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BANK OF AMERICA CORPORATION
14 and BANK OF AMERICA, N.A.

15
16 **UNITED STATES DISTRICT COURT**
17 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

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

20 Plaintiffs,

21 vs.

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

25 Defendants.
26
27
28

Case No. 2:20-cv-07872-GW-PVC

Judge: Hon. George H. Wu

DECLARATION OF E. DANIELLE T. WILLIAMS IN SUPPORT OF DEFENDANTS' MOTION TO STRIKE PORTIONS OF THE EXPERT REPORT OF DR. DAN SCHONFELD

Hon. George H. Wu
United States District Court Judge
Hearing Date: May 2, 2024
Time: 8:30 AM
Place: Courtroom 9D

DECLARATION OF E. DANIELLE T. WILLIAMS

I, E. Danielle T. Williams, hereby declare, under penalty of perjury as follows:

1. I am a partner at Winston & Strawn, LLP, counsel for the Defendants Bank of America Corporation and Bank of America, N.A. (“Defendants”) in this matter. I am over the age of eighteen years old, and I have personal knowledge of each and every fact stated in this declaration. If called to testify, I could testify competently thereto. I make this declaration in support of Defendants’ Motion to Strike Portions of the Expert Report of Dr. Dan Schonfeld.

2. Attached hereto as Exhibit 1 is an excerpted copy of the Expert Report of Dan Schonfeld Regarding the Infringement of the Asserted Claims (Schonfeld Report). Plaintiffs NantWorks, LLC and Nant Holdings IP, LLC (“Plaintiffs”) designated the Schonfeld Report as “Highly Confidential—Attorneys’ Eyes Only” and “Highly Confidential—Source Code” under the parties’ stipulated protective order (Dkt. Nos. 102, 210).

3. Attached hereto as Exhibit 2 is a copy of March 1, 2024 Letter from B. Lynch to D. Williams. Plaintiffs designated the Letter as Highly Confidential—Attorneys’ Eyes Only under the parties’ stipulated protective order (Dkt. Nos. 102, 210).

4. Attached hereto as Exhibit 3 is an excerpted copy of Plaintiffs’ Third Supplemental Objections and Responses to Defendants Third Set of Interrogatories (Nos. 10-25), which Plaintiffs designated as Highly Confidential—Attorneys’ Eyes Only under the parties’ stipulated protective order (Dkt. Nos. 102, 210).

5. Attached hereto as Exhibit 4 is an excerpted copy of Plaintiffs’ Corrected Third Supplemental Objections and Responses to Defendants Third Set of Interrogatories (Nos. 10-25), which Plaintiffs designated as Highly Confidential—Attorneys’ Eyes Only under the parties’ stipulated protective order (Dkt. Nos. 102, 210).

6. Attached hereto as Exhibit 5 is an excerpted copy of Plaintiffs’ Second

1 Supplemental Objections and Responses to Defendants Third Set of Interrogatories
2 (Nos. 10-25), which Plaintiffs designated as Highly Confidential—Attorneys’ Eyes
3 Only under the parties’ stipulated protective order (Dkt. Nos. 102, 210).

4 7. Attached hereto as Exhibit 6 is a copy of Plaintiffs’ Second Supplemental
5 Objections and Responses to Defendants Fifth Set of Interrogatories (29), which
6 Plaintiffs designated as Highly Confidential—Attorneys’ Eyes Only under the parties’
7 stipulated protective order (Dkt. Nos. 102, 210).

8 8. Attached hereto as Exhibit 7 is a copy of Final Ruling on Claim
9 Construction/Markman Hearing.

10 9. Attached hereto as Exhibit 8 is an excerpted copy of the Transcript of the
11 October 10, 2023 Deposition of Pavan Chayanam, which Defendants designated as
12 Highly Confidential—Attorneys’ Eyes Only and Highly Confidential, Source Code (for
13 deposition questions and answers for Deposition Exhibit 11 only) under the parties’
14 stipulated protective order (Dkt. Nos. 102, 210).

15 10. Attached hereto as Exhibit 9 is an excerpted copy of the Transcript of the
16 October 19, 2023 Deposition of Charles Christopher Harbinson, which Defendants
17 designated as Highly Confidential—Attorneys’ Eyes Only and Highly Confidential—
18 Source Code (for any deposition testimony involving source code) under the parties’
19 stipulated protective order (Dkt. Nos. 102, 210).

20 11. Attached hereto as Exhibit 10 is an excerpted copy of the Transcript of the
21 November 16, 2023 Deposition of Fred Fortaleza Fernandez, Jr., which Third Party
22 Mitek designated as Highly Confidential—Attorneys’ Eyes Only and Highly
23 Confidential—Source Code under the parties’ stipulated protective order (Dkt. Nos.
24 102, 210).

25 12. Attached hereto as Exhibit 11 is Plaintiffs’ Preliminary Final Infringement
26 Contentions, Exhibit 1 – ’278 Final Infringement Claim Chart, which Plaintiffs
27 designated as Highly Confidential—Attorneys’ Eyes Only and Highly Confidential—
28 Source Code under the parties’ stipulated protective order (Dkt. Nos. 102, 210).

1 13. Attached hereto as Exhibit 12 is Plaintiffs' Preliminary Final Infringement
2 Contentions, Exhibit 2 – '529 Final Infringement Claim Chart, which Plaintiffs
3 designated as Highly Confidential—Attorneys' Eyes Only and Highly Confidential—
4 Source Code under the parties' stipulated protective order (Dkt. Nos. 102, 210).

5 14. Attached hereto as Exhibit 13 is Plaintiffs' Preliminary Final Infringement
6 Contentions, Exhibit 3 – '252 Final Infringement Claim Chart, which Plaintiffs
7 designated as Highly Confidential—Attorneys' Eyes Only and Highly Confidential—
8 Source Code under the parties' stipulated protective order (Dkt. Nos. 102, 210).

9 15. Attached hereto as Exhibit 14 is Plaintiffs' Preliminary Final Infringement
10 Contentions, Exhibit 5, which Plaintiffs designated as Highly Confidential—Attorneys'
11 Eyes Only and Highly Confidential—Source Code under the parties' stipulated
12 protective order (Dkt. Nos. 102, 210).

13 16. Attached hereto as Exhibit 15 is a copy of U.S. Pat. No 7,881,529.

14 17. Attached hereto as Exhibit 16 is a copy of U.S. Pat. No 7,899,252.

15 18. Attached hereto as Exhibit 17 is a copy of U.S. Pat. No 8,478,036.

16 19. Attached hereto as Exhibit 18 is a copy of U.S. Pat. No 9,031,278.

17 20. Attached hereto as Exhibit 19 is a copy of U.S. Pat. No 9,324,004.

18 21. Attached hereto as Exhibit 20 is Plaintiffs' Preliminary Final Infringement
19 Contentions, Exhibit 6 – '036 Final Infringement Claim Chart, which Plaintiffs
20 designated as Highly Confidential—Attorneys' Eyes Only and Highly Confidential—
21 Source Code under the parties' stipulated protective order (Dkt. Nos. 102, 210).

22 22. Attached hereto as Exhibit 21 is Order on Joint Stipulation to Extend Case
23 Schedule.

24 23. Attached hereto as Exhibit 22 is Defendants' December 20, 2023
25 Supplemental Objections and Responses to Plaintiffs' First Set of Interrogatories (Nos.
26 4–5), which Defendants designated as Highly Confidential—Attorneys' Eyes Only
27 under the parties' stipulated protective order (Dkt. Nos. 102, 210).

28 24. Attached hereto as Exhibit 23 is an August 19, 2023 Letter from D.

1 Williams to E. Huang, which Defendants designated as Highly Confidential—
2 Attorneys’ Eyes Only under the parties’ stipulated protective order (Dkt. Nos. 102,
3 210).

4 25. Attached hereto as Exhibit 24 is the Expert Report and Disclosure of Dawn
5 Hall, submitted January 30, 2024, which Defendants designated as Highly
6 Confidential—Attorneys’ Eyes Only under the parties’ stipulated protective order (Dkt.
7 Nos. 102, 210).

8 26. Attached hereto as Exhibit 25 is the Expert Report of James Storer, Ph.D.
9 regarding Non-Infringing Alternatives to Certain Claims of U.S. Patents Nos.
10 7,881,529, 7,899,252, 8,478,036, 9,031,278 and 9,324, 004, submitted January 30,
11 2024, which Defendants designated as Highly Confidential—Attorneys’ Eyes Only
12 under the parties’ stipulated protective order (Dkt. Nos. 102, 210).

13 27. Attached hereto as Exhibit 26 is the Rebuttal Report of Dawn Hall,
14 submitted March 19, 2024, which Defendants designated as Highly Confidential—
15 Attorneys’ Eyes Only under the parties’ stipulated protective order (Dkt. Nos. 102,
16 210).

17 28. Attached hereto as Exhibit 27 is the Rebuttal Report of James Storer,
18 submitted March 19, 2024, which Defendants designated as Highly Confidential—
19 Attorneys’ Eyes Only and Highly Confidential—Source Code under the parties’
20 stipulated protective order (Dkt. Nos. 102, 210).

21 29. On March 22, 2024 and March 25, 2024, Counsel for Plaintiffs and
22 Defendants conferred about Defendants’ filing these materials to limit, if not entirely
23 avoid, the necessity of this Application.

24 30. On March 22, 2024, Counsel for Defendants also conferred with counsel
25 for third-party, Mitek in a similar manner, and Mitek’s counsel requested that the
26 entirety of these documents be filed under seal.

27 31. Good cause exists to file these materials under seal. The “Highly
28 Confidential – Attorneys’ Eyes Only” information in these documents contain (i) non-

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