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

14 NANTWORKS, LLC, a Delaware limited  
15 liability company, and NANT  
16 HOLDINGS IP, LLC, a Delaware limited  
17 liability company,

17 Plaintiffs,

18 vs.

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

21 Defendants.

Case No. 2:20-cv-07872-GW-PVC

**DEFENDANTS' REPLY IN  
SUPPORT OF MOTION TO  
STRIKE CERTAIN OPINIONS IN  
DR. SCHONFELD'S OPENING  
EXPERT REPORT REGARDING  
INFRINGEMENT**

Date: June 6, 2024  
Time: 8:30 am  
Courtroom: 9D

Judge: Honorable George H. Wu

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TABLE OF AUTHORITIES

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Cases

*Adobe Sys. Inc. v. Wowza Media Sys.*,  
2014 WL 709865 (N.D. Cal. Feb. 23, 2014).....8, 9, 12, 13, 18

*Allvoice Devs. US, LLC v. Microsoft Corp.*,  
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*DNA Genotek Inc. v. Spectrum Sols.*  
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*Dynamic Digit. Depth Rsch. Pty Ltd. v. LG Elecs., Inc.*,  
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7 **Other Authorities**  
8 Fed. R. Civ. P. 26(e) ..... 3, 21, 22, 23  
9 Fed. R. Civ. P. 37 ..... 22  
10 Fed. R. Civ. P. 37(c) ..... 1, 19, 21, 22, 23  
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