# Exhibit C

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## Philips v. Fitbit

## Thomas Martin, PH.D. June 18, 2020

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:	UNITED STATES DISTRICT COURT	1	APPEARANCES:	
:	2 FOR THE DISTRICT OF MASSACHUSETTS	2		
	3	3	For Plaintiff:	
	4	4	FOLEY & LARDNER LLP	
	5 PHILIPS NORTH AMERICA LLC, ) Case No. 1:19-cv-11586-IT	5	111 Huntington Avenue Suite 2500	
	5 Plaintiff, )	6	Boston, Massachusetts 02199-7610 617.342.4000	
	7 v. )	7	rrodrigues@foley.com	
:	B FITBIT, INC., )	8		
:	Defendant. )	9	For Defendant:	
1	)	10	PAUL HASTINGS LLP BY: CHAD PETERMAN, ESO,	
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1	2	12	212.318.6797 chadpeterman@paulhastings.com	
1	3	13		
1	4 REMOTE VIDEOTAPED DEPOSITION OF	14	ALSO PRESENT.	
1	5 THOMAS L. MARTIN, PH.D.	15	Christian Ruiz, Videographer	
1	5 June 18, 2020	16	christian kuiz, viueographer	
1	7 10:02 a.m. Eastern Standard Time	17		
1	B Blacksburg, Virginia	18		
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2	3 REPORTED BY:	23		
2	4 Kristi Caruthers	24		
2	5 CLR, CSR No. 10560	25		
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1	MR_RODRIGUES: Objection to form	1	the structure in connection with the function of
2	THE WITNESS: Again, it's my opinion that	2	computing athletic performance feedback data from a
3	would be obvious to somebody you know skilled in	3	series of time-stamped waypoints obtained by a GPS
4	the art	4	receiver: is that correct?
5	BY MR PETERMAN	5	MR_RODRIGUES: Objection to form
6	O. And you keep using the term it would be	6	THE WITNESS: And I'm sorry, Chad. Would
7	obvious to someone of skill in the art.	7	vou repeat that again? You broke up in the middle.
8	What does what does that mean?	8	BY MR PETERMAN.
9	A. Well, as I've detailed in the report. I'm	9	O. Sure. I'd like to just direct your
10	assuming somebody with a degree in electrical	10	attention to Exhibit 1. Paragraph 13 of your report.
11	engineering or computer engineering or computer	11	A. Let me let me scroll back. You said
12	science, some related field, related knowledge, you	12	Paragraph 13?
13	know from practice in the field	13	0 Correct
14	O Were you finished or I wasn't sure if	14	A Okay I'm looking at it
15	you were finished with your answer	15	O Okay And why don't you read it to
16	A Yes I'm finished	16	vourself I'm going to ask you some questions about
17	O So your opinion is is that all of these	17	that paragraph
18	calculations that are called for in the claims would	18	(Document reviewed by witness)
19	have been obvious for someone of skill in the art to	19	THE WITNESS: Okay I've read it to
20	implement?	20	myself
21	MR_RODRIGUES: Objection to form	21	BY MR PETERMAN
22	THE WITNESS: Yes It would have been	22	O Okay So do you agree with Philips's
23	obvious to someone skilled in the art	23	proposed construction for the term means for
24	BY MR. PETERMAN:	2.4	computing athletic performance feedback data from
25	O. So we've talked a lot about distance.	25	the series of time-stamped waypoints obtained by
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1	Page 46 Would it also have been obvious to	1	Page 48
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1 2 3	Page 46 Would it also have been obvious to determine the current or average speed of an athlete?	1 2 3	Page 48 said GPS receiver? A. I agree. O Part of that construction is a processor
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#### Philips v. Fitbit

	Page 49		Page 51
1	the shelf would not be able to find the distance	1	I'm happy to do it. I'm also happy to keep pushing
2	between two points. It also wouldn't be able to do	2	through Whatever your preference is sir
2	anything else	3	A I'm good We can keen going
4	BY MR PETERMAN	4	O So your report Paragraph 11 you lay out
5	O Would any processor off the shelf be able	5	your understanding of what a person of ordinary
6	to find the distance between two waypoints?	6	skill in the art is.
7	MR. RODRIGUES: Objection to form.	7	A. Okay. I'm there.
8	THE WITNESS: I'm not a lawyer I'm	8	O. How did you come up with this construction
9	sorry. What was that?	9	of a person of ordinary skill in the art?
10	MR. RODRIGUES: I was just saying	10	A. It's based upon my experience as as a
11	objection to form.	11	professor and as a graduate student in the field.
12	You can answer.	12	Q. So just tracking through your opinion. So
13	THE WITNESS: Okay. I'm not a lawyer, but	13	you say:
14	it is entirely possible that somebody could have	14	"A person of ordinary skill
15	made a processor that's dedicated to find distances	15	in the art of patent inventions
16	between latitude and longitude points.	16	as of the earliest claim priority
17	BY MR. PETERMAN:	17	date on the face of each patent."
18	Q. But in the 1998 to, you know, 2002 time	18	I just want to understand what your
19	frame, what processors were you aware of off the	19	understanding is of the earliest claim priority date
20	shelf that could find distance between two GPS	20	means.
21	waypoints?	21	A. It's it's when the patent was first
22	A. Well, almost any processor that somebody	22	filed.
23	programmed to find those those waypoints would be	23	Q. And you determined when the patent was
24	able to do it.	24	filed by looking at the face of each of the
25	Q. But the key is that someone would need to	25	respective patents?
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	Page 50		Page 52
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