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Attorneys for Defendants
BANK OF AMERICA CORPORATION
and BANK OF AMERICA, N.A.

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.	**Case No. 2:20-cv-07872-GW-PVC** **DECLARATION OF MATTHEW CALMAN IN SUPPORT OF DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT** Date: June 6, 2024 Time: 8:30 am Courtroom: 9D Judge: Honorable George H. Wu

DECLARATION OF MATTHEW CALMAN

I, Matthew Calman, hereby declare and state as follows:

1.   I have personal knowledge of the matters set forth herein, and if called upon as a witness, I could competently testify thereto.

2.   I am currently a Visiting Assistant Professor at Coe College in Cedar Rapids, Iowa.

3.   I worked at Bank of America from March of 1986 until July of 2013.

4.   In 2012, Bank of America released to the general public the first version of its mobile application that had mobile check deposit capabilities.

5.   I know how Bank of America's mobile check deposit application worked between the time it was released to the public and when I left Bank of America in July 2013 because I was a key member of the group that implemented the Bank's check-image architecture.

6.   From 2010 until the middle of 2013, Bank of America and an affiliate of NantWorks, LLC called IPPLEX worked together to attempt to adapt technology IPPLEX claimed to have to the mobile check deposit context.

7.   At the time of the collaboration, IPPLEX did not have an existing functional image-recognition solution for facilitating a commercially viable mobile check-deposit application.

8.   In connection with this collaboration, Bank of America and IPPLEX executed a Collaboration Research Agreement ("CRA") on October 31, 2011.

9.   I understood, based upon Section 1.29 of the CRA and other representations IPPLEX made around the time of the collaboration, that IPPLEX claimed to have an image-recognition approach that involved software that could compare a captured image and/or characteristics in the image to images and/or characteristics of images in a database for the purpose of recognizing the object in the

image. For example, IPPLEX's Money Reader app, which I personally observed before and during the collaboration, exhibited this capability.

10.   In order to attempt to adapt IPPLEX's technology to the mobile check deposit context, Bank of America instructed IPPLEX's employees, including Mustafa Jaber, on the special character set and proper use of MICR for check processing, and based on this instruction, Dr. Jaber created a database containing MICR line characters to which images captured by a demo application could be compared.

11.   Around the Autumn of 2012 during a business-development visit to NantWorks' showroom location outside Los Angeles, California, Dr. Patrick Soon-Shiong accused me and Bank of America of stealing IPPLEX's intellectual property. He had with him a hard copy spreadsheet listing patents Bank of America had disclosed to IPPLEX in the days after signing the CRA. I was surprised by Dr. Soon-Shiong's tone and was shocked that apparently no one had shared Bank of America's prior disclosure of the patent applications with Dr. Soon-Siong.

12.   I learned during the 2011–2013 collaboration that IPPLEX's database-matching "recognizer" approach would not work in a mobile check deposit application because checks look too similar to one another for the matching process to occur.
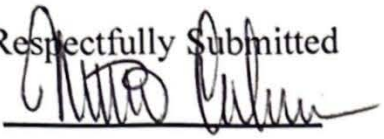
13.   I know from my experience described above that Bank of America's mobile check deposit application did not, while I worked at Bank of America, employ a database-matching "Recognizer" approach like the one IPPLEX claimed during the collaboration.

14.   Based on the understanding of IPPLEX's claimed technology I gained during the 2011–2013 collaboration and my understanding of Bank of America's mobile deposit application discussed above, I never thought that Bank of America's mobile check deposit application infringed any patents IPPLEX or NantWorks claimed to own.

15.   I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

16.   Executed on this 3rd day of May, 2024.

Respectfully Submitted

Matthew Calman