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NANTWORKS, LLC and NANT HOLDINGS IP, LLC

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

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

Plaintiffs,

vs.

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

Defendants.

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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 to Strike Portions
5 of the Rebuttal Expert Report of Dr. James Storer. This application pertains to the
6 following items:

- 7 • Exhibits A through M to the Declaration of Brice C. Lynch in Support of
8 Plaintiffs’ Motion to Strike Portions of the Rebuttal Expert Report of Dr.
9 James Storer (the “Motion to Strike”).
- 10 • Memorandum of Law in support of Plaintiffs’ Motion to Strike.

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

- 14 a) The Rebuttal Expert Report of Dr. James Storer served by Defendants Bank
15 of America Corporation and Bank of America N.A. (“BoA”) which BoA has
16 designated as “Highly Confidential – Attorney Eyes Only” and “Highly
17 Confidential – Source Code”;
- 18 b) The Preliminary Infringement Contentions cover pleading served by
19 NantWorks, which contains NantWorks’ infringement theory that includes
20 potentially sensitive information about the accused products in this case;
- 21 c) Exhibits 1, 2, 3, and 5 attached to the Revised Infringement Contentions
22 served by NantWorks which NantWorks has designated as “Highly
23 Confidential – Attorneys’ Eyes Only”;
- 24 d) The Preliminary Final Infringement Contentions cover pleading served by
25 NantWorks, which contains NantWorks’ infringement theory that includes
26 potentially sensitive information about the accused products in this case;

- 1 e) The Second Supplemental Responses to BoA's Fifth Set of Interrogatories
- 2 (29) served by NantWorks which NantWorks has designated as "Highly
- 3 Confidential – Attorneys Eyes Only";
- 4 f) The Supplemental Responses to NantWorks's First Set of Interrogatories
- 5 (Nos. 4-5) served by BoA which BoA has designated as "Highly Confidential
- 6 – Attorneys' Eyes Only";
- 7 g) The letter to BoA regarding portions of Dr. James Storer's opinions disclosed
- 8 in his rebuttal expert report served by NantWorks which contains information
- 9 BoA has designated as "Highly Confidential – Attorney Eyes Only";
- 10 h) The letter to NantWorks regarding Dr. James Storer's opinions included in his
- 11 rebuttal expert report served by BoA which BoA has designated as "Highly
- 12 Confidential – Attorney's Eyes Only";
- 13 i) The Expert Report of Dr. Dan Schonfeld served by NantWorks which
- 14 NantWorks has designated as "Contains Highly Confidential Source Code –
- 15 Attorneys' Eyes Only";
- 16 j) The deposition transcript of Dr. James Storer from March 29, 2024, which
- 17 BoA has designated as "Highly Confidential, Attorneys' Eyes Only" and
- 18 "Highly Confidential Source Code – Attorneys' Eyes Only";
- 19 k) The Memorandum of Law in support of Plaintiffs' Motion to Strike which
- 20 contains quotations from, references to, and descriptions of statements made
- 21 in the above referenced documents.

22 Pursuant to L.R. 79-5.2.2, NantWorks conferred with BoA and BoA

23 confirmed that they do not object sealing these materials to be filed with NantWorks'

24 Motion to Strike.

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

- 26 i. Exhibits A through M to Plaintiffs' Motion to Strike be filed under seal;
- 27 ii. The unredacted version of Memorandum of Law in support of
- 28 Plaintiffs' Motion to Strike be filed under seal.

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DATED: May 3, 2024

Respectfully submitted,

QUINN EMANUEL URQUHART &
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By /s/ Todd M. Briggs
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Brice C. Lynch

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