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

20 Plaintiffs,

21 vs.

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

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

Honorable George H. Wu

**JOINT CLAIM CONSTRUCTION
STATEMENT**

Crtrm.: 9D, 350 West 1st Street

Hearing Date: September 23, 2021

Time: 8:30 a.m.

1 Pursuant to Dkt. No. 91 and S.P.R. 3.4, Plaintiffs Nantworks, LLC and Nant
2 Holdings IP, LLC (collectively, “Plaintiffs” or “NantWorks”) and Defendants Bank of
3 America Corp. and Bank of America, N.A. (collectively, “Defendants” or “Bank of
4 America”) herby submit this Joint Claim Construction and Prehearing Statement.

5 **I. AGREED CONSTRUCTIONS**

6 Pursuant to S.P.R. 3.4.1, the terms for which the parties have agreed on a
7 construction, and the constructions of said terms, are provided in the chart attached
8 hereto as **Exhibit A**. If the parties reach agreement as to the constructions of additional
9 terms at a later date, they will supplement the Joint Statement to reflect any such
10 additional agreement.

11 **II. DISPUTED CLAIM CONSTRUCTIONS**

12 Pursuant to S.P.R. 3.4.2, the parties have identified the disputed terms in the chart
13 attached hereto as **Exhibit B**, and respectfully request that they be construed by the
14 Court. The chart in Exhibit B provides each party’s proposed construction of each
15 disputed term, together with an identification of all intrinsic and extrinsic evidence
16 supporting the proposed construction and/or undermining the other party’s proposed
17 construction. The parties respectfully reserve the right to amend, correct, or supplement
18 their respective claim construction positions in response to any change of position by
19 another party or for other good cause.

20 **III. IDENTIFICATION OF 10 TERMS WHOSE CONSTRUCTION WILL**
21 **BE MOST SIGNIFICANT TO THE CASE**

22 Pursuant to S.P.R. 3.4.3, the parties identify the ten terms/related term groups
23 included in the chart attached hereto as **Exhibit B** as the 10 terms whose construction
24 will be most significant to the case. The numbering in Exhibit B of the ten terms/related
25 term groups is intended only for identification purposes and is not meant in any way as
26 a ranking of signification of the disputed terms. The terms numbered 1 through 8 were
27 proposed for construction by Defendants and the terms numbered 9 and 10 were
28 proposed for construction by Plaintiffs.

1 **IV. ANTICIPATED LENGTH OF CLAIM CONSTRUCTION HEARING**

2 The parties expect that the claim construction hearing will take three hours (1.5
3 hours per party). While the parties will work together to present the terms with common
4 issues together, the parties anticipate that differences across the eight asserted patents
5 may necessitate the additional presentation time.

6 **V. PROPOSED WITNESSES TO CALL**

7 The parties do not intend to offer any live witness testimony at the claim
8 construction hearing.

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DATED: June 10, 2021

Respectfully submitted,

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

By: /s/ Todd M. Briggs
Todd M. Briggs
Attorneys for Plaintiffs
NANTWORKS, LLC AND NANT
HOLDINGS IP, LLC

WINSTON & STRAWN LLP

By: /s/ Dustin J. Edwards
Dustin J. Edwards
Attorneys for Defendants
BANK OF AMERICA CORPORATION
and BANK OF AMERICA, N.A.

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FILER’S ATTESTATION OF CONCURRENCE

Pursuant to Civil L.R. 5-4.3.4(a)(2) relating to documents requiring multiple signatures, I, Todd M. Briggs, attest that all other signatories concur in the content of the foregoing document and authorize the filing of the same.

DATED: June 10, 2021

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

By /s/ Todd M. Briggs

Attorneys for Plaintiffs
NANTWORKS, LLC AND NANT
HOLDINGS IP, LLC

EXHIBIT A
AGREED TERMS

| Claim Term | Agreed Construction |
|---|---|
| “distal server” (’252 Patent, claims 18, 31, 32, 33) | “one or more servers coupled together that have no hardwired link to the mobile device” |
| “the acquired data comprises a user identity” (’030 Patent, claim 25) | “the acquired data comprises the identity of the user using the mobile device.” |
| “alphanumeric data” (’030 Patent, claim 30) | “data in the form of letters or numbers” |
| “printed media” (’036 Patent, claim 10) | “any written or pictorial form of information” |

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