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15 *Attorneys for Plaintiff*
16 *Philips North America LLC*

17 **UNITED STATES DISTRICT COURT**
18 **CENTRAL DISTRICT OF CALIFORNIA**
19 **WESTERN DIVISION**

20
21 Philips North America LLC,
22 *Plaintiff,*

23 vs.

24 Garmin International, Inc.
25 Garmin USA, Inc. and Garmin Ltd.,
26 *Defendants.*

Case No. 2:19-cv-06301-AB-KS

**DECLARATION OF
JEAN-PAUL CIARDULLO
IN SUPPORT OF
PHILIPS NORTH AMERICA LLC's
REPLY IN SUPPORT OF ITS
MOTION UNDER RULE 54(b) TO
ENTER FINAL JUDGMENT AS TO
COUNT I FOR INFRINGEMENT OF
U.S. PATENT NO. 6,013,007**

1 I, Jean-Paul Ciardullo, declare as follows:

2 1. I am an attorney with Foley & Lardner LLP, counsel to Plaintiff Philips North
3 America LLC (“Philips”) in this action.

4 2. This declaration is based upon a combination of my personal knowledge and
5 information learned from other members of my legal team.

6 3. Garmin did not seek an IPR on the ’007, ’377, and ’542 Patents referenced in
7 the briefing, and also that although Garmin joined with Fitbit on an IPR petition for the ’233
8 Patent, Garmin declined to join when Fitbit also pursued an IPR on the ’377 Patent, which
9 the Patent Office subsequently declined to institute.

10 4. Philips had no intention of trying to avoid a deposition of Mr. Krull prior to
11 claim construction. Philips deposed all witnesses after the claim construction order due to
12 the timing of discovery and other unrelated considerations.

13 5. Philips is separately litigating the ’377 Patent against Fitbit in a parallel
14 lawsuit that is in the midst of discovery and not as far along as the present case.

15 6. Attached hereto as **Exhibits 1, 2, 3, and 4** are infringement claim charts
16 served by Philips in this action.

17
18 I declare under penalty of perjury that the foregoing is true and correct to the best
19 of my knowledge.

20
21 Dated: December 4, 2020

/s/ Jean-Paul Ciardullo

Jean-Paul Ciardullo