

U.S. Patent No. 10,257,319  
*Inter Partes* Review  
Petitioners' Motion for Joinder

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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CODE200, UAB; TESO LT, UAB; METACLUSTER LT, UAB; OXYSALES,  
UAB; AND CORETECH LT, UAB,  
Petitioners,

v.

BRIGHT DATA LTD.,  
Patent Owner.

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*Inter Partes* Review No. IPR2022-01109  
Patent No. 10,257,319

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**MOTION FOR JOINDER TO *INTER PARTES*  
REVIEW IPR2022-00135**

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## I. STATEMENT OF PRECISE RELIEF REQUESTED

Petitioners Code200, UAB; Teso LT, UAB; Metacluster LT, UAB; Oxysales, UAB; and coretech LT UAB (collectively, “Petitioners”) move for joinder of their contemporaneously filed Petition for *Inter Partes* Review IPR2022-01109 (the “Petition”) of claims 1-29 of U.S. Patent No. 10,257,319 (the “’319 patent”) with *The Data Company Technologies Inc. v. Bright Data Ltd.*, IPR2022-00135 (the “Data IPR”), which the Board instituted on June 1, 2022. The Board also instituted *NetNut Ltd. v. Bright Data Ltd.*, IPR2021-01492 (the “NetNut IPR”) also challenging the ’319 patent, which Petitioners also seek to join in IPR2022-00861.

In addition to the present Petition, Petitioners have previously sought review of the validity of certain claims of the ’319 patent in federal court, the Central Reexam Unit (in an *ex parte* review instituted and stayed in view of the NetNut IPR), and the PTAB (original petition denied on *Fintiv* grounds, and motion to join NetNut IPR pending). In each of the Data IPR and NetNut IPR, the Board found “a reasonable likelihood that [Petitioner] would prevail with respect to at least one claim.” NetNut IPR, Paper 12; Data IPR, Paper 12. Nevertheless, to date, no tribunal has issued a final decision regarding the validity of the ’319 patent. To obtain a final determination regarding the validity of the ’319 patent, Petitioners file the present petition and Motion for Joinder to the Data IPR.

The present Petition concerns the same patent and the same claims as the Data IPR. The present Petition and supporting expert declaration are substantively identical to the Data IPR petition and expert declaration. Thus, Petitioners here assert that the same claims are anticipated and/or obvious over the same prior art, based on the same substantive arguments supported by the same expert, as in the Data IPR.

Petitioners agree to take an “understudy” role if joined. Joinder will not cause any delay in the resolution of the Data IPR. Thus, if the Board concludes joinder is appropriate because it will promote the efficient and consistent resolution of the same patentability issues of the same patent, joinder will not delay the schedule that the Board has issued in the Data IPR, and the parties in the Data IPR will not suffer prejudice.

## II. STATEMENT OF MATERIAL FACTS

1. Bright Data Ltd. (“Patent Owner”) purports to own the ’319 patent.
2. Patent Owner asserts the ’319 patent against Teso LT, UAB; Meta-cluster LT, UAB; and Oxysales, UAB (collectively, “Oxylabs”) in a lawsuit styled *Bright Data Ltd. v. Teso LT, UAB et al.*, 2:19-cv-00395-JRG (E.D. Tex.) filed on December 6, 2019 (the “District Court Action”).
3. Although the District Court Action originally included claims 1, 17, 24, 25 and 27 of the ’319 patent, ultimately Patent Owner only proceeded to trial

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