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

BRIGHT DATA LTD., *Plaintiff*,	§	
v.	§	Civil Action No. 2:19-CV-00414-JRG
TEFINCOM S.A. D/B/A NORDVPN, *Defendant*.	§	[redacted]

DEFENDANT'S MOTION FOR SUMMARY JUDGMENT OF INVALIDITY OF THE '319, '510, AND '511 PATENTS

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TABLE OF EXHIBITS

Exhibit	Shorthand	Description
A	*Tefincom* CC Order	Order that claim construction orders from related cases shall apply in this case (ECF 63)
B	*O2 Micro* Request	Defendant's Motion for Hearing Regarding *O2 Micro* Issue (ECF 444 in *Bright Data Ltd. v. Teso lt, UAB et al*., Case No. 2:19-cv-395 ("*Teso*"))
C	Supplemental CC Order	Supplemental Claim Construction Order (ECF 453 in *Teso*)
D	Rhyne *Daubert* Order	Excerpt of Order on Pretrial Motions and Motions *in Limine* in *Teso* (ECF 476 in *Teso*)
E	Crowds	Reiter and Rubin, Crowds: Anonymity for Web Transactions, ACM Transactions on Information and System Security, Vol. 1, No. 1, November 1998 (NORDPA0002553)
F	ACM Dec.	June 4, 2020 Declaration of Scott Delman of Association for Computing Machinery (ACM) regarding publication status of Crowds (NORDPA0002552)
G	'319 Patent	U.S. Patent No. 10,257,319
H	'510 Patent	U.S. Patent No. 10,484,510
I	'511 Patent	U.S. Patent No. 10,484,511
J	Freedman Rep.	Excerpts of August 19, 2021 Expert Report of Dr. Michael J. Freedman on behalf of Defendant
K	Freedman Rep. App'x A	Excerpts of Appendix A of the August 19, 2021 Expert Report of Dr. Michael J. Freedman on behalf of Defendant
L	Freedman Rep. App'x E	Excerpts of Appendix E of the August 19, 2021 Expert Report of Dr. Michael J. Freedman on behalf of Defendant
M	Freedman Rep. App'x M	Excerpts of Appendix M of the August 19, 2021 Expert Report of Dr. Michael J. Freedman on behalf of Defendant
N	Rhyne Rebuttal Rep.	Excerpts of September 12, 2021 Rebuttal Expert Report of Dr. V. Thomas Rhyne on behalf of Plaintiff
O	Rhyne Tr.	Excerpts of rough draft of September 20, 2021 Deposition of Dr. V. Thomas Rhyne
P	RFC 2616	Excerpts of RFC 2616 Hypertext Transfer Protocol -- HTTP/1.1

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Cases

I. INTRODUCTION

Dr. Rhyne, Plaintiff's rebuttal expert, disputes one—and only one—aspect of Defendant's expert, Dr. Freedman's, mappings of the sole independent claim of each of the '319, '510 and '511 Patents to the prior art reference, Crowds. Ex. N (Rhyne Rebuttal Rep.) at ¶¶ 173-185, 576-588. Dr. Rhyne asserts only that jondo "4" cannot be a "server." *Id.* As discussed in the concurrently-filed Motion to Strike Dr. Rhyne, the Court's prior claim construction orders have addressed and rejected the bases for Dr. Rhyne's contention—that "a server cannot be a client device" and a user computer cannot be "interchangeable" with a server. Setting those arguments aside, summary judgment of invalidity follows directly.

There is no fact issue that Crowds' jondo "4" is "operating in the role of a server," which the Court held is the "correct" criteria for determining if a device is a server. Ex. C (Supplemental CC Order) at 7-11. Dr. Rhyne's report does not dispute Dr. Freedman's analysis on this point. And Dr. Rhyne provided matching testimony as to: (1) his view on what functionality is "sufficient" to be a server and (2) the functionality of jondo "4" that he agrees Crowds discloses:

[redacted]	Functionality of jondo "4" that Dr. Rhyne agrees Crowds discloses
[redacted] Ex. O (Rhyne Tr.) at 117:4-17, 152:12-153:19.[1]	[redacted] *Id.* at 152:12-153:19.

[1] All emphasis added unless otherwise indicated.

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