

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

LUMINATI NETWORKS LTD.	§	
	§	
Plaintiff,	§	
v.	§	Case No. 2:19-CV-00395-JRG
TESO LT, UAB; OXYSALES, UAB;	§	
METACLUSTER LT, UAB;	§	
	§	
Defendants.	§	

**LUMINATI'S REPLY CLAIM CONSTRUCTION BRIEF
(LOCAL PATENT RULE 4-5(c))**

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I. INTRODUCTION

Defendants repeatedly ignore the clear language of the claims, specification, and patent prosecution history in seeking a nominal “plain meaning” construction. Defendants’ version of “plain meaning” is actually an overbroad interpretation that improperly treats the distinct elements of the claimed **server** – **client device** – **web server** architecture as interchangeable, effectively reducing the claims to a **computer** – **computer** – **computer** architecture. At the same time, Defendants repeatedly assert indefiniteness for claim terms by disregarding the clear context of the claims and improperly confusing claim breadth for indefiniteness.

II. DISPUTED TERMS FOR CLAIM CONSTRUCTION

A. Client Device (First Family)

Regarding “client device,” the patent specification expressly states, “In the network 50, files are stored on computers of consumers, referred to herein as client devices 60.” ECF 126-2 at 2:44-46 (emphasis added). Defendants’ ignore the clear language distinguishing client devices from other claim elements in an improper attempt to misconstrue this term to include servers. First, Defendants misinterpret the ability of a client device to function as a “client, peer, or agent” to imply that a client device could also be a server. It cannot. A client device can perform different roles of client, peer, or agent to request content and respond to a request for content depending upon the needs of the network – this is how the proxy client device of the claims practices the invention – but the patent never allows for a server to be a “client device.”

Critically, the specification does not equate client devices with servers. Regardless, Defendants improperly attempt to read the requirements that a client device have a processor, memory and storage device to ignore all other requirements of a client device. Next Defendants argue that anything with a processor, memory and storage device, such as a commercial server, is a client device, thereby rewriting the claims to require only a **computer** – **computer** – **computer**

architecture. This is wrong and inconsistent with the express language of the specification and the claims themselves, as well as the prosecution history, which distinguish the client device from servers in the disclosed **server – client device – web server** architecture. *See e.g.* ECF 126-2 at claim 1; *see also* Ex. G, LUM-00149134 (“It is respectfully submitted that the conventional arrangement involves fetching data by a client device from a server device, while the claims disclose a server receiving information from another server via a client device, which is unique and solves a specific problem such as anonymity when fetching information.”)

Second, Defendants mischaracterize Luminati’s opposition to Defendants’ motion to dismiss, arguing incorrectly that Luminati had admitted that a client device can be a server. This is false. Luminati took the opposite position throughout its briefing that the terms “client device” and “server” require construction because they are not interchangeable. ECF 24 at 4; ECF 28 at 24; ECF 47 at 4-8. Ignoring Luminati’s briefing, Defendant took a modified exemplary figure out of context. *Id.* For example, as detailed in the Luminati’s Reply brief:

In the Opposition, Figure 3 of the ’319 and ’510 Patents and 12a of the ’614 Patent are used to illustrate the lines of communication showing the steps performed by the proxy client device. Defendants attempt to use these specific figures to improperly limit the express language by mischaracterizing Luminati as “view[ing] a ‘server’ and ‘client to be broad enough to encompass one another.” Reply at 4, 5. This is not true as Luminati provided extensive support from the specifications of the Asserted Patents distinguishing between client devices and servers. *See e.g.*

ECF 47 at 8. The claims clearly distinguish between a client device and a server, and Luminati never argued or admitted otherwise.

Third, extrinsic evidence can’t change the express language of the specification and patent claims that distinguish servers from client devices. Furthermore, there is no basis to read “device” out of “client device.” That a client device may function as a client does not stop it from also being a consumer device, distinct and different from servers. Fourth, the claim construction of “client device” from the Tesonet case involved a different patent family that does not share the

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