patent protection.

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Hence, Oxylabs will continue to protect its technology and reputation utilizing all available legal remedies, including appellate process to ensure fair market practices that encourage legitimate competition for all market stakeholders' interests.

**Julius Cerniauskas**

CEO at Oxylabs

## The legal cases

*Note: Luminati has since rebranded to Bright Data*

### Case No. 299

Resolved by settlement

#### Luminati v. Oxylabs

Luminati (now Bright Data) sued Oxylabs, claiming that Oxylabs' residential proxy network service and Real-Time Crawler allegedly infringed Luminati's two patents, U.S. Patents [9,241,044](#) and [9,742,866](#).

### Case No. 395

Ongoing

#### Luminati v. Oxylabs

Luminati (now Bright Data) filed a new patent lawsuit against Oxylabs, claiming that Oxylabs' residential proxy network service and Real-Time Crawler allegedly infringed three additional Luminati patents. U.S.



Patents [10,469,614](#), [10,257,319](#),  
[10,484,510](#).

[Sign up](#)**Case No. 396**

Ongoing

**Luminati v. Oxylabs**

Luminati (now Bright Data) filed a new patent lawsuit against Oxylabs, claiming that Oxylabs' data center IP technologies allegedly infringed on additional Luminati patents, U.S. Patents [10,484,511](#), [10,637,968](#).

**Case No. 73**

Resolved by parties' agreement

**Oxylabs v. Luminati**

Oxylabs sued Luminati (now Bright Data) and its investor EMK Capital LLP on the following claims: unfair competition, false advertising, false patent marking, defamation/business disparagement, tortious interference with prospective business relations, tortious interference with the existing contract, breach of contract, and conspiracy.

**Case No. 011**

Ongoing

**Oxylabs v. Luminati**

Oxylabs has filed the lawsuit against Bright Data claiming the infringement of three patents of Oxylabs. Oxylabs alleges that its competitor infringes on Oxylabs' patents claiming Smart Proxy Rotator and web script management technologies for the provisioning of web scraping and other business services.

# The legal timeline

## 2018

July 19, 2018 Case No. 299

### Luminati (now Bright Data) filed a complaint against Oxylabs

Luminati (now Bright Data) sued Oxylabs, claiming that two Oxylabs' products - Oxylabs' residential proxy network service and Real-Time Crawler - **allegedly infringed Bright Data's two patents**, U.S. Patents [9,241,044](#) and [9,742,866](#) ([Case No. 299](#)).

## 2019

August 21, 2019 Case No. 299

### Claim Construction Order

The Court issued its claim construction<sup>(1)</sup> opinion (a so-called Markman<sup>(2)</sup> opinion), which proved to be critical for the later stages of [Case No. 299](#). With this decision, at Oxylabs' request, the Court **invalidated** one of the three independent claims of Bright Data's patents (Claim 108) as indefinite and issued an order construing the claims of Bright Data's patents.

September 9, 2019 Case No. 299

Oxylabs filed its Motion for Judgment on the Pleadings<sup>(3)</sup> (a so-called Alice Motion<sup>(4)</sup>) seeking a ruling that **Bright Data's patents were invalid for impermissibly claiming an abstract idea.** Sign up =

November 4, 2019 Case No. 299

## Oxylabs filed Motion for Summary Judgment

Oxylabs also filed a **Motion for Summary Judgment that Oxylabs did not infringe Bright Data's patents.** Both motions (i.e., Motion for Judgment on the Pleadings and Motion for Summary Judgment) were pending, and if the Court had granted either of them, the lawsuit would have concluded on the merits in Oxylabs' favor.

November 5, 2019 Case No. 299

## Luminati (now Bright Data) withdrew non-patent claims

On December 12, 2018, in [Case No. 299](#), Bright Data asserted certain **non-patent claims** against Oxylabs. Oxylabs wrote to Bright Data on September 10, 2019, and advised that these additional claims asserted in [Case No. 299](#) were frivolous and that the continued pursuit of the claims would subject Bright Data to liability for Oxylabs' attorney's fees. On November 4, 2019, rather than pursue these additional non-patent claims asserted in [Case No. 299](#), **Bright Data voluntarily withdrew them without prejudice.**

December 6, 2019 Case No. 395 Case No. 396

## Luminati (now Bright Data) filed two new complaints against Oxylabs

Bright Data filed two new patent lawsuits against Oxylabs, claiming that Oxylabs' technologies **allegedly infringed on five additional patents**, U.S. Patents [10,469,614](#), [10,257,319](#), [10,484,510](#) ([Case No. 395](#)) and [10,484,511](#), [10,637,968](#) ([Case No. 396](#)). In [Case No. 395](#), Bright Data also once again asserted the same **additional non-patent claims**, which **Bright Data voluntarily withdrew** in [Case No. 299](#) back in November 2019.

# 2020

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