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CORPORATION
and BANK OF AMERICA, N.A.

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

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

20 Plaintiffs,

21 vs.

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

25 Defendants.

Case No. 2:20-CV-7872-GW-PVC

**DEFENDANTS' UNOPPOSED
APPLICATION TO FILE
DOCUMENTS UNDER SEAL IN
CONNECTION WITH
DEFENDANTS' MOTION TO
EXCLUDE CERTAIN DAMAGES-
RELATED OPINIONS OF DAN
SCHONFELD, PH.D. AND
PATRICK KENNEDY, PH.D.**

Local Rule 79-5.2.2(b)

[Filed concurrently with Declaration of
Danielle Williams and Proposed Order]

1 TO THE COURT, PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:

2 NOTICE IS HEREBY GIVEN that, pursuant to Local Rule 79-5.2.2.(b),
 3 Defendants Bank of America Corporation and Bank of America, N.A. (collectively,
 4 “Defendants” or “Bank of America”), hereby request that this Court enter an order
 5 permitting them to file under seal the materials described below that are filed in
 6 connection with Defendants’ Motion to Exclude Certain Damages-Related Opinions of
 7 Dan Schonfeld, Ph.D. and Patrick Kennedy, Ph.D. (the “Motion to Exclude”):
 8

Document Description	Nature of Information to be Sealed
<p>9 Exhibit 1 to the Declaration of Danielle 10 Williams in Support of the Motion to 11 Exclude: Plaintiffs’ Second 12 Supplemental Objections and Responses 13 to Defendants Bank of America 14 Corporation and Bank of America, 15 N.A.’s Fifth Set of Interrogatories (No. 16 29) 17 18 19</p>	<p>Designated by Plaintiffs as “HIGHLY CONFIDENTIAL – ATTORNEY EYES ONLY” under the parties’ stipulated protective orders (Dkt. Nos. 102, 210), and contains excerpts of documents designated by Bank of America and Mitek as “Highly Confidential – Attorneys’ Eyes Only.” Plaintiffs and Mitek do not oppose sealing this exhibit in its entirety.</p>
<p>20 Exhibit 2 to the Declaration of Danielle 21 Williams in Support of the Motion to 22 Exclude: Expert Report of Patrick 23 Kennedy, Ph.D. dated January 30, 2024 24 25 26 27 28</p>	<p>Designated by Plaintiffs as “CONFIDENTIAL– ATTORNEYS’ EYES ONLY” under the parties’ stipulated protective orders (Dkt. Nos. 102, 210), and contains excerpts of documents designated by Bank of America and Mitek as “Highly Confidential – Attorneys’ Eyes Only.”</p>

Document Description	Nature of Information to be Sealed
	Plaintiffs and Mitek do not oppose sealing this exhibit in its entirety.
Exhibit 3 to the Declaration of Danielle Williams in Support of the Motion to Exclude: Excerpts of the Expert Report of Dan Schonfeld, Ph.D. Regarding the Infringement of the Asserted Claims dated January 30, 2024	Designated by Plaintiffs as “CONTAINS HIGHLY CONFIDENTIAL SOURCE CODE – ATTORNEYS’ EYES ONLY” under the parties’ stipulated protective order (Dkt. Nos. 102, 210), and contains excerpts of documents designated by Bank of America and third-party Mitek as “Highly Confidential – Attorney’s Eyes Only.” Plaintiffs and Mitek do not oppose sealing this exhibit in its entirety.
Exhibit 4 to the Declaration of Danielle Williams in Support of the Motion to Exclude: Excerpts of the Deposition of Daniel Schonfeld, Ph.D. dated April 10, 2024	Designated by Defendants as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” under the parties’ stipulated protective orders (Dkt. Nos. 102, 210).
Exhibit 5 to the Declaration of Danielle Williams in Support of the Motion to Exclude: Excerpts of the Deposition of Daniel Schonfeld, Ph.D. dated April 11, 2024	Designated by Defendants as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” under the parties’ stipulated protective orders (Dkt. Nos. 102, 210).
Exhibit 6 to the Declaration of Danielle Williams in Support of the Motion to Exclude: Excerpts of the Deposition of Patrick Kennedy, Ph.D. dated April 5,	Designated by Defendants as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” under the parties’ stipulated protective orders (Dkt. Nos.

Document Description	Nature of Information to be Sealed
2024	102, 210).
Exhibit 7 to the Declaration of Danielle Williams in Support of the Motion to Exclude: Letter from B. Lynch to D. Williams dated March 1, 2024	Designated by Plaintiffs as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” under the parties’ stipulated protective orders (Dkt. Nos. 102, 210), and contains information designated by Bank of as “Highly Confidential – Attorney’s Eyes Only.”
Exhibit 9 to the Declaration of Danielle Williams in Support of the Motion to Exclude: Excerpts of Plaintiffs’ Preliminary Final Infringement Contentions	Designated by Plaintiffs in its entirety as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” and “HIGHLY CONFIDENTIAL – SOURCE CODE” under the parties’ stipulated protective orders (Dkt. Nos. 102, 210).
Exhibit 11 to the Declaration of Danielle Williams in Support of the Motion to Exclude: Defendants’ October 17, 2023 Supplemental Objections and Responses to Plaintiffs’ First Set of Interrogatories (Nos. 4 and 5).	Designated by Defendants in its entirety as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” under the parties’ stipulated protective orders (Dkt. Nos. 102, 210), and contains excerpts of documents designated by Bank of America and third-party Mitek as “Highly Confidential – Attorney’s Eyes Only.” Plaintiffs and Mitek do not oppose sealing this exhibit in its entirety.

Document Description	Nature of Information to be Sealed
Memorandum in Support of the Motion to Exclude	Designated by Defendants in its entirety as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” under the parties’ stipulated protective orders (Dkt. Nos. 102, 210). Plaintiffs do not oppose sealing this Memorandum in its entirety.

I. Background

As set forth in the Declaration of Danielle Williams in Support of Plaintiffs’ Application to File Under Seal submitted herewith, Defendants make this application because the foregoing documents are marked and designated as “Highly Confidential – Attorneys Eyes Only” and/or “Highly Confidential – Source Code” as follows pursuant to the parties’ Stipulated Protective Order (Dkt. No. 210). *See* Declaration of Danielle Williams (the “Williams Decl.”), ¶¶ 2–12. Defendants make this application because (i) materials nos. 1–7, 9, 11, and the Memorandum contain information that is “Highly Confidential – Attorneys Eyes Only” and/or “Highly Confidential – Source Code” of Bank of America; (ii) materials nos. 1–3, and 11 contain information that is “Highly Confidential – Attorneys Eyes Only” and/or “Highly Confidential – Source Code” of Mitek Systems, Inc. (“Mitek”). *Id.*, ¶¶ 2–12. As required by Local Rule 79-5.2.2(b), counsel for Plaintiffs and Defendants conferred about Defendants’ filing these materials to limit, if not entirely avoid, the necessity of this Application. *Id.*, ¶ 2. Plaintiffs’ counsel does not oppose filing the entirety of these materials under seal. Counsel for Defendants also conferred with counsel for Mitek in a similar manner, and Mitek’s counsel requested that the entirety of the documents containing Mitek information be filed under seal. *Id.*, ¶ 13.

The Williams declaration sets forth the information Defendants seek to file under

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