

EXHIBIT 14

In The Matter Of:

Philips v.

Fitbit

Thomas Martin, PH.D.

June 18, 2020



Min-U-Script® with Word Index

Philips v.
Fitbit

Thomas Martin, PH.D.
June 18, 2020

Page 1

1 UNITED STATES DISTRICT COURT
 2 FOR THE DISTRICT OF MASSACHUSETTS
 3
 4
 5 PHILIPS NORTH AMERICA LLC,) Case No. 1:19-cv-11586-IT
 6 Plaintiff,)
 7 v.)
 8 FITBIT, INC.,)
 9 Defendant.)
 10 _____)
 11
 12
 13
 14 REMOTE VIDEOTAPED DEPOSITION OF
 15 THOMAS L. MARTIN, PH.D.
 16 June 18, 2020
 17 10:02 a.m. Eastern Standard Time
 18 Blacksburg, Virginia
 19
 20
 21
 22
 23 REPORTED BY:
 24 Kristi Caruthers
 25 CLR, CSR No. 10560

Page 2

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 2
 3 Blacksburg, Virginia
 4 June 18, 2020
 5
 6
 7
 8 REMOTE VIDEOTAPED DEPOSITION OF THOMAS L.
 9 MARTIN, PH.D., located in Blacksburg, Virginia,
 10 pursuant to agreement before Kristi Caruthers, a
 11 California Shorthand Reporter of the State of
 12 California.
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Page 3

1 APPEARANCES:
 2
 3 For Plaintiff:
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 19
 20 ALSO PRESENT:
 21 Christian Ruiz, Videographer
 22
 23
 24
 25

Page 4

1 INDEX TO EXAMINATION
 2 WITNESS: THOMAS L. MARTIN, PH.D.
 3
 4 EXAMINATION PAGE
 5 By Mr. Peterman 8, 165
 6 (AFTERNOON SESSION) 103
 7 By Mr. Rodrigues 161, 167
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

Page 5

1 INDEX TO EXHIBITS

2 THOMAS L. MARTIN, PH.D.

3 Thursday, June 18, 2020

4 Kristi Caruthers, CLR, CSR 10560

5

6 MARKED:	DESCRIPTION:	PAGE:
7 Exhibit 1	Expert Disclosure of Thomas L. Martin, Ph.D.	17
8 Exhibit 2	Patent No. US 6,013,007	65
9 Exhibit 3	Geographical Information Systems FAQ	81
10 Exhibit 4	Patent No. US 7,088,233 B2	103
11 Exhibit 5	Patent No. US 6,976,958 B2	153
12 Exhibit 6	Patent No. US 8,277,377	159

13

14

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16

17 QUESTIONS UNANSWERED BY DEPONENT:

18 PAGE:	LINE:
19 17	18
20 138	6

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Page 7

1 Lardner on behalf of -- on behalf of Philips and

2 Dr. Martin.

3 THE VIDEOGRAPHER: Our court reporter

4 today is Kristi Caruthers, representing Lexitas.

5 The court reporter will now swear in the witness.

6

7 THOMAS L. MARTIN, PH.D.,

8 called as a deponent and sworn in by

9 the deposition reporter, was examined

10 and testified as follows:

11

12 DEPOSITION REPORTER: Raise your right

13 hand, please.

14 Do you solemnly swear that the testimony

15 you are about to give in this matter shall be the

16 truth, the whole truth, and nothing but the truth,

17 so help you God?

18 THE WITNESS: Yes, I do.

19 DEPOSITION REPORTER: Please commence.

20 THE VIDEOGRAPHER: Thank you. Please

21 proceed.

22 ///

23 ///

24 ///

25 ///

Page 6

1 BLACKSBURG, VIRGINIA

2 THURSDAY, JUNE 18, 2020

3 10:06 A.M. EASTERN STANDARD

4 ---o0o---

5

6 THE VIDEOGRAPHER: We are now on the

7 record. Today's date is June 18, 2020, and the

8 time is 10:06 a.m. Eastern Standard time.

9 This is the video deposition of Dr. Thomas

10 L. Martin in the matter of "Philips North America

11 LLC versus Fitbit, Inc.," filed in the United States

12 District Court for the District of Massachusetts,

13 Case Number 1:19-cv-11586-IT.

14 This deposition is taking place via Web

15 video conference with all participants attending

16 remotely due to the Covid-19 pandemic.

17 My name is Christian Ruiz. I am the

18 videographer representing Lexitas.

19 Would counsel on the conference please

20 identify yourselves and state whom you represent,

21 beginning with the questioning attorney.

22 MR. PETERMAN: Good morning. Chad

23 Peterman of Paul, Hastings on behalf of Defendant

24 Fitbit.

25 MR. RODRIGUES: Ruben Rodrigues of Foley &

Page 8

1 EXAMINATION

2 BY MR. PETERMAN:

3 Q. Good morning, Dr. Martin. A pleasure to

4 meet you virtually.

5 A. Good morning.

6 Q. As you know, you're here for your

7 deposition today and we'll go through the ground

8 rules of it.

9 You know, I know that we are in a

10 different technological environment doing this

11 remotely. So, obviously, if there's any technical

12 difficulties or you can't hear something that I've

13 said or there's background noise or anything like

14 that, please speak up or flag me down, and we'll

15 certainly work -- work through that.

16 I know that dealing with exhibits is a

17 little bit more difficult in a situation like this,

18 and so, obviously, we will work through those

19 issues, and to the extent, you know, you need more

20 time for any additional documentation from me,

21 please let me know.

22 Is that fair?

23 A. That's fine.

24 Q. Would you please state your name for the

25 record.

<p style="text-align: right;">Page 9</p> <p>1 A. Thomas L. Martin. 2 Q. And what city and state do you live in? 3 A. I live in Blacksburg, Virginia. 4 Q. Are you currently employed? 5 A. Yes, I am. 6 Q. Who are you employed by? 7 A. Virginia Tech. 8 Q. And what is your position at Virginia 9 Tech? 10 A. I'm a professor in electrical and computer 11 engineering. 12 Q. And do you have any field of specialty 13 within electrical and computer engineering? 14 A. My field of specialty is wearable 15 computing and technologies, electronic textiles, 16 basic computing environments and interdisciplinary 17 design teams. 18 Q. What does wearable computing mean? 19 A. Wearable computing is any sort of 20 computing technology, sensing technology, that's 21 meant to be worn. 22 Q. Is a Fitbit watch wearable computing 23 technology? 24 A. I would consider it to be, yes. 25 Q. What other examples of wearable computing</p>	<p style="text-align: right;">Page 11</p> <p>1 A. Okay. So I was still in graduate school 2 then, still working on wearable computing, and -- 3 sorry. When I asked what year, what was my 4 involvement? Was that the question? 5 Q. Yes. What was your -- I guess the level 6 of your expertise, your involvement in wearable 7 computing by 1998. 8 A. Yes. So -- 9 MR. RODRIGUES: Objection. 10 You may answer. 11 THE WITNESS: Okay. So I was still in 12 graduate school. I was in one of the two groups in 13 the United States working on wearable computing. 14 I was already becoming involved with the 15 International Symposium on Wearable Computers, which 16 is the leading symposium on wearable computing, and 17 I had worked on a variety of systems at Carnegie 18 Mellon. And by systems, I mean wearable computing 19 systems. 20 BY MR. PETERMAN: 21 Q. Had you worked on any wearable computing 22 systems related to exercise back in 1998? 23 A. Not exercise by 1998. 24 Q. Had you been involved in wearable 25 computing relating to health monitoring back in</p>
<p style="text-align: right;">Page 10</p> <p>1 technologies are you aware of now? 2 A. So there's a lot of work in smart garments 3 where the electronics and technology is in the 4 garment itself. 5 I've been working in wearable computing 6 since the early '90s and, you know, we built fanny 7 pack computers and things like that. So any sort of 8 technology that you would wear on your person. 9 Q. You said you started with wearable 10 computing technology in the 1990s. 11 Can you just give me a little bit of 12 background for what work you were doing in the 1990s 13 in that field? 14 A. Sure. So when I went to graduate school 15 at Carnegie Mellon in 1992, I was brought in to work 16 on a wearable computing project. That involved -- 17 it had a couple of applications. One was for making 18 wiring harnesses for Boeing for the workers who did 19 the wiring harnesses, and the other was a campus 20 tour guide to guide people around the Carnie Mellon 21 campus. 22 Q. And in the 1998 time frame, what was your 23 experience at that point with wearable computing? 24 A. I'm sorry. Did you say 1998? 25 Q. Yes.</p>	<p style="text-align: right;">Page 12</p> <p>1 1998? 2 A. No. 3 Q. Approximately when was the first time that 4 you had direct experience in wearable computing for 5 exercise? 6 A. It would have been around the time I went 7 to Huntsville, which was '99 or 2000. 8 Q. And at that point, what experience did you 9 get in wearable computing for exercise? 10 A. We were looking at heart rate monitoring. 11 Q. When did the first heart rate monitor for 12 wearable computing come out? 13 MR. RODRIGUES: Objection to form. 14 THE WITNESS: There -- off the top of my 15 head, people were already -- I'd have to look back 16 and see, but people were already doing like heart 17 rate straps and things like that for exercise at the 18 time I started working in it. 19 BY MR. PETERMAN: 20 Q. Prior to 1998, were there already heart 21 rate straps for exercise? 22 MR. RODRIGUES: Objection. 23 THE WITNESS: I'm sorry. Heart rate -- 24 BY MR. PETERMAN: 25 Q. Prior to 1998, was there already heart</p>

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