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

Luminati Networks Ltd., **Plaintiff,** **v.** **Teso LT, UAB, Oxysales, UAB, and Metacluster LT, UAB,** **Defendants.**	**Civil Action No. 2:19-cv-00395-JRG** **Lead Case** **FILED UNDER SEAL**

OXYLABS' MOTION FOR SUMMARY JUDGMENT OF INVALIDITY

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Defendants Teso LT, UAB, Oxysales, UAB, and Metacluster LT, UAB (collectively, "Oxylabs") file this Motion for Summary Judgment of Invalidity:

I. STATEMENT OF ISSUES TO BE DECIDED

This motion for summary judgment presents two issues for the Court to decide:

1. Whether the Crowds prior-art reference invalidates the '510 and '319 patents; and

2. Whether *Alice* renders the Patents-in-Suit invalid for impermissibly claiming an abstract idea.

II. UNDISPUTED MATERIAL FACTS

A. Invalidity Facts

1. *Crowds: Anonymity for Web Transactions* Ex. 1 ("Crowds") is an article authored by Michael K. Reiter of Bell Laboratories and Aviel D. Rubin of AT&T Labs, and published in 1998 in the ACM Transactions on Information and System Security, Vol. 1, No. 1, November 1998, Pages 66-92. Crowds states that it was published in November 1998. ACM confirms in a declaration that Crowds was published in the November 1998 journal. Ex. 2. Crowds was not before the Patent Office during prosecution of the patents.

2. For claim 1 of both the '319 and '510 patents, Luminati's expert, Dr. Thomas Rhyne, contests only whether the jondo "4"—in the sample 5→4→6→server path discussed by Dr. Freedman—is the "second server" recited in the claim. Ex. 3 (Rhyne Tr.) at 230:14-22.

3. "*Like all network servers*, jondos are identified by their IP address and port number." Ex. 1 (Crowds) at 90.[1] The jondos were tested on a 150-MHz Sparc 20 workstation running SunOS 4.1.4. *Id.* at 82. Crowds also discusses use of Unix platforms for jondos. *Id.* at 81.

[1] All emphases in quotations have been added, unless otherwise indicated.

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