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

LUMINATI NETWORKS LTD.	§	
	§	
Plaintiff,	§	
v.	§	Case No. 2:19-CV-00395-JRG
TESO LT, UAB; OXYSALES, UAB;	§	
METACLUSTER LT, UAB;	§	
	§	
Defendants.	§	

**LUMINATI'S OPENING CLAIM CONSTRUCTION BRIEF
<u>(LOCAL PATENT RULE 4-5(a))</u>**

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I.   INTRODUCTION

Derry Shribman and Ofer Vilenski, founders of Plaintiff Luminati Networks Ltd. ("Luminati"), invented new methods for fetching content from a target server over the Internet using intermediary third-party client devices, such as an individual's cell phone, in order to make the request from the third-party instead of the original requestor. These inventions are claimed U.S. Patent Nos. 10,257,319 (the "'319 Patent", Ex. A), 10,484,510 (the "'510 Patent," Ex. B) and 10,469,614 (the "'614 Patent," Ex. C) (collectively the "Patents-in-Suit" or "asserted patents"). Using this novel service permits a user to access content from a server that might otherwise block the request or return a fake response. For example, a retailer can use this service to request pricing data from a competitor by appearing to that competitor as a potential customer.

The parties in this case agree that many of the claim terms should be afforded their plain and ordinary meaning. In some cases, however, additional clarification is important because under the rubric of "plain meaning" Defendants in fact deviate from the plain meaning of the claim terms as used in the patents in light of the clear prosecution history by interpreting "servers" and "client devices" as interchangeable. As used in this patent claims, they are not. Defendants also assert indefiniteness as to a variety of claim terms, but such arguments are baseless as these claims were properly issued by the Patent Office and entitled to the presumption of validity.

II.   FACTUAL AND PROCEDURAL BACKGROUND

A.   The Patents-in-Suit

The Patents-in-Suit are directed to architecture and methods for fetching content over the Internet. The '319 and '510 Patents, filed on April 20, 2018 and February 17, 2019 respectively, are in the same family ("First Family") with a shared specification claiming priority to the same provisional application filed on October 8, 2009. The patents in the First Family are titled: "System

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