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BANK OF AMERICA CORPORATION  
and BANK OF AMERICA, N.A.

12 **UNITED STATES DISTRICT COURT**  
13 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

14 NantWorks, LLC, a Delaware limited  
liability company, and NANT  
15 HOLDINGS IP, LLC, a Delaware  
limited liability company,

16 Plaintiffs,

17 vs.

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

21 Defendants.

**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’ Unopposed Application to File Documents Under Seal  
 7 regarding Defendants’ Opposition to Plaintiff’s Motion to Strike Portions of the  
 8 Rebuttal Expert Report of Dr. James Storer (the “Opposition to Motion to Strike”):

Document Description	Nature of Information to be Sealed
9 10 Exhibit 2 to the Declaration of Danielle 11 Williams in Support of Defendants’ 12 Unopposed Application to File 13 Documents Under Seal regarding the 14 Opposition to Motion to Strike: excerpts 15 from the transcript of the March 29, 16 2024 Deposition of James A. Storer.	Designated by Defendants as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” and “HIGHLY CONFIDENTIAL – SOURCE CODE” under the parties’ stipulated protective order (Dkt. No. 210). Plaintiffs do not oppose sealing this exhibit in its entirety.
17 Exhibit 3 to the Declaration of Danielle 18 Williams in Support of Defendants’ 19 Unopposed Application to File 20 Documents Under Seal regarding the 21 Opposition to Motion to Strike: excerpts 22 from Defendants’ Objections and 23 Responses to Plaintiffs’ First Set of 24 Interrogatories (1–16), dated April 5, 25 2021.	Contains information that is “Confidential” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” under the parties’ stipulated protective order (Dkt. No. 210). Plaintiffs do not oppose sealing this exhibit in its entirety.
26 Exhibit 4 to the Declaration of Danielle 27 Williams in Support of Defendants’	Designated by Defendants as “HIGHLY CONFIDENTIAL – ATTORNEYS’

Document Description	Nature of Information to be Sealed
<p>Unopposed Application to File Documents Under Seal regarding the Opposition to Motion to Strike: excerpts from the transcript of the October 10, 2023 Deposition of Pavan Chayanam.</p>	<p>EYES ONLY” under the parties’ stipulated protective order (Dkt. No. 210). Plaintiffs do not oppose sealing this exhibit in its entirety.</p>
<p>Exhibit 6 to the Declaration of Danielle Williams in Support of Defendants’ Unopposed Application to File Documents Under Seal regarding the Opposition to Motion to Strike: Defendants’ Supplemental Objections and Responses to Plaintiffs’ First Set of Interrogatories (Nos. 4-5), dated October 17, 2023.</p>	<p>Designated by Defendants as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” under the parties’ stipulated protective order (Dkt. No. 210). Plaintiffs do not oppose sealing this exhibit in its entirety.</p>
<p>Exhibit 7 to the Declaration of Danielle Williams in Support of Defendants’ Unopposed Application to File Documents Under Seal regarding the Opposition to Motion to Strike: Exhibit 6 to NantWorks Preliminary Final Infringement Contentions – ’036 Final Infringement Claim Chart, dated August 21, 2023.</p>	<p>Designated by Plaintiffs as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” and “HIGHLY CONFIDENTIAL – SOURCE CODE” under the parties’ stipulated protective order (Dkt. No. 210). Plaintiffs do not oppose sealing this exhibit in its entirety.</p>
<p>Exhibit 8 to the Declaration of Danielle Williams in Support of Defendants’ Unopposed Application to File</p>	<p>Designated by Plaintiffs as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” under the parties’</p>

Document Description	Nature of Information to be Sealed
<p>Documents Under Seal regarding the Opposition to Motion to Strike: Plaintiffs’ Second Supplemental Objections and Responses to Defendants’ Fifth Set of Interrogatories (29), dated December 20, 2023.</p>	<p>stipulated protective order (Dkt. No. 210). Plaintiffs do not oppose sealing this exhibit in its entirety.</p>
<p>Redactions of the Opposition to Motion to Strike.</p>	<p>Designated by Defendants as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” and “HIGHLY CONFIDENTIAL – SOURCE CODE” under the parties’ stipulated protective order (Dkt. No. 210). Plaintiffs do not oppose redacting portions of this document.</p>

### I. Background

As set forth in the Declaration of Danielle Williams in Support of Defendants’ Unopposed Application to File Documents Under Seal regarding the Opposition to Motion to Strike submitted herewith, Defendants make this application because the foregoing documents are either Confidential, Highly Confidential–Attorneys Eyes Only and/or Highly Confidential – Source Code or include/are based on information marked and/or designated as Confidential, Highly Confidential–Attorneys Eyes Only and/or Highly Confidential – Source Code as follows pursuant to the parties’ Stipulated Protective Order (Dkt. No. 210). *See* Declaration of Danielle Williams (the “Williams Decl.”), ¶¶ 2–10. Defendants make this application because Exhibit Nos. 2, 3, 4, 6, 7, 8, and the Opposition to Motion to Strike contain or reference information that is

1 Confidential, Highly Confidential–Attorneys Eyes Only and/or Highly Confidential –  
2 Source Code of Bank of America and/or its vendors. *Id.*, ¶¶ 4–10. As required by Local  
3 Rule 79-5.2.2(b), counsel for Plaintiffs and Defendants conferred about Defendants’  
4 filing these materials to limit, if not entirely avoid, the necessity of this Application. *Id.*,  
5 ¶ 2. Plaintiffs’ counsel does not oppose filing these materials under seal. *Id.* Counsel  
6 for Defendants also conferred with counsel for Mitek in a similar manner, and Mitek’s  
7 counsel requested that the entirety of these documents that contain or reference Mitek  
8 confidential information be filed under seal. *Id.*, ¶ 3.

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

## 15 II. Good Cause Exists to File Materials Under Seal

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

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