

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

BRIGHT DATA LTD.,

Plaintiff,

v.

TESO LT, UAB, METACLUSTER LT,
UAB, OXYSALES, UAB,

Defendants.

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CIVIL ACTION NO. 2:19-CV-00395-JRG

ORDER


Before the Court is Plaintiff Bright Data Ltd.’s (“Bright Data”) Opposed Motion to Lift the Stay Order (Dkt. 543) (the “Motion”) filed on December 28, 2021. (Dkt. No. 550). Defendants Teso LT, UAB, Metacluster LT, UAB, and Oxysales, UAB (together, “Oxylabs”) filed their response in opposition to the Motion on January 3, 2022. (Dkt. No. 564).

In the Motion, Bright Data requests that the Court lift its previous Stay Order (Dkt. No. 543) to allow progress as to the briefing and resolution of its post-trial motions. Bright Data notes that it previously filed a motion for permanent injunction (Dkt. No. 529) and a motion for summary judgment of no inequitable conduct (Dkt. No. 530) on November 22nd and 23rd of 2021, respectively. Bright Data asserts that Oxylabs received a two-week extension to respond to such motions before the deadlines in this case were stayed on December 15, 2021 pending the results of the parties’ January 6, 2022 mediation. (Dkt. No. 550 at 2). Accordingly, Bright Data argues that the Court should lift the stay because Oxylabs has had ample time to prepare its responses to the post-trial motions.

Oxylabs responds that lifting the stay before the mediation would be unhelpful as—at the time of Oxylabs’ response—mediation was only three days away. Oxylabs notes that “[e]ither the case will settle at mediation, or the stay will be lifted following mediation and the case will proceed.” (Dkt. No. 564 at 2). Mediation has now been undertaken with no indication that a settlement has been reached.

Having considered these facts and the Motion, the Court finds that the Motion should be **GRANTED-IN-PART**. Accordingly, the Court **ORDERS** that the stay with respect to Bright Data’s Motion for a Preliminary and Permanent Injunction Against Infringement (the “Motion for Injunctive Relief”) (Dkt. No. 529) is **LIFTED**. Further, given that Oxylabs has had over three weeks from November 22, 2021 to December 15, 2021—the date this case was stayed—to prepare its response to the Motion for Injunctive Relief (*see* Dkt. Nos. 529, 536, 543), the Court **ORDERS** that Oxylabs’ response to (Dkt. No. 529) is due by **3:00 pm central time on Friday, January 14, 2022**. No reply or sur-reply shall be filed without further Order of the Court. The Court also **ORDERS** that the Motion for Injunctive Relief (Dkt. No. 529) is hereby set for an in-person hearing before the Court on **Friday, February 4, 2022 at 9:00 am central time** in Marshall, Texas.

So ORDERED and SIGNED this 7th day of January, 2022.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE