

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

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
Facsimile: (212) 849-7100

11 *Attorneys for Plaintiffs*
12 NANTWORKS, LLC and NANT
HOLDINGS IP, LLC
13

George C. Lombardi (*pro hac vice*)
glombardi@winston.com
WINSTON & STRAWN LLP
35 West Wacker Drive
Chicago, IL 60601-9703
Telephone: (312) 558-5600
Facsimile: (312) 558-5700

E. Danielle T. Williams (*pro hac vice*)
dwilliams@winston.com
WINSTON & STRAWN LLP
300 South Tryon Street, 16th Floor
Charlotte, NC 28202
Telephone: (704) 350-7700
Facsimile: (704) 350-7800

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

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

16 **UNITED STATES DISTRICT COURT**
17 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
18

19 NANTWORKS, LLC, a Delaware
20 limited liability company, and NANT
HOLDINGS IP, LLC, a Delaware
21 limited liability company,

22 Plaintiffs,

23 vs.

24 BANK OF AMERICA
CORPORATION, a Delaware
25 corporation, and BANK OF
AMERICA, N.A., a national banking
26 association,

27 Defendants.
28

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

**JOINT PROPOSED SCHEDULING
ORDER**

Hon. George H. Wu



1 Pursuant to the Court’s December 27, 2021 Order (ECF No. 154), Plaintiffs
2 Nantworks, LLC, and Nant Holdings IP, LLC (collectively, “Plaintiffs” or
3 “NantWorks”) and Defendants Bank of America Corp. and Bank of America, N.A.
4 (collectively, “Defendants” or “Bank of America”) submit this Joint Status Report
5 and Proposed Scheduling Order.

6 **STATUS REPORT**

7 The Parties have the following updates for the Court:

- 8 1. Status of IPR Proceedings: Defendants filed petitions for *inter partes* review
9 (“IPR”) challenging all eight asserted patents. [Dkt. Nos. 104, 105, 107, 109,
10 110, 112, 113, and 115] The Patent Trial and Appeal Board (“PTAB”)
11 instituted trial on Defendants’ IPR petition challenging the ’030 Patent on
12 December 1, 2021, and the parties expect a Final Written Decision by
13 December 2, 2022. The institution decision and subsequent clarification order
14 are collectively attached hereto as Exhibit 1. The Parties expect the PTAB to
15 issue institution decisions on the remaining seven pending petitions by March
16 14, 2022 on the following schedule:

17

<u>Patent</u>	<u>Institution Decision</u>
529	January 13, 2022
036	February 16, 2022
004	February 19, 2022
252	March 9, 2022
278	March 9, 2022
897	March 14, 2022
038	March 14, 2022

18
19
20
21
22
23
24
25

26 Consistent with this Court’s rulings on motions to stay pending IPR
27 proceedings in other cases, Defendants will wait to file a motion to stay the
28

1 District Court proceedings after the PTAB has issued institution decisions on
 2 all pending IPR petitions, should those decisions warrant a motion to stay.

3
 4 **PROPOSED SCHEDULE**

5 The parties have agreed on many aspects of the proposed schedule, but a few
 6 disputes remain, reflected in the table below. The parties provide their respective
 7 positions on disputes after the table.

Event	NW's Proposed Dates	BOFA's Proposed Dates
<p>11 Final Election of Asserted 12 Claims</p> <p>13 (Plaintiffs shall be limited to 14 no more than 5 asserted claims 15 from the claims previously 16 asserted per patent and 18 claims total.)¹</p>		<p>Friday, January 14, 2022</p>
<p>17 Final Election of Asserted 18 Prior Art</p> <p>19 (Defendants shall be limited to 20 no more than 5 prior art 21 references per patent from 22 among the prior art references 23 previously asserted for each 24 patent and no more than a total 25 of 18 references. Defendants may amend these limits on prior art references on agreement of the parties or by</p>		

26
 27 ¹ Based on Federal Circuit Advisory Committee's Model Order Limiting
 28 Excess Patent Claims and Prior Art, ¶ 3.

Event	NW's Proposed Dates	BOFA's Proposed Dates
leave of Court for good cause shown.) ²		
Motion to Stay Pending IPR Proceedings	No later than Monday, March 21, 2022	
Response to Motion to Stay Pending IPR Proceedings	14 days after Motion to Stay is filed	
Reply in support of Motion to Stay Pending IPR Proceedings	7 days after Response to Motion to Stay is filed	
Deadline for Selection of Mediator	Thursday, June 30, 2022	
Substantial Completion of Document Productions	Tuesday, March 29, 2022	
Defendants to Serve Identification of Opinions of Counsel	Thursday, April 14, 2022	
Fact Discovery Complete	Thursday, June 30, 2022	Thursday, July 14, 2022 ³
Final Infringement Contentions	Thursday, July 7, 2022	Oppose inclusion

² *Id.* The Parties' agreed definition of "prior art reference" provided in footnote 8 of Dkt. 81 applies here.

³ Defendants are requesting July 14, 2022 for the close of fact discovery to accommodate conflicts during the discovery period. Counsel for Defendants have a trial scheduled for May 4, 2022 and family graduation ceremonies scheduled for May 27 – June 6, 2022.



Event	NW's Proposed Dates	BOFA's Proposed Dates
Final Identification of Trade Secrets	Thursday, July 7, 2022	Oppose inclusion
Final Invalidity Contentions	Friday, July 22, 2022	Oppose inclusion
Opening Expert Reports (reports for issues on which a party bears the burden of proof)	Thursday, August 4, 2022	
Rebuttal Expert Reports (reports for issues on which a party does not bear the burden of proof)	Wednesday, August 31, 2022	
Expert Discovery Complete	Friday, September 30, 2022	
Mediation Deadline	Friday, October 14, 2022	
Post-Mediation Status Conference	Thursday, October 20, 2022	
Summary Judgment and Daubert Motions Due	Thursday, November 3, 2022	
Oppositions to Summary Judgment and Daubert Motions Due	Wednesday, November 30, 2022	
Replies to Summary Judgment and Daubert Motions Due	Wednesday, December 7, 2022	
Hearing on Summary Judgment and Daubert Motions	Thursday, December 15, 2022	
Compliance With Initial Deadlines in Standing Order	Tuesday, January 31, 2023	

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.