

1 QUINN EMANUEL URQUHART  
& SULLIVAN, LLP  
2 Kevin P.B. Johnson (Bar No. 177129)  
kevinjohnson@quinnemanuel.com  
3 Todd M. Briggs (Bar No. 209282)  
toddbriggs@quinnemanuel.com  
4 Brice C. Lynch (Bar No. 288567)  
bricelynch@quinnemanuel.com  
5 555 Twin Dolphin Drive, 5th Floor  
Redwood Shores, California 94065  
6 Telephone: (650) 801-5000  
Facsimile: (650) 801-5100

QUINN EMANUEL URQUHART  
& SULLIVAN, LLP  
James R. Asperger (Bar No. 83188)  
jimasperger@quinnemanuel.com  
Rachael McCracken  
rachaelmccracken@quinnemanuel.com  
865 South Figueroa Street, 10th Floor  
Los Angeles, CA 90017-2543  
Telephone: (213) 443-3000  
Facsimile: (213) 443-3100

7 QUINN EMANUEL URQUHART  
& SULLIVAN, LLP  
8 Eric Huang (*pro hac vice*)  
erichuang@quinnemanuel.com  
9 51 Madison Avenue, 22nd Floor  
New York, New York 10010  
10 Telephone: (212) 849-7000  
11 Facsimile: (212) 849-7100

12 Attorneys for Plaintiffs  
NANTWORKS, LLC and NANT HOLDINGS IP, LLC

13  
14 UNITED STATES DISTRICT COURT  
15 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
16

17 NANTWORKS, LLC, a Delaware  
limited liability company, and NANT  
18 HOLDINGS IP, LLC, a Delaware  
limited liability company,

19 Plaintiffs,

20 vs.

21 BANK OF AMERICA  
22 CORPORATION, a Delaware  
corporation, and BANK OF  
23 AMERICA, N.A., a national banking  
association,

24 Defendants.  
25

CASE NO. 2:20-cv-7872-GW-PVC

**PLAINTIFFS' APPLICATION TO  
FILE DOCUMENTS UNDER SEAL**

Judge: Hon. George H. Wu  
Ctrm: 9D

1           **PLEASE TAKE NOTICE** that pursuant to Civil Local Rule 79-5, Plaintiffs  
2 NantWorks, LLC, and Nant Holdings IP, LLC (collectively, “NantWorks”),  
3 respectfully submit this application to the Court for an order sealing the materials  
4 described below that are filed in connection with Plaintiffs’ Motion to Strike Portions  
5 of the Expert Report of Dr. Nathaniel Polish. This application pertains to the  
6 following items:

- 7           • Exhibit B to the Declaration of Brice C. Lynch in Support of Plaintiffs’  
8           Motion to Strike Portions of the Expert Report of Dr. Nathaniel Polish  
9           (the “Motion to Strike”).
- 10          • Exhibit D to the Declaration of Brice C. Lynch in Support of Plaintiffs’  
11          Motion to Strike.
- 12          • Memorandum of Law in support of Plaintiffs’ Motion to Strike.

13  
14           As set forth in the Declaration of Brice C. Lynch in Support of Plaintiffs’  
15 Application to File Under Seal submitted herewith, the material described above are  
16 (a) The Final Invalidity Contentions served by Defendants Bank of America  
17 Corporation and Bank of America N.A. (“BoA”) which BoA has designated as  
18 “Contains Material Designated ‘Confidential – Attorney Eyes Only’ in Section  
19 VII.”; (b) The expert report of Dr. Nathaniel Polish served by Defendants Bank of  
20 America Corporation and Bank of America N.A. (“BoA”) which BoA has designated  
21 as “Highly Confidential – Attorney Eyes Only” (the “Polish Report”); (c) The  
22 Memorandum of Law in support of Plaintiffs’ Motion to Strike which contains  
23 quotations from, references to, and descriptions of statements made in the Polish  
24 Report.

25           Pursuant to L.R. 79-5.2.2, NantWorks conferred with BoA regarding BoA’s  
26 confidential designations for these materials and the possibility to eliminate or  
27 minimize the need to file these materials under seal. BoA requests that (a) Exhibit  
28 B be filed publicly with Section VII of the document redacted, and (b) Exhibit D be

1 filed under seal in its entirety. In accordance with this request, BoA confirmed that  
2 they do not object to NantWorks' filing of these materials with its Motion to Strike  
3 with the proper sealing and redactions.

4 Accordingly, NantWorks respectfully requests for an order permitting that:

- 5 i. Exhibit D to Plaintiffs' Motion to Strike be filed under seal;
- 6 ii. The unredacted versions of (a) Exhibit B to Plaintiffs' Motion to Strike,  
7 and (b) Memorandum of Law in support of Plaintiffs' Motion to Strike  
8 be filed under seal;
- 9 iii. The redacted versions of (a) Exhibit B to Plaintiffs' Motion to Strike,  
10 and (b) Memorandum of Law in support of Plaintiffs' Motion to Strike,  
11 as attached to the Declaration of Brice C. Lynch in Support of Plaintiffs'  
12 Application to File Under Seal, be filed on the public docket.

13  
14  
15 DATED: March 7, 2024

Respectfully submitted,

16  
17 QUINN EMANUEL URQUHART &  
SULLIVAN, LLP

18  
19 By /s/ Todd M. Briggs

20 James R. Asperger  
21 Kevin P.B. Johnson  
22 Todd M. Briggs  
23 Eric Huang  
24 Brice C. Lynch

25 Attorneys for Plaintiff, NANTWORKS,  
26 LLC and NANT HOLDINGS IP, LLC  
27  
28