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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  
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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 for Summary  
5 Judgment of No Invalidity Based on Prior Art. This application pertains to the  
6 following items:

- 7           • Exhibits 1, 2, 21, 26, 29, 30, 33, 34, 36, 37, 38, and 39 to the Declaration  
8           of Brice C. Lynch in Support of Plaintiffs’ Motion for Summary  
9           Judgment of No Invalidity Based on Prior Art (the “MPSJ”).
- 10          • Exhibits A and B attached to the Declaration of Dan Schonfeld Ph.D. in  
11          support of Motion for Partial Summary Judgment is Dr. Schonfeld’s  
12          Opening Report in this case and contains quotations from, references to,  
13          and descriptions of statements to information designed Highly  
14          Confidential by both NantWorks and Bank of America.
- 15          • Memorandum of Law in support of Plaintiffs’ Motion for Summary  
16          Judgment of No Invalidity Based on Prior Art.

17  
18           As set forth in the Declaration of Brice C. Lynch in Support of Plaintiffs’  
19 Application to File Under Seal submitted herewith, the material described above are:

- 20          a) Exhibit 1 attached to the Declaration of Brice C. Lynch in support of Plaintiffs’  
21          Motion for Partial Summary Judgment of No Invalidity Based on Prior Art  
22          (the “Motion for Partial Summary Judgment”) is a true and correct copy of  
23          Defendants Bank of America Corporation and Bank of America N.A.’s  
24          (“BoA”) Expert Report of Dr. Nathaniel Polish Regarding Invalidity, served  
25          on January 30, 2024. This was designated by BoA as “Highly Confidential –  
26          Attorneys’ Eyes Only.”
- 27          b) Exhibit 2 attached to the Declaration of Brice C. Lynch in support of Motion  
28          for Partial Summary Judgment is a true and correct copy of BoA’s Preliminary

- 1           Invalidity Contentions cover pleading, served on April 8, 2021. Section VII  
2           was designated by BoA as “Confidential – Attorney Eyes Only.”
- 3           c) Exhibit 21 attached to the Declaration of Brice C. Lynch in support of Motion  
4           for Partial Summary Judgment is a true and correct copy of BoA’s  
5           Supplemental Invalidity Contentions cover pleading, served on August 2,  
6           2021. Section VII is designated by BoA as containing “Confidential –  
7           Attorney Eyes Only.”
- 8           d) Exhibit 26 attached to the Declaration of Brice C. Lynch in support of Motion  
9           for Partial Summary Judgment is a true and correct copy of BoA’s Final  
10          Invalidity Contentions cover pleading, served on September 8, 2023. Section  
11          VII was designated by BoA as “Confidential – Attorney Eyes Only.”
- 12          e) Exhibit 29 attached to the Declaration of Brice C. Lynch in support of Motion  
13          for Partial Summary Judgment is a true and correct copy of NantWorks’s  
14          Second Supplemental Responses to Interrogatories 10-25, served on  
15          December 20, 2023. This was designated “Highly Confidential – Attorneys  
16          Eyes Only.”
- 17          f) Exhibit 30 attached to the Declaration of Brice C. Lynch in support of Motion  
18          for Partial Summary Judgment is a true and correct copy of the deposition  
19          transcript of Dr. Nathaniel Polish taken on April 15, 2024. This was  
20          designated as “Highly Confidential Attorneys’ Eyes Only.”
- 21          g) Exhibit 33 attached to the Declaration of Brice C. Lynch in support of Motion  
22          for Partial Summary Judgment is a true and correct copy of the document  
23          produced at HP000074, which is T. Kindberg and J. Barton, A Web-Based  
24          Nomadic Computing System (2001). This was designated “HP Confidential.”
- 25          h) Exhibit 34 attached to the Declaration of Brice C. Lynch in support of Motion  
26          for Partial Summary Judgment is a true and correct copy of the document  
27          produced at HP000088, which is J. Barton and T. Kindberg, “The Cooltown  
28          User Experience,” (Feb. 1, 2001). This was designated “HP Confidential.”

- 1 i) Exhibit 36 attached to the Declaration of Brice C. Lynch in support of Motion  
2 for Partial Summary Judgment is a true and correct copy of the document  
3 produced at HP000025, which is T. Kindberg et al., “People, Places, Things:  
4 Web Presence for the Real World” (2000). This was designated “HP  
5 Confidential.”
- 6 j) Exhibit 37 attached to the Declaration of Brice C. Lynch in support of Motion  
7 for Partial Summary Judgment is a true and correct copy of the document  
8 produced at HP000043, which is News Release: “HP Advanced Research  
9 Efforts Help Make Pervasive Computing a Reality,” (Nov. 4, 1999). This was  
10 designated “HP Confidential.”
- 11 k) Exhibit 38 attached to the Declaration of Brice C. Lynch in support of Motion  
12 for Partial Summary Judgment is a true and correct copy of the document  
13 produced at HP000045, which is J. Beckett, “Key CoolTown Software is  
14 Available Free, (Mar. 15, 2000). This was designated “HP Confidential.”
- 15 l) Exhibit 39 attached to the Declaration of Brice C. Lynch in support of Motion  
16 for Partial Summary Judgment is a true and correct copy of the document  
17 produced at HP000060, which is “HP Labs Technologies Shown at Handheld  
18 and Ubiquitous Computing Symposium” (Sept. 27, 2000). This was  
19 designated “HP Confidential.”
- 20 m) Exhibit A attached to the Declaration of Dan Schonfeld Ph.D. in support of  
21 Motion for Partial Summary Judgment is Dr. Schonfeld’s Opening Report in  
22 this case and contains quotations from, references to, and descriptions of  
23 statements to information designed Highly Confidential by both NantWorks  
24 and Bank of America.
- 25 n) Exhibit B attached to the Declaration of Dan Schonfeld Ph.D. in support of  
26 Motion for Partial Summary Judgment is Dr. Schonfeld’s Rebuttal Report in  
27 this case and contains quotations from, references to, and descriptions of  
28 statements to information designed Confidential by Bank of America.

1 o) The Memorandum of Law in support of Plaintiffs’ Motion for Summary  
2 Judgment of No Invalidity Based on Prior Art which contains quotations  
3 from, references to, and descriptions of statements made in the above  
4 referenced documents.

5 Pursuant to L.R. 79-5.2.2, NantWorks conferred with BoA and BoA  
6 confirmed that they do not object sealing these materials to be filed with NantWorks’  
7 Motion for Summary Judgment of No Invalidity Based on Prior Art.

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

- 9 • Exhibits 1, 2, 21, 26, 29, 30, 33, 34, 36, 37, 38, and 39 to the Declaration  
10 of Brice C. Lynch in Support of Plaintiffs’ Motion for Summary  
11 Judgment of No Invalidity Based on Prior Art (the “MPSJ”) be filed under  
12 seal.
- 13 • Exhibits A and B attached to the Declaration of Dan Schonfeld Ph.D. in  
14 support of Motion for Partial Summary Judgment be filed under seal..
- 15 • Unredacted portions of Memorandum of Law in support of Plaintiffs’  
16 Motion for Summary Judgment of No Invalidity Based on Prior Art be  
17 filed under seal..

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