

QUINN EMANUEL URQUHART
& SULLIVAN, LLP
Kevin P.B. Johnson (Bar No. 177129)
kevinjohnson@quinnemanuel.com
Todd M. Briggs (Bar No. 209282)
toddbriggs@quinnemanuel.com
Brice C. Lynch (Bar No. 288567)
bricelynch@quinnemanuel.com
555 Twin Dolphin Drive, 5th Floor
Redwood Shores, California 94065
Telephone: (650) 801-5000
Facsimile: (650) 801-5100

QUINN EMANUEL URQUHART
& SULLIVAN, LLP
Eric Huang (*pro hac vice*)
erichuang@quinnemanuel.com
51 Madison Avenue, 22nd Floor
New York, New York 10010
Telephone: (212) 849-7000
Facsimile: (212) 849-7100

Attorneys for Plaintiffs
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.

QUINN EMANUEL URQUHART
& SULLIVAN, LLP
James R. Asperger (Bar No. 83188)
jimasperger@quinnemanuel.com
Rachael McCracken
rachaelmccracken@quinnemanuel.com
865 South Figueroa Street, 10th Floor
Los Angeles, CA 90017-2543
Telephone: (213) 443-3000
Facsimile: (213) 443-3100

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’ Opposition to Defendants’
5 Motion to Strike Certain Opinions in Dr. Schonfeld’s Opening Expert Report
6 Regarding Infringement. This application pertains to the following items:

- 7 • Plaintiffs’ Opposition to Defendants’ Motion to Strike Certain Opinions
8 in Dr. Schonfeld’s Opening Expert Report Regarding Infringement (the
9 “Opposition to Motion to Strike”);
- 10 • Exhibits 1-2, 4-6, and 8-9 to the Declaration of Brice C. Lynch in Support
11 of Plaintiffs’ Opposition to Motion to Strike.

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

- 15 a) the deposition transcript of Charles Christopher Harbinson, dated October 19,
16 2023, which was designated “Contains Confidential Attorney Eyes Only
17 Material”;
- 18 b) the Expert Report of James Storer served on January 30, 2024, which was
19 designated “Highly Confidential – Attorney Eyes Only”;
- 20 c) the deposition transcript of Pavan Chayanam dated October 10, 2023, which
21 was designated “Highly Confidential Attorneys’ Eyes Only” and “Contains
22 Highly Confidential Source Code”;
- 23 d) the deposition transcript of Fred Fortaleza Fernandez, Jr. dated November 16,
24 2023, which was designated “Highly Confidential – Attorney Eyes Only” and
25 “Highly Confidential Source Code”;
- 26 e) a copy of the letter correspondence from counsel for defendants, Danielle T.
27 Williams, to me dated February 23, 2024, which was designated as “Highly
28 Confidential – Attorney’s Eyes Only”;

- 1 f) the Expert Report of Patrick F. Kennedy, Ph.D, dated January 30, 2024, which
2 was designated as “CONFIDENTIAL – ATTORNEYS’ EYES ONLY”;
3 g) the deposition transcript of Dr. Dan Schonfeld, dated April 10-11, 2024, which
4 was designated “Highly Confidential, Attorneys’ Eyes Only.”
5 h) Plaintiffs’ Opposition to Defendants’ Motion to Strike Certain Opinions in Dr.
6 Schonfeld’s Opening Expert Report Regarding Infringement, submitted
7 contemporaneously herewith, which contains quotations from, references to,
8 and descriptions of statements made in the documents referenced above in (a)-
9 (g).

10 Pursuant to L.R. 79-5.2.2, NantWorks conferred with BoA and BoA
11 confirmed that they do not object sealing these materials to be filed with NantWorks’
12 Opposition to Motion to Strike.

13 Accordingly, NantWorks respectfully requests for an order permitting that the
14 following documents be filed under seal:

- 15 i. Plaintiffs’ Opposition to Motion to Strike;
16 ii. Exhibits 1-2, 4-6, and 8-9 to the Declaration of Brice C. Lynch in
17 Support of Plaintiffs’ Opposition Motion to Strike
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1 DATED: May 17, 2024

Respectfully submitted,

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3 QUINN EMANUEL URQUHART &
SULLIVAN, LLP

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5 By /s/ Todd M. Briggs

6 James R. Asperger
7 Kevin P.B. Johnson
8 Todd M. Briggs
9 Eric Huang
Brice C. Lynch

10 Attorneys for Plaintiff, NANTWORKS,
11 LLC and NANT HOLDINGS IP, LLC
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