

1 George C. Lombardi (*pro hac vice*)
glombardi@winston.com
2 WINSTON & STRAWN LLP
35 West Wacker Drive
3 Chicago, IL 60601-9703
4 Telephone: (312) 558-5600
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
8 Telephone: (704) 350-7700
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
12 Telephone: (212) 294-6700
Facsimile: (212) 294-4700

13 *Attorneys for Defendants*
14 BANK OF AMERICA
CORPORATION
15 and BANK OF AMERICA, N.A.

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

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

21 Plaintiffs,

22 vs.

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

25 Defendants.

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

**DEFENDANTS' CORRECTED
UNOPPOSED APPLICATION TO
FILE DOCUMENTS UNDER SEAL
IN CONNECTION WITH
DEFENDANTS' MOTION FOR
PARTIAL SUMMARY JUDGMENT
OF NON- INFRINGEMENT FOR
THE ASSERTED CLAIMS OF THE
ASSERTED PATENTS.**

Local Rule 79-5.2.2(b)
[Filed concurrently with Corrected
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 for Partial Summary Judgment of Non-
 7 infringement of the Asserted Claims of the Asserted Patents:

Document Description	Nature of Information to be Sealed
10 Exhibit 1 to the Declaration of Danielle 11 Williams in Support of the Motion for 12 Partial Summary Judgment of Non- 13 Infringement of the Asserted Claims of 14 the Asserted Patents: Excerpts of the 15 Expert Report of Dan Schonfeld 16 Regarding the Infringement of the 17 Asserted Claims 18 19	Designated by Plaintiffs in its entirety as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” and “HIGHLY CONFIDENTIAL – SOURCE CODE,” and contains excerpts of documents designated by Bank of America and third-party Mitek as “Highly Confidential – Attorneys’ Eyes Only.” Plaintiffs and Mitek do not oppose sealing this exhibit in its entirety.
20 Exhibit 2 to the Declaration of Danielle 21 Williams in Support of the Motion for 22 Partial Summary Judgment of Non- 23 Infringement of the Asserted Claims of 24 the Asserted Patents: Transcript of the 25 April 10, 2024 Deposition of Dan 26 Schonfeld, Ph.D.	Designated by Defendants as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” under the parties’ stipulated protective orders (Dkt. Nos. 102, 210).
27 Exhibit 3 to the Declaration of Danielle 28	Designated by Defendants as “HIGHLY

Document Description	Nature of Information to be Sealed
Williams in Support of the Motion for Partial Summary Judgment of Non-Infringement of the Asserted Claims of the Asserted Patents: Transcript of the April 11, 2024 Deposition of Dan Schonfeld, Ph.D.	CONFIDENTIAL – ATTORNEYS’ EYES ONLY” under the parties’ stipulated protective orders (Dkt. Nos. 102, 210).
Exhibit 4 to the Declaration of Danielle Williams in Support of the Motion for Partial Summary Judgment of Non-Infringement of the Asserted Claims of the Asserted Patents: Rebuttal Expert Report of James Storer, Ph.D. dated March 19, 2024	Designated by Defendants in its entirety as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” and “HIGHLY CONFIDENTIAL – SOURCE CODE,” and contains excerpts of documents designated by Bank of America and third-party Mitek as “Highly Confidential – Attorneys’ Eyes Only.” Plaintiffs and Mitek do not oppose sealing this exhibit in its entirety.
Exhibit 5 to the Declaration of Danielle Williams in Support of the Motion for Partial Summary Judgment of Non-Infringement of the Asserted Claims of the Asserted Patents: Transcript of the October 19, 2023 Deposition of Chris Harbinson	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 for Partial Summary Judgment of Non-	Designated by Defendants as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” under the parties’

Document Description	Nature of Information to be Sealed
Infringement of the Asserted Claims of the Asserted Patents: Transcript of the October 10, 2023 Deposition of Pavan Chayanam	stipulated protective orders (Dkt. Nos. 102, 210).
Exhibit 7 to the Declaration of Danielle Williams in Support of the Motion for Partial Summary Judgment of Non-Infringement of the Asserted Claims of the Asserted Patents: Transcript of the November 16, 2023 Deposition of Fred Fernandez	Designated by third-party Mitek as “Highly Confidential – Attorneys’ Eyes Only.” Plaintiffs and Mitek do not oppose sealing this exhibit in its entirety.
Exhibit 8 to the Declaration of Danielle Williams in Support of the Motion for Partial Summary Judgment of Non-Infringement of the Asserted Claims of the Asserted Patents: document bearing the Bates number of BOFA00030781–824	Designated by Defendants in its entirety as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.” Plaintiffs do not oppose sealing this exhibit in its entirety.
Exhibit 9 to the Declaration of Danielle Williams in Support of Defendants’ Partial Motion for Partial Summary Judgment of Non-infringement of the Asserted Claims of the Asserted Patents	Designated by Defendants in its entirety as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.” Plaintiffs do not oppose sealing this exhibit in its entirety.
Memorandum in Support of Defendants’ Motion for Partial Summary Judgment of Non-infringement of the Asserted	Designated by Defendants in its entirety as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

Document Description	Nature of Information to be Sealed
Claims of the Asserted Patents	Plaintiffs do not oppose sealing this exhibit in its entirety.
Statement of Uncontroverted Facts in Support of Defendants' Motion for Partial Summary Judgment of Non-Infringement of the Asserted Claims of the Asserted Patents	Designated by Defendants in its entirety as "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY," and contains excerpts of documents designated by Bank of America and third-party Mitek as "Highly Confidential – Attorneys' Eyes Only." Plaintiffs and Mitek do not oppose sealing this document.

I. Background

As set forth in the Corrected Declaration of Danielle Williams in Support of Defendants' Corrected 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* Corrected Declaration of Danielle T. Williams (the "Corrected Williams Decl."), ¶¶ 2–10, 13. Defendants make this application because (i) materials nos. 2–7, 9–10, 13 contain information that is "Highly Confidential – Attorneys Eyes Only" and/or "Highly Confidential – Source Code" of Bank of America; (ii) materials nos. 2–4 and 8 contain information that is "Highly Confidential – Attorneys Eyes Only" and/or "Highly Confidential – Source Code" of Mitek Systems, Inc. ("Mitek"). *Id.*, ¶¶ 2–10, 13. 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

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.