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| **From:** | Jason Bartlett |
| **To:** | Elizabeth O"Brien |
| **Cc:** | Tom Dunham; Emily Sullenberger; Vincent Ma; Ray Huang |
| **Subject:** | RE: IPR2022-00915 and -00916 - Discovery Requests |
| **Date:** | Thursday, June 23, 2022 1:11:44 PM |
| **Attachments:** | image001.png |

Dear Elizabeth,

Major Data is not required to respond to requests for additional discovery that are not supported by more than a mere allegation or mere possibility that relevant information exists. A refusal to respond to speculative, baseless discovery cannot be a basis to compel a response. By definition, every discovery dispute starts with a refusal to respond. Bright Data cannot demand unreasonable discovery and then assert that Major Data's refusal itself supplies, *post hoc*, the missing predicate basis for Bright Data's original request.

Nevertheless, without agreeing that Bright Data has a reasonable basis for its request, to avoid wasting additional time on this issue, Major Data provides the following responses to Bright Data's questions. Major Data reserves all objections.

**Interrogatory No. 1:** When and how did Petitioner become aware of each of Patent Nos. 10,257,319 and 10,484,510?

Petitioner became aware of the patents through Bright Data press releases such as the one linked here.

**Interrogatory No. 2:** When and how did Petitioner become aware of each of IPR2021-01492 and IPR2021-01493?

Petitioner became aware of these IPRs when it was investigating the possible expansion of its business to the U.S. market.

**Interrogatory No. 3:** Does Gerbert Doronin Koltan have a personal and/or professional relationship with Thomas Okmanas?

No. Mr. Doronin Koltan has never worked for Mr. Tomas Okmanas. Nor, to the best of his knowledge, has he worked for or in any business that Mr. Okmanas owns in which he has invested. The reverse is also true. Mr. Okmanas has not worked for Mr. Tomas Okmanas or for or in any business that Mr. Tomas Okmanas has owned or has invested in. Messrs. Tomas Okmanas and Koltan have both participated in community efforts to fight Coronavirus. As members of the Lithuanian business community, Messrs. Tomas Okmanas and Koltan may, from time to time, have been present at the same events. They have never discussed or corresponded about Bright Data, its patents, these IPRs, or any other Petitioner.

**Interrogatory No. 4:** Does either Petitioner or Gerbert Doronin Koltan have any relationship with the Tesonet family of companies, including any of Code200, UAB; Teso LT, UAB (f/k/a UAB Tesonet); Metacluster LT, UAB; Oxysales, UAB; Coretech LT, UAB; or Tefincom SA d/b/a NordVPN?

No.

**Interrogatory No. 5:** Identify any communication with any non-party discussing Petitioner's preparation or filing of IPR2022-00915 and/or IPR2022-00916. For any tangible communications, please produce the document. For any non-tangible communications, please describe the topic, the individuals involved, and the approximate date of the communication.

Major Data has not discussed the preparation or filing of the IPRs with any non-party (apart from privileged communications with its own attorneys).

**Interrogatory No. 6:** Identify the corporate structure of Major Data UAB, including any parent, subsidiary, or sister (e.g., under common ownership with Major Data UAB) companies.

Mr. Doronin Koltan owns all of the shares of Major Data UAB. It has no parent, subsidiaries, or affiliates.

Regards,

Jason

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**From:** Elizabeth O'Brien <elizabetho@cherianllp.com>
**Sent:** Friday, June 10, 2022 9:09 PM
**To:** Jason Bartlett <jbartlett@mkwllp.com>; Vincent Ma <VMa@mkwllp.com>; Ray Huang <rhuang@mkwllp.com>
**Cc:** Tom Dunham <tomd@cherianllp.com>
**Subject:** [EXT] RE: IPR2022-00915 and -00916 - Discovery Requests

Hi Mr. Bartlett,

Following up regarding Major Data's responses to Interrogatory Nos. 1-6.

Thank you,
Elizabeth

**Elizabeth O'Brien**
Associate

Cherian LLP
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Washington, DC 20036
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**From:** Elizabeth O'Brien

**Sent:** Tuesday, May 31, 2022 1:37 PM
**To:** Jason Bartlett <jbartlett@mkwllp.com>; Vincent Ma <VMa@mkwllp.com>; Ray Huang <rhuang@mkwllp.com>
**Cc:** Tom Dunham <tomd@ruyakcherian.com>
**Subject:** RE: IPR2022-00915 and -00916 - Discovery Requests

Hi Mr. Bartlett, thanks for getting back to us.

We remain concerned about Major Data's relationships. We feel that your email was heavily focused on Garmin factor 1, ignoring the other four Garmin factors and failing to provide any actual responses. We believe that in the interests of justice, and given the amount of litigation surrounding the challenged patents, the discovery requests are appropriate and narrowly targeted to address issues related to denial of institution and appropriateness of joinder. If Major Data disagrees with the scope of the discovery requests, then we would appreciate if Major Data would propose alternative discovery requests. *See, e.g., RPX Corporation v. Applications In Internet Time LLC,* IPR2015-01750, Paper 7 at 2 (PTAB Oct. 1, 2015).

Also, we note that the Garmin factors are relevant for motion briefing in front of the Board, but that the "the parties may agree to such discovery among themselves." TPG at 24. Nonetheless, we briefly address the Garmin factors below:

Regarding Garmin factor 1, there are many factors contributing to our suspicion. Taken together, we felt it was necessary to reach out to Major Data and try to resolve our concerns, without motion briefing or involving the Board. Major Data's failure to respond to the discovery requests further contributes to our suspicion and suggests that in fact something 'useful' will be uncovered.

Regarding Garmin factor 2, the discovery requests are not asking for the other party's litigation positions or the underlying basis for those positions.

Regarding Garmin factor 3, we are unable to generate the requested information by any other means. We cannot find any public information on Major Data, which further contributes to our suspicion. For example, we are unaware of any services presently offered by Major Data, but we do know that Major Data has not been sued for infringement. We did find information on netzet, and upon investigating netzet, found employees who had previously worked with Tesonet. For example, a junior online business developer at netzet and an SEO lead at netzet. We do not believe this employee-overlap is determinative, but it does further contribute to our suspicion.

Regarding Garmin factor 4, we believe the discovery requests are easily understandable. If you disagree, then please let us know so that we may provide clarification.

Regarding Garmin factor 5, we believe the discovery requests are not overly burdensome to answer, given that they are narrowly targeted. For example, the answer to Interrogatory No. 5 may be that there are no such communications, but if the answer is proving to be burdensome then please let us know.

Regarding some of the statements in your email:

You stated that Netzet is "a separate company co-founded by Mr. Koltan." We believe this statement relates to Interrogatory No. 6.

You stated that companies contributing to efforts to fight coronavirus "does not suggest a close connection between them." We disagree that the public articles suggest there is not a close connection between Mr. Koltan and Mr. Okmanas. Please see one such article at https://www.delfi.lt/verslo-poziuris/naujienos/technologiju-imones-salies-medikus-aprupino-apsaugos-priemonemis-uz-beveik-puse-milijono-euru.d?id=84133607 (section reproduced below with annotations). Not only does this article identify Mr. Koltan and Mr. Okmanas as the "initiators of the idea," it also states that the initiative stemmed from "several calls to business partners and friends."

consignment in just 72 hours. According to the initiators of the idea, T. Okman and G. Doronin Koltan, the initiative stemmed from a simple desire to contribute to the overall fight against coronavirus and several calls to business partners and friends.

You stated that "it would be difficult to find technology entrepreneurs in Lithuania who have not had at least some professional interaction with Mr. Okmanas." We believe this statement implies that Mr. Koltan has had some professional interaction with Mr. Okmanas. As requested in Interrogatory No. 3, please expressly state whether or not there is a pre-existing relationship between Mr. Koltan and Mr. Okmanas. If yes, please expressly state whether that relationship is personal or professional. We believe this statement also relates to Interrogatory No. 4.

You stated that "the relevant question is whether Major Data is so much under Teso LT's influence or control that it is joining the pending IPR at Teso, LT's *behest*." We note that you never actually answered "the relevant question." Our position is that at least Interrogatory Nos. 1-2 and 5 were designed to directly address "the relevant question." We also note that there were five companies, in addition to Teso LT, listed in Interrogatory No. 4. Our concern is not limited to Teso LT. Overall, Major Data never affirmatively stated that it is not representing a non-party's interest.

Please let us know if Major Data will now provide responses to Interrogatory Nos. 1-6. Thank you.

**Elizabeth O'Brien**
Associate

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**From:** Jason Bartlett <jbartlett@mkwllp.com>
**Sent:** Monday, May 23, 2022 6:55 PM
**To:** Elizabeth O'Brien <elizabetho@ruyakcherian.com>; Vincent Ma <VMa@mkwllp.com>; Ray Huang <rhuang@mkwllp.com>
**Cc:** Tom Dunham <tomd@ruyakcherian.com>
**Subject:** RE: IPR2022-00915 and -00916 - Discovery Requests

Dear Ms. O'Brien,

Thanks for your patience as Major Data has been considering Patent Owner's request for discovery. There does not appear to be a reasonable basis for Additional Discovery relating to Real Party in Interest under the Garmin Factors. Patent Owner has has not presented anything beyond mere "allegation" or "possibility" that relevant information might be found.

Patent Owner has represented that there is publicly available evidence that Mr. Koltan of Major Data and Mr. Okmanas of the Tesonet group have a "personal and/or professional relationship." Patent Owner asserts that there are multiple news articles suggesting that Messrs. Koltan and Okmanas initiated an idea to "distribute local aid to fight coronavirus." We have not seen the articles you are referencing. First, Mr. Okmanas is a well-known founder of a Unicorn-status technology company in Lithuania. We understand that it would be difficult to find technology entrepreneurs in Lithuania who have not had at least some professional interaction with Mr. Okmanas. Furthermore, many companies in countries around the world contributed to efforts to fight coronavirus. That does not suggest a close connection between them.

Second, Patent Owner claims that some unidentified employees have moved between Teso LT, one of the four petitioners in the IPRs filed against Luminati in 2020, and Netzet, a separate company co-founded by Mr. Koltan. This also does not appear to rise above the level of a mere possibility or suspicion of a connection. Since Patent Owner does not identify the alleged employees, it is impossible to determine whether their duties are in any way relevant to the technology at issue here. Even if they were, we understand that Mr. Okmanas employs thousands of people in Lithuania. Therefore, there is no reason to draw any conclusions from the mere movement of tech workers between one company and another. Furthermore, Patent Owner does not allege that any Teso LT employee works for Major Data, the Petitioner in this proceeding. The alleged connection is even more tenuous: that Mr. Koltan allegedly hired *at Netzet* – a company not involved in this IPR – a former Okmanas employee (or possibly the reverse).

Third, the ultimate relevant question is not whether there is any connection of any kind. The relevant question is whether Major Data is so much under Teso LT's influence or control that it is joining the pending IPR at Teso LT's *behest*. Tenuous connections such as these, even if true, do not begin to rise to such a level of control.

Regards,

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