

1 George C. Lombardi (*pro hac vice*)
glombardi@winston.com
2 WINSTON & STRAWN LLP
35 West Wacker Drive
3 Chicago, IL 60601-9703
Telephone: (312) 558-5600
4 Facsimile: (312) 558-5700

Dustin J. Edwards (*pro hac vice*)
dedwards@winston.com
WINSTON & STRAWN LLP
800 Capitol St., Suite 2400
Houston, TX 77002-2925
Telephone: (713) 651-2600
Facsimile: (713) 651-2700

5 E. Danielle T. Williams (*pro hac vice*)
dwilliams@winston.com
6 WINSTON & STRAWN LLP
300 South Tryon Street, 16th Floor
7 Charlotte, NC 28202
Telephone: (704) 350-7700
8 Facsimile: (704) 350-7800

Diana Hughes Leiden (SBN: 267606)
dhleiden@winston.com
WINSTON & STRAWN LLP
333 S. Grand Avenue, 38th Floor
Los Angeles, CA 90071-1543
Telephone: (213) 615-1700
Facsimile: (213) 615-1750

9 Michael S. Elkin (*pro hac vice*)
melkin@winston.com
10 WINSTON & STRAWN LLP
200 Park Avenue
11 New York, NY 10166
Telephone: (212) 294-6700
12 Facsimile: (212) 294-4700

13 *Attorneys for Defendants*
14 BANK OF AMERICA
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.
26
27
28

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

**DEFENDANTS' UNOPPOSED
APPLICATION TO FILE
DOCUMENTS UNDER SEAL**

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 Portions of the Expert Report of Dan
 7 Schonfeld, Ph.D. (the “Motion to Exclude”):

Document Description	Nature of Information to be Sealed
9 Exhibit 1 to the Declaration of Danielle 10 Williams in Support of the Motion to 11 Exclude: Excerpts of the Rebuttal 12 Report of Dan Schonfeld Regarding the 13 Infringement of the Asserted Claims.	Designated by Plaintiffs as “CONTAINS HIGHLY CONFIDENTIAL SOURCE CODE – ATTORNEYS’ EYES ONLY” and “Highly Confidential—Source Code” under the parties’ stipulated protective order (Dkt. Nos. 102, 210).
15 Exhibit 2 to the Declaration of Danielle 16 Williams in Support of the Motion to 17 Exclude: Excerpts of the transcript of the 18 April 10, 2024 Deposition of Dan 19 Schonfeld.	Designated by Bank of America as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” under the parties’ stipulated protective orders (Dkt. Nos. 102, 210).
20 Exhibit 3 to the Declaration of Danielle 21 Williams in Support of the Motion to 22 Exclude: BOFA00058906.	Designated by Bank of America as “HIGHLY CONFIDENTIAL – ATTORNEY EYES ONLY” under the parties’ stipulated protective orders (Dkt. Nos. 102, 210).
25 Exhibit 4 to the Declaration of Danielle 26 Williams in Support of the Motion to 27 Exclude: Excerpts of the Transcript of	Designated by Plaintiffs and Bank of America as “HIGHLY CONFIDENTIAL – ATTORNEY EYES

Document Description	Nature of Information to be Sealed
the Deposition of Zho Agarwal.	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: BOFA00033339	Designated by Bank of America as “HIGHLY CONFIDENTIAL – ATTORNEY EYES ONLY” under the parties’ stipulated protective orders (Dkt. Nos. 102, 210).
Exhibit 7 to the Declaration of Danielle Williams in Support of the Motion to Exclude: NANT_BOA00082220	Designated by Plaintiffs as “HIGHLY CONFIDENTIAL – ATTORNEY EYES ONLY” under the parties’ stipulated protective orders (Dkt. Nos. 102, 210).
Exhibit 8 to the Declaration of Danielle Williams in Support of the Motion to Exclude: NANT_BOA00082227	Designated by Plaintiffs in its entirety as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY”
Exhibit 9 to the Declaration of Danielle Williams in Support of the Motion to Exclude: Excerpts from the Transcript of Deposition of Orang Dialameh.	Designated by Bank of America in its entirety as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” under the parties’ stipulated protective orders (Dkt. Nos. 102, 210).
Exhibit 10 to the Declaration of Danielle Williams in Support of the Motion to Exclude: Excerpts from the Transcript of the Deposition of Jeremi Sudol	Designated by Plaintiff and Bank of America in its entirety as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” under the parties’ stipulated protective orders (Dkt. Nos. 102, 210).
Exhibit 11 to the Declaration of Danielle	Designated by Plaintiffs and Bank of

Document Description	Nature of Information to be Sealed
Williams in Support of the Motion to Exclude: Excerpts from the Transcript of the Deposition of Matthew Calman	America in its entirety as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” under the parties’ stipulated protective orders (Dkt. Nos. 102, 210).
Exhibit 14 to the Declaration of Danielle Williams in Support of the Motion to Exclude: Excerpts of the Opening Expert Report of Dan Schonfeld.	Designated by Plaintiffs in its entirety as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” under the parties’ stipulated protective orders (Dkt. Nos. 102, 210).
Exhibit 16 to the Declaration of Danielle Williams in Support of the Motion to Exclude: BOFA00034270.	Designated by Defendants in its entirety as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” under the parties’ stipulated protective orders (Dkt. Nos. 102, 210).
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).

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

1 to the parties' Stipulated Protective Order (Dkt. No. 210). *See* Declaration of Danielle
2 Williams (the "Williams Decl."), ¶¶ 2–15, 21, 23–28. Defendants make this application
3 because these contain information that is "Highly Confidential – Attorneys Eyes Only"
4 and/or "Highly Confidential – Source Code" of Bank of America. As required by Local
5 Rule 79-5.2.2(b), counsel for Plaintiffs and Defendants conferred about Defendants'
6 filing these materials to limit, if not entirely avoid, the necessity of this Application. *Id.*
7 Plaintiffs' counsel does not oppose filing the entirety of these materials under seal.

8 The Williams declaration sets forth the information Defendants seek to file under
9 seal, the basis for the Application, and good cause to seal Bank of America confidential
10 information. *Id.*, ¶¶ 1–15. Due to the sensitive nature of the information in the
11 foregoing materials, good cause exists to approve Bank of America's application to file
12 these materials under seal pursuant to Local Rule 79-5.2.2(a).

13 **II. Good Cause Exists to File Materials Under Seal**

14 The decision to seal records is left to the discretion of the District Court.
15 *Hagestad v. Tragesser*, 49 F.3d 1430, 1434 (9th Cir. 1995) (citing *Nixon v. Warner*
16 *Communications, Inc.*, 435 U.S. 589, 599 (1978)). Rule 26(c)(1)(G) of the Federal
17 Rules of Civil Procedure allows parties, upon a showing of "good cause," to file under
18 seal documents containing "confidential . . . commercial information." *See also IMAX*
19 *Corp. v. Cinematech, Inc.*, 152 F.3d 1161, 1168 n.9 (9th Cir. 1998) (noting that
20 confidential and proprietary business information is "to be filed under seal."); *Sun*
21 *Microsystems Inc. v. Network Appliance*, No. C-08-01641 EDL, 2009 WL 5125817, at
22 *9 (N.D. Cal. Dec. 21, 2009) (granting sealing requests because the documents "contain
23 confidential [business] information, much of which has been designated as Confidential
24 or Highly Confidential under the parties' stipulated protective order, that could cause
25 competitive harm if disclosed."); *In re Adobe Systems, Inc. Securities Litigation Master*
26 *File*, 141 F.R.D. 155, 161-162 (N.D. Cal. 1992) ("Protective orders and filings under
27 seal are the primary means by which the courts ensure full disclosure of relevant
28 information, while still preserving the parties' (and third parties') legitimate expectation

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