

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

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

7 QUINN EMANUEL URQUHART
& SULLIVAN, LLP
8 Eric Huang (*pro hac vice*)
erichuang@quinnemanuel.com
9 51 Madison Avenue, 22nd Floor
New York, New York 10010
10 Telephone: (212) 849-7000
11 Facsimile: (212) 849-7100

12 Attorneys for Plaintiffs
NANTWORKS, LLC and NANT HOLDINGS IP, LLC

14 UNITED STATES DISTRICT COURT
15 FOR THE CENTRAL DISTRICT OF CALIFORNIA

17 NANTWORKS, LLC, a Delaware
limited liability company, and NANT
18 HOLDINGS IP, LLC, a Delaware
limited liability company,

19 Plaintiffs,

20 vs.

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

24 Defendants.

CASE NO. 2:20-cv-7872-GW-PVC

**DECLARATION OF ERIC HUANG
IN SUPPORT OF JOINT
STIPULATION TO CONTINUE
THE PRETRIAL CONFERENCE
AND TRIAL DATE**

28

1 I, Eric H. Huang, declare as follows:

2 1. I am an attorney duly licensed to practice law in the State of New York
3 and appeared before this Court *pro hac vice* in the above-captioned matter. Dkt. 44.
4 I am an attorney at Quinn Emanuel Urquhart & Sullivan, LLP, counsel for Plaintiffs
5 NantWorks LLC and Nant Holding IP, LLC (“NantWorks”). I make this Declaration
6 in support of the Joint Stipulation to Continue the Pretrial Conference and Trial Date
7 filed by NantWorks and Defendants Bank of America Corporation and Bank of
8 America, N.A. (“Bank of America,” together with NantWorks, the “Parties”). I have
9 personal knowledge of the facts set forth in this declaration, and if called as a witness
10 I would testify competently to those facts.

11 2. On May 20, 2024, the Court reset trial in this matter for September 17,
12 2024 and pretrial conference for September 5, 2024. Thereafter, the parties have
13 worked diligently to clear all conflicts with the September 17, 2024 trial date.

14 3. NantWorks has identified one conflict that cannot be resolved. Its sole technical
15 expert Dr. Dan Schonfeld, who will address infringement, validity and technical
16 issues relation to damages, has two conflicting trials in September, which were
17 scheduled before the Court reset the trial date here. He is committed to testify at trial
18 for *Meridian v. PAM* in Houston before a Texas state court, which is set for trial
19 September 10 through 20, 2024. He is also scheduled to testify before the U.S.
20 International Trade Commission (the “ITC”) in an investigation hearing scheduled for
21 September 9 through 13, in a proceeding where Nokia filed a complaint against
22 Hewlett Packard. These two cases are unrelated and involve different counsel and
23 courts. Dr. Schonfeld has already received accommodation allowing him to testify
24 during the second week of the Houston trial (September 16-20), so that he can testify
25 in the ITC hearing the week before. Because of these conflicts, Dr. Schonfeld is
26 unable to participate in a trial in this case starting September 17, 2024.

27 4. The Parties continue to meet and confer but as of today, are not able to
28 identify mutually available time before May 2025 for a new trial date. The Parties

1 will continue to work on clearing their conflicts to find potential trial date before May
2 2025.

3 5. No similar requests for continuance of pretrial conference or trial date
4 has been previously made in this case. The Parties have previously filed the below
5 stipulations or requests to modify the case schedule:

6 a) On October 27, 2020, the Court granted the Parties' stipulated request
7 for an extension of the briefing schedule for Defendants' Motion to
8 Dismiss (Dkt. 33);

9 b) On September 7, 2021, the Court granted the Parties' stipulated request
10 to extend the deadline to file demonstratives or presentation materials for
11 use at the September 23, 2021 claim construction hearing (Dkt. 118);

12 c) On November 12, 2021, the Court granted the Parties' stipulated request
13 to continue the hearing date of Defendants' Motion for Clarification of
14 the Claim Construction Order (Dkt. 148) from December 2, 2021 to
15 December 13, 2021 (Dkt. 150);

16 d) On March 22, 2022, the Court granted Defendants' Unopposed Motion
17 to Extend Time for Filing Motion to Stay and extended the deadline for
18 filing a Motion to Stay Pending *Inter Partes Review* from March 21,
19 2022 to March 28, 2022 (Dkt. 173);

20 e) On May 22, 2023, the Court granted the Parties' stipulated request
21 extending the date to submit an Amended Protective Order from May 19,
22 2023 to May 25, 2023 (Dkt. 208);

23 f) On September 18, 2023, the Court granted the Parties' Joint Motion to
24 Amend Case Schedule involving discovery, summary judgment and
25 Daubert motions, as well as hearings on such motions (Dkt. 259);

26 g) On November 22, 2023, the Court granted the Parties' Joint Stipulation
27 to Extend Case Schedule involving discovery, summary judgment and
28 Daubert motions, as well as hearings on such motions (Dkt. 287);

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- h) On December 18, 2023, the Court granted the Parties' joint stipulation to allow discovery out of time (Dkt. 289);
- i) On April 8, 2024, the Court granted the Parties' Joint Stipulation to Revise Case Schedule involving summary judgment and Daubert motions, as well as hearings on such motions (Dkt. 315);

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in New York, New York, on July 26, 2024.

By /s/ Eric Huang
Eric Huang