EXHIBIT 5

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

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

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

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

   Michael A. Tomasulo (SBN: 179389)
   mtomasulo@winston.com
   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

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

15   **UNITED STATES DISTRICT COURT**

16   **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

17

18 NANTWORKS, LLC, a Delaware limited liability company, and	**Case No. 2:20-CV-7872-GW-PVC**
19 NANT HOLDINGS IP, LLC, a Delaware limited liability company,	**DEFENDANTS BANK OF AMERICA CORPORATION AND BANK OF AMERICA, N.A.'S FIFTH SET OF INTERROGATORIES TO PLAINTIFFS (NO. 29)**
20	
21 Plaintiffs,	
22 vs.	
23 BANK OF AMERICA CORPORATION, a Delaware corporation, and BANK OF	
24 AMERICA, N.A., a national banking association,	
25	
26 Defendants.	

27

28

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and Local
Rule 26, Defendants Bank of America Corporation and Bank of America, N.A.
(collectively, "Defendants"), by their undersigned attorneys, request that Plaintiffs
NantWorks, LLC and Nant Holdings IP, LLC (collectively, "NantWorks" or
"Plaintiffs") answer the following interrogatories within thirty (30) days of service.

GENERAL DEFINITIONS AND RULES OF CONSTRUCTION

Notwithstanding any definition below, each word, term, or phrase used in these
Requests is intended to have the broadest meaning permitted under the Federal Rules
of Civil Procedure.

1.   "Plaintiffs," "NantWorks," "You," or "Your" shall mean any or all of
NantWorks, LLC; Nant Holdings IP, LLC; and/or any of its or their representatives, all
past and present predecessors, successors, subsidiaries, affiliates, and parent companies,
and all past and present directors, officers, partners, employees, agents, representatives,
or persons acting on behalf of the forgoing entities.

2.   "Defendant(s)" or "Bank of America" shall refer to Defendants Bank of
America Corporation and/or Bank of America, N. A.

3.   "NantWorks Patent(s)-in-Suit" shall refer, individually and collectively, to
U.S. Patent No. 7,881,529, U.S. Patent No. 7,899,252, U.S. Patent No. 8,326,038, U.S.
Patent No. 8,463,030, U.S. Patent No. 8,478,036, U.S. Patent No. 8,520,897, U.S.
Patent No. 9,031,278, and U.S. Patent No. 9,324,004, as well as any patents asserted in
this lawsuit at a later date.

4.   Related Patent(s)" means:

      a. Any patent or patent application in the genealogical chain through
         which a Patent-in-Suit claims priority:

      b. Any patent or patent application which claims priority through
         genealogical chain that includes a Patent-in-Suit

      c. Any foreign counterpart of a Patent-in-Suit or otherwise Related
         Patent.

1   5.   "Any" and "all" shall mean one or more.

2   6.   "Accused Instrumentality(ies)" shall mean and refer to those accused

3 instrumentalities NantWorks identifies in accordance with C.D. Cal. S.P.R. 2.1.

4   7.   "Advanced Mobile Deposit Software" shall refer to the "source code,

5 object code, and libraries for the mobile check deposit software" NantWorks refers in

6 paragraph 179 of its Complaint.

7   8.   "And" and "or" shall be construed conjunctively or disjunctively as

8 necessary to bring within the scope of the discovery request all responses that might

9 otherwise be construed to be outside of its scope, and the use of the singular form of

10 any word includes the plural and vice versa.

11   9.   "Asserted Claim" means and includes each and every claim of the Patents-

12 in-Suit that NantWorks contends is infringed in accordance with C.D. Cal. S.P.R. 2.1.

13   10.   "Communication(s)" means any transmission of information, including

14 drafts.

15   11.   "Complaint" shall refer to Plaintiffs' live complaint, which as of January

16 25, 2021, was Plaintiffs' First Amended Complaint filed on or about November 11,

17 2020, in the above-captioned matter.

18   12.   "Constituting" or "relating to" is used in its broadest sense to include any

19 connection, relation, or relevance.

20   13.   "Date" means the exact day, month and year, if ascertainable; and if not

21 ascertainable, the closest approximation that can be made by means of relationship to

22 other events, locations or matters.

23   14.   "Document(s)" shall include all writings, recordings, photographs, or

24 other documents within the scope of Rule 1001 of the Federal Rules of Evidence or

25 Rule 34 of the Federal Rules of Civil Procedure, including without limitation written,

26 printed, typed, electronically stored, magnetically stored, optically stored, and visually

27 or aurally reproduced material of any kind. The term "document" shall include both

28 the original of a document and all distinct copies thereof, including, without limitation,

1   copies that are distinct due to the presence of notes made on or attached to the document.

2   15.   "Including" shall mean without limitation.

3   16.   "Person" or "Entity" and their plural forms include, without limitation,

4   natural persons, law firms, partnerships, corporations, associations, and other legal

5   entities and divisions, departments, or other units thereof.

6   17.   "Present Litigation," "this lawsuit," "this litigation," and "this case" refers

7   to the above-referenced action, NantWorks, LLC v. Bank of America Corp., Case No.

8   2:20-CV-7872-GW-PVC (C.D. Cal).

9   18.   "Prior Art" means anything that constitutes prior art under any subsection

10   of 35 U.S.C. § 102 or § 103, including without limitation any publication, patent, use,

11   sale, offer for sale, prior invention, knowledge, or other activity.

12   19.   "Reflecting," "referring," "relating to," "concerning" or any derivation

13   thereof shall mean, without limitation, consisting of, constituting, containing,

14   mentioning, describing, summarizing, evidencing, listing, indicating, analyzing,

15   explaining, supporting, undermining, contradicting, concerning, pertaining to, prepared

16   in connection with, used in preparation for, or being in any way legally, logically, or

17   factually connected with the matter discussed.

18   20.   "Related Patent(s)" means any patent or patent application related to the

19   Asserted Patents genealogically and/or by common subject matter or inventorship,

20   including but not limited to, any U.S. patent applications, such as continuation

21   applications, continuation-in-part applications, and divisional applications, and all

22   foreign counterpart applications, whether pending, allowed, issued, expired, or

23   abandoned.

24   21.   "Thing" shall include all tangible objects of any type, composition,

25   construction, or nature.

26   22.   "Writings," "recordings," and "photographs" are defined to be

27   synonymous in meaning and equal in scope to the usage of those terms in Fed. R. Evid.

28   1001..

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