

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

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

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

15 **UNITED STATES DISTRICT COURT**
16 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

17 NANTWORKS, LLC, a Delaware
limited liability company, and
18 NANT 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.
25

Case No. 2:20-cv-07872-GW-PVC
**DEFENDANTS' STIPULATION
REGARDING ASSERTED PRIOR ART**

1 Defendants Bank of America Corporation and Bank of America, N.A.
 2 (collectively “Bank of America”) hereby provide their Stipulation Regarding Asserted
 3 Prior Art.

4 Bank of America is filing a petition with the Patent Trial and Appeal Board
 5 requesting *inter partes* review of U.S. Patent No. 8,463,030 in view of U.S. Patent No.
 6 5,546,475, entitled “Produce Recognition System” to Rudolf M. Bolle, et al. (“Bolle”)
 7 and U.S. Patent No. 6,512,919, entitled “Electronic Shopping System Utilizing a
 8 Program Downloadable Wireless Videophone” to Nobuo Ogasawara (“Ogasawara”),
 9 on the following grounds:

Asserted Patent	Grounds	
’030 Patent (IPR2021-01080)	Claims 1, 2–4, 6–7, 19, 21, 25–26, 29– 32, and 36–37	§ 103 – Obvious over Ogasawara and Bolle
	Claims 1, 2–4, 6–7, 19, 21, 25–26, 29– 32, and 36–37	§ 102 – Anticipate by Ogasawara

17 There is complete overlap of the asserted claims for the ’030 Patent in this
 18 litigation with the claims for which Bank of America is seeking *inter partes* review.
 19 Bank of America hereby stipulates, if the Patent Trial and Appeal Board institutes *inter*
 20 *partes* review, Bank of America will not assert invalidity of the asserted claims in this
 21 case based on any of grounds listed above, or on any other ground involving the
 22 Ogasawara and Bolle references, alone under 35 U.S.C. § 102, or in combination with
 23 any other reference under 35 U.S.C. § 103.

24 This stipulation is not intended and should not be construed to limit Bank of
 25 America’s ability to assert invalidity of the asserted claims in this litigation on any
 26 ground (including any prior art product or system) that does not assert the grounds listed
 27 above or the Ogasawara and Bolle references, alone under 35 U.S.C. § 102, or in
 28

1 combination with any other reference under 35 U.S.C. § 103.

2

3

4 Dated: June 15, 2021

WINSTON & STRAWN LLP

5

6

By: /s/ Dustin J. Edwards

7

George C. Lombardi

8

E. Danielle T. Williams

9

Dustin J. Edwards

10

Michael A. Tomasulo

11

Attorneys for Defendants

BANK OF AMERICA CORPORATION

12

and BANK OF AMERICA, N.A.

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE
United States District Court for the Central District of California
NantWorks LLC et al. v. Bank of America Corporation, et al.
Case No. 2:20-cv-7872-GW-PVC

I am a resident of the State of North Carolina, over the age of eighteen years, and not a party to this action. My business address is Winston & Strawn LLP, 300 S. Tryon Street, 16th Floor, Charlotte, NC 28202. On June 15, 2021, I served true copies of the following document:

DEFENDANT BANK OF AMERICA CORPORATION AND BANK OF AMERICA, N.A.'S DEFENDANTS' STIPULATION REGARDING ASSERTED PRIOR ART

by electronically transmitting copies of the document(s) listed above via email to the addressees as set forth below, in accordance with the parties' agreement to be served electronically pursuant to Fed. R. Civ. P. 5, or Local Rule of Court, or court order. No error messages were received after said transmission.

SEE ATTACHED LIST

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

Signed: /s/ Danielle T. Williams

Dated: June 15, 2021

SERVICE LIST

NantWorks LLC et al. v. Bank of America Corporation, et al.
Case No. 2:20-cv-7872-GW-PVC

Kevin P.B. Johnson
kevinjohnson@quinnemanuel.com
Todd M. Briggs
toddbriggs@quinnemanuel.com
QUINN EMANUEL URQUHART
& SULLIVAN, LLP
555 Twin Dolphin Drive, 5th Floor
Redwood Shores, California 94065
Telephone: (650) 801-5000
Facsimile: (650) 801-5100

Eric Huang
erichuang@quinnemanuel.com
QUINN EMANUEL URQUHART
& SULLIVAN, LLP
51 Madison Avenue, 22nd Floor
New York, New York 10010
Telephone: (212) 849-7000
Facsimile: (212) 849-7100

James R. Asperger
jimasperger@quinnemanuel.com
QUINN EMANUEL URQUHART
& SULLIVAN, LLP
865 South Figueroa Street, 10th Floor
Los Angeles, CA 90017-2543
Telephone: (213) 443-3000
Facsimile: (213) 443-3100

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