

# EXHIBIT K

**From:** [Rodrigues, Ruben J.](#)  
**To:** [Eric Speckhard](#)  
**Cc:** [BOST - F - Philips - Fitbit](#); [Philips - Fitbit](#); [Fitbit Philips DC Service](#); [Karim Oussayef](#); [Okano, David](#); [Peterman, Chad](#)  
**Subject:** [Ext] RE: [EXTERNAL] Re: Philips v. Fitbit - Scope of Review and Dr. Buy's contact information.  
**Date:** Tuesday, May 11, 2021 10:53:37 AM

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Hi Eric,

Per my prior discussion with Karim, we proposed not focusing on the individuals listed for correspondence having nothing to do with the present dispute with Fitbit and which would not be relevant regardless of privilege. That said, below please find more details for these individuals.

We are looking into your request with regards to "professional statutes" in the Netherlands, but will not have a response by tomorrow, May 12<sup>th</sup>. That said, we note that this is a district court decision that does not appear to have been endorsed by an appellate court, appears to specifically relate to privilege issues with respect to a criminal statute (and note patent related issues), and further understand the decision as dealing with exclusively foreign counsel (including foreign counsel working in the Netherlands) rather than domestic counsel working domestically in the Netherlands. Regardless, we don't see this decision as controlling whether or not the logged communications should be protected as privileged in the United States.

We are also evaluating your concerns with regards to what you've referred to as individuals merely being registered as patent agents, and in particular disagree with any attempt to equate the scope of a Dutch Patent Attorney as limited to patent prosecution activities.

Here is the additional information for the individuals you identified:

Name	Employer	Title/Position	Attorney Reg.
Viswanathan Seshan	Philips	IP&S Manager Healthcare	Indian Patent Attorney
Andrei Filip	Philips	Senior IP Counsel	European Patent Attorney
Rudy Roth	Philips	Principal IP Counsel	
Laura Bonnes	Philips	Legal Counsel	Registered Dutch Attorney
Rob Voorkamp	Philips	Senior Director, IP Licensing & Acquisition	
Tawfik Goma	Philips	Senior IP Counsel	U.S. Attorney
Peter Zhang	Philips	IP&S Licensing Program Lead China	Chinese Patent Attorney
Dan Shang	Philips	IP Counsel	Chinese Patent Attorney
Rob Groen	Philips	Global Marketing, Sales & Account Mngr, Integrated Technology Solutions Licensing Program	
Olivier Claveau	Philips	IP Counsel	European & French Patent Attorney
Pavan Kapoor	Philips	IP Counsel	European Patent Attorney
Francois Drapeau-Paquin	Philips	Senior IP Counsel	European and Canadian Patent Attorney

Brint Yorks	Philips	Senior IP Counsel	U.S. Attorney
Karen van Dalen	Philips	Lead IP Analyst	
Kevin Ecker	Philips	Senior IP Counsel	U.S. Attorney
Kate Asher	Philips	Senior IP Counsel	U.S. Attorney
Alison Jimerson	Philips	Senior IP Counsel	U.S. Attorney
Frank Mueller	Philips	Senior IP Counsel	European Patent Attorney
Michael Haas	Philips	Senior IP Counsel	U.S. Attorney
Hannie van Iersel	Philips	IP Business Partner, Senior Director	European and Dutch Patent Attorney

**From:** Eric Speckhard <ESpeckhard@desmaraisllp.com>

**Sent:** Wednesday, May 5, 2021 6:49 PM

**To:** Rodrigues, Ruben J. <RRodrigues@foley.com>

**Cc:** BOST - F - Philips - Fitbit <BOSTFPhilipsFitbit@foley.com>; Philips - Fitbit <Philips-Fitbit@paulhastings.com>; Fitbit Philips DC Service <FitbitPhilipsDCService@desmaraisllp.com>; Karim Oussayef <KOussayef@desmaraisllp.com>; Okano, David <davidokano@paulhastings.com>; Peterman, Chad <chadpeterman@paulhastings.com>

**Subject:** RE: [EXTERNAL] Re: Philips v. Fitbit - Scope of Review and Dr. Buy's contact information.

**\*\* EXTERNAL EMAIL MESSAGE \*\***

Hi Ruben,

Thank you for providing supplemental information regarding the individuals identified in Philips's privilege log.

To assess Philips's privilege claims, we still need some further information. First, can you provide corresponding supplemental information for the following individuals who appear to have been omitted from the table you provided on 5/3.

Name	Entries
Viswanathan Seshan	1
Andrei Filip	5
Rudy Roth	5, 368, 370, 373
Laura Bonnes	5
Rob Voorkamp	13-17
Tawfik Goma	80
Peter Zhang	81, 83, 87-88
Dan Shang	81, 83, 87-88
Rob Groen	148
Olivier Claveau	148-49
Pavan Kapoor	149
Fancois Drapeau-Paquin	182, 255
Brint Yorks	301, 304-06, 308, 310-313
Karen van Dalen	343-348, 371-72, 374-75, 377-78, 384, 398
Kevin Ecker	437-38, 440-41, 443, 451-64
Kate Asher	444
Alison Jimerson	444
Frank Mueller	444
Michael Haas	444

Hannie van Iersel

444

Second, a recent decision from the Court of Rotterdam held that in-house counsel (foreign or domestic) working in the Netherlands must sign a “professional statute” (i.e. a signed, written agreement) guaranteeing their independence in order for their advice to be privileged. That decision can be read here: <https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBROT:2021:527>. Accordingly, Fitbit needs to know whether Philips’s in-house counsel (attorneys and patent agents) have entered into such professional statutes.

Finally, it also appears that a number of communications on Philips’s privilege log pertain to patent agents (who are not licensed attorneys) providing advice on issues other than patent prosecution. (See, e.g., Entry Nos. 2-4; 6-12; 16-28; etc.). If that is the case, can you please explain Philips’s contention that those communications are privileged? Our understanding is that the scope of potential privilege over a patent agent’s communications does not extend beyond the subject of patent prosecution. If that is not the case, can you please amend the privilege log to clarify that the entries relate to patent prosecution.

Could you please provide this information by May 12<sup>th</sup> so that Fitbit can fully review the log and respond, if necessary, by the agreed-upon May 21 deadline?

Best,  
Eric

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**From:** Rodrigues, Ruben J. <[RRodrigues@foley.com](mailto:RRodrigues@foley.com)>  
**Sent:** Monday, May 3, 2021 4:52 PM  
**To:** Karim Oussayef <[KOussayef@desmaraisllp.com](mailto:KOussayef@desmaraisllp.com)>; Okano, David <[davidokano@paulhastings.com](mailto:davidokano@paulhastings.com)>; Peterman, Chad <[chadpeterman@paulhastings.com](mailto:chadpeterman@paulhastings.com)>  
**Cc:** BOST - F - Philips - Fitbit <[BOSTFPhilipsFitbit@foley.com](mailto:BOSTFPhilipsFitbit@foley.com)>; Philips - Fitbit <[Philips-Fitbit@paulhastings.com](mailto:Philips-Fitbit@paulhastings.com)>; Fitbit Philips DC Service <[FitbitPhilipsDCService@desmaraisllp.com](mailto:FitbitPhilipsDCService@desmaraisllp.com)>  
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Hi Karim,

Please see the below information concerning individuals identified in the privilege log in accordance with our prior discussion.

Name	Employer	Title/Position	Attorney Reg.
Erik Pastink	Philips	Senior IP Counsel	Registered Dutch and European Patent Attorney
Arie Tol	Philips	Principal Licensing Counsel	Registered Dutch and European Patent Attorney
Jako Eleveld	Philips	Head of IP Licensing	Registered Dutch and European Patent Attorney

Joost Bekkers	Philips	Senior Director, IP Licensing	Registered Dutch and European Patent Attorney
Sam Knight	Philips	Senior IP Counsel	Believed to be EU Patent Attorney
Navin Natoewal	Philips	General Manager Integrated Technology Solutions	
Elias Schilowitz	Philips	Senior IP Counsel	U.S. Attorney
Stephanie van Wermeskerken	Philips	Head of IP Counseling, Vice President	Registered Dutch and European Patent Attorney
Edward Blocker	Philips	IP Counseling Manager; Principal IP Counsel; IP&S Licensing Manager	U.S. Attorney
David Schreiber	Philips	Head of IP&S Americas	U.S. Attorney
Pierre Hendriks	Philips	Controller IP Licensing	
Maaïke van Velzen	Philips	Head of IP Portfolio Management	Registered Dutch and European Patent Attorney
Brian Hinman	Philips	Chief IP Officer	
Michael Marion	Philips	Principal IP Licensing Counsel	U.S. Attorney
Paul Im	Philips	Patent Attorney	U.S. Attorney
Sherry Austin	Philips	Senior IP Counsel	U.S. Attorney
Mark Beloborodov	Philips	IP Portfolio & Counseling Manager	U.S. Attorney
John Chudziak	Philips	Legal Counsel	German Attorney
Arnold Niessen	Philips	Senior IP Counsel	Registered Dutch and European Patent Attorney
Hugo Sakkers	Philips	Head of Legal, IP&S	Dutch Attorney
Marnix van Ginneken	Philips	Chief Legal Officer and Executive Vice President	Dutch Attorney
Gregory Hatfield	Philips	Head of Legal for M&A and Alliances	Australian Attorney
Jap Jongedijk	Philips	Head of Corporate & Financial Law	Dutch Attorney
Bjorn Teuwsen	Philips	Communications Business Partner	
Ewoud Caspers	Philips	Senior Legal Counsel	Dutch Attorney
Gabrielle Wellens	Philips	Finance Business Partner	
Peter Coops	Philips	IP Portfolio Management	Registered Dutch and European Patent Attorney
Hans Hofstraat	Philips	VP, Research	
Joerg Habetha	Philips	Business Leader Health Suite Clinical Platforms and HealthSuite Insights at Philips	
John Kroeze	Philips	Opportunity Identification Officer	Registered Dutch and European Patent Attorney
Ronald Aarts	Philips	Research Fellow (Professor)	
Chris Kuyper	Philips	Senior IP Counsel	U.S. Attorney
Alwin Marsman	Philips	Senior IP Counsel	Registered Dutch and

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