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

BRIGHT DATA, LTD.,	(	CAUSE NO. 2:19-CV-395-JRG
	)	
Plaintiff,	(	
	)	
vs.	(	
	)	
TESO, LT UAB, et al	(	NOVEMBER 5, 2021
	)	MARSHALL, TEXAS
Defendants,	(	8:00 A.M.

VOLUME 5

TRIAL ON THE MERITS

BEFORE THE HONORABLE RODNEY GILSTRAP
UNITED STATES CHIEF DISTRICT JUDGE
and a jury

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he walked through a very long claim to prove that.

Our burden of proof is met by way more than the feather. We only need the feather, but we've gone well beyond that. They don't even dispute how our system works -- their system works.

Invalidity. Now, patents are presumed valid. We start with the premise that the Patent Office did its job. They had a technical person at the Patent Office review and have a lot of back and forth here.

I want to show you something. We saw these ribbon copies of the patent, but they only give this to you after they've done a whole review.

Now, the other side showed you one paragraph that the Patent Office had back and forth. But maybe you don't know this: When you send -- when you try to get a patent, they scrutinize it. And every time you go back and forth debating what the patent is and whether you really deserve it, there's a piece of paper that goes to the Patent Office. That one paragraph is in this 600-plus page stack of paper that represents all the back and forth that Bright Data went through to make sure that these patents were valid before they got them issued. And there's just as thick a stack for the '510.

So they did this process two times. In 2019, they went through a huge process at the Patent Office to make sure that

the patents were valid, and in 2020 they did it again. And the Patent Office agreed. That's why their burden is so much higher. It's really -- once that's happened, do you really want to second-guess the work that those people did?

You would need a firm belief or conviction or, as Your Honor said, an abiding belief or conviction, that this absolutely is not valid, that the Patent Office messed up twice. Somehow in the 1200 pages of communications, those patent examiners were clueless. And if you don't find that, you have to say no to invalidity in this case.

Lack of written description. They say you didn't describe this invention in 2009. We already showed you their documents describing the patent did say they were doing this routing technology. They knew about it. We just proved this to you.

Doctor Rhyne was trying to make it easy on you, and he said, look, anybody knows in this time period with this patent specification that you can put a client device in a proxy server in Figure 3. Okay? That's fair.

They questioned this. Well, would you really do this? Well, we also cited you text that says in the patent that you would put a proxy server between the client devices. And Doctor Freedman admitted that you would -- that, in fact, a client and an agent are actually the same kind of device in the system in Figure 3. He said that right on the stand.

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