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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

**DECLARATION OF BRICE C.
LYNCH IN SUPPORT OF
NANTWORKS' MOTION TO
STRIKE PORTIONS OF THE
EXPERT REPORT OF DR.
NATHANIEL POLISH**

Hon. George H. Wu
United States District Court Judge
Hearing Date: April 18, 2024
Time: 8:30 AM
Place: Courtroom 9D

1 I, Brice C. Lynch, declare as follows:

2 1. I am an attorney duly licensed to practice law in the State of California
3 and admitted before this Court. I am an attorney at Quinn Emanuel Urquhart &
4 Sullivan, LLP, counsel for Plaintiffs NantWorks LLC and Nant Holding IP, LLC
5 (“NantWorks”). I have personal knowledge of the facts set forth in this declaration,
6 and if called as a witness I would testify competently to those facts.

7 2. Attached hereto as Exhibit A is a true and correct copy of Defendants
8 Bank of America Corporation and Bank of America N.A.’s (“BoA”) Final Election
9 of Prior Art, served on January 28, 2022.

10 3. Attached hereto as Exhibit B is a true and correct excerpted copy of
11 BoA’s Final Invalidation Contentions (the “FIC”), served on September 8, 2023. The
12 FIC was designated “Contains Material Designated ‘Confidential – Attorney Eyes
13 Only’ in Section VII.”

14 4. Attached hereto as Exhibit C is a true and correct copy of the exhibits
15 attached to BoA’s Final Invalidation Contentions, served concurrently with the Final
16 Invalidation Contentions on September 8, 2023.

17 5. Attached hereto as Exhibit D is a true and correct copy of the Expert
18 Report of Nathaniel Polish regarding Invalidation of certain claims of the patents-in-
19 suit, served on January 30, 2024. The Polish Report was designated by BoA as Highly
20 Confidential – Attorney Eyes Only.

21 6. Attached hereto as Exhibit E is a true and correct copy of Appendix A to
22 BoA’s Preliminary Invalidation Contentions, served concurrently with BoA’s
23 Preliminary Invalidation Contentions on April 8, 2021.

24 7. Attached hereto as Exhibit F is a true and correct excerpted copy of
25 NantWorks’ Supplemental Responses to BoA’s Third Set of Interrogatories, served
26 on December 20, 2023.

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1 8. Attached hereto as Exhibit G is a true and correct redline comparison of
2 Section IV. B. “Obviousness Under 35 U.S.C. §103” of BoA’s FIC and BoA’s April
3 8, 2021 Preliminary Invalidity Contentions, generated at my direction.

4 I declare under penalty of perjury under the laws of the United States of
5 America and the State of California that the foregoing is true and correct, and that
6 this declaration was executed in Walnut Creek, California, on March 12, 2024.

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8 Executed on March 12, 2024

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By /s/ Brice C. Lynch

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Brice C. Lynch

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