

**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”) Motion to Lift the Stay Order (Dkt. 543) (the “Motion”). (Dkt. No. 576). In the Motion, Bright Data requests that the Court lift the stay of all deadlines which was entered pending the parties’ January 6, 2022 mediation. (See Dkt. No. 543). Bright Data notes that the January 6, 2022 mediation was unsuccessful and seeks to proceed with briefing related to post-verdict motions. (Dkt. No. 576 at 1–2).

Defendants Teso LT, UAB, Metacluster LT, UAB, and Oxysales, UAB (collectively, “Oxylabs”) oppose the Motion and argue that developments following the January 6, 2022 mediation counsel against lifting the stay at this time. Specifically, Oxylabs notes that the Court partially lifted the stay as to Bright Data’s Motion for Preliminary and Permanent Injunction Against Infringement (the “Motion for Injunctive Relief”) on January 7, 2022, held a hearing on the same on February 4, 2022, and issued its order denying the Motion for Injunctive Relief on February 10, 2022. (See Dkt. Nos. 579, 567, 574, 575). Oxylabs argues that the Court should “send the parties to mediate again before Judge Folsom in view of this development.” (Dkt. No. 579).

In light of its February 10, 2022 ruling on Bright Data's Motion for Injunctive Relief in Case No. 2:19-cv-00395, the Court is of the opinion that the parties might benefit from further efforts to resolve their disputes via mediation. Accordingly, the Court **ORDERS** the parties to mediate in this case promptly and at a mutually agreeable date, but no later than **forty-five (45) days** from the date of this Order. The mediation shall be conducted by the Hon. David Folsom, 6002-B Summerfield Drive, Texarkana, Texas 75503, dfolsom@jw.com. To ensure that mediation is as productive as possible, the Court hereby **ORDERS** that each party shall personally attend such mediation with lead counsel, local counsel, and a representative who has full and unilateral authority to act on and compromise on all pending disputes. No party or representative shall leave the mediation session, once it begins, without the approval of the mediator. The district's applicable local rules regarding ADR/mediation shall otherwise govern and apply in all respects.

In light of the above, the Court finds that the Motion should be and hereby is **DENIED WITHOUT PREJUDICE**. Further, the parties are **ORDERED** to file a joint notice within **seven (7) days** of their mediation informing the Court of the results of such mediation and (if mediation was not completely successful) advising the Court of any remaining outstanding disputes and proposing a suggested joint schedule for briefing.

So ORDERED and SIGNED this 16th day of March, 2022.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE