

U.S. Patent No. 10,257,319
Inter Partes Review
Petitioners' Motion for Joinder

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CODE200, UAB; TESO LT, UAB; METACLUSTER LT, UAB; OXYSALES,
UAB; AND CORETECH LT, UAB,
Petitioners,

v.

BRIGHT DATA LTD.,
Patent Owner.

Inter Partes Review No. IPR2023-00038
Patent No. 10,257,319

**MOTION FOR JOINDER TO *INTER PARTES*
REVIEW IPR2022-00915**

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TABLE OF AUTHORITIES

Cases

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I. STATEMENT OF PRECISE RELIEF REQUESTED

Petitioners Code200, UAB; Teso LT, UAB; Metacluster LT, UAB; Oxysales, UAB; and coretech LT UAB (collectively, “Petitioners”) move for joinder of their contemporaneously filed Petition for *Inter Partes* Review IPR2023-00038 (the “Petition”) of claims 1, 2, 12, 14, 15, 17-19, and 21-29 of U.S. Patent No. 10,257,319 (the “’319 patent”) with *Major Data UAB v. Bright Data Ltd.*, IPR2022-00915 (the “Major Data IPR”), which the Board instituted on September 15, 2022. The Board also instituted *NetNut Ltd. v. Bright Data Ltd.*, IPR2021-01492 (“NetNut IPR”) and *The Data Company Tech. Inc. v. Bright Data LTD.*, IPR2022-00135 (“TDC IPR”) challenging the validity of certain claims of the ’319 patent, both of which Petitioners seek to join via IPR2022-00861 (“Second Code200 IPR”) and IPR2022-01109 (“Third Code200 IPR”), respectively. Petitioners also filed IPR2020-01266 (“First Code200 IPR”) challenging certain claims of the ’319 Patent, which was denied solely on *Fintiv* grounds.

In addition to the Petitions listed above, Petitioners have sought review of the validity of certain claims of the ’319 patent in federal court and the Central Reexam Unit in an *ex parte* reexamination, which was instituted and stayed in view of the NetNut IPR. In each of the NetNut IPR, TDC IPR, and Major Data IPR, the Board found “a reasonable likelihood that [Petitioner] would prevail with respect to at least one claim.” NetNut IPR, Paper 12; TDC IPR, Paper 12; Major Data IPR, Paper 18.

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