

Exhibit Q

Eric Speckhard

From: Eric Speckhard
Sent: Friday, June 18, 2021 12:27 PM
To: 'Rodrigues, Ruben J.'
Cc: BOST - F - Philips - Fitbit; Fitbit Philips DC Service
Subject: RE: Philips v. Fitbit - June 11, 2021 Supplemental Privilege Log

Hi Ruben,

Thank you for confirming that Philips spoke with the attorneys identified in the descriptions provided in Philips's log. Fitbit does not intend to move to compel emails on the basis that they do not contain advice from the individuals referenced therein.

Fitbit does intend to move to compel, however, emails solely between Dutch patent agents or non-attorney employees that do not purport to relay the legal advice of an attorney. Additionally, Fitbit will move to compel or ask for in camera review of communications that it believes were made primarily or solely for business purposes and contain primarily business advice.

Regarding Philips's position that the date of any litigation hold is irrelevant and/or privileged, we obviously disagree. First, such information is responsive to Interrogatory No. 3, which asked Philips to identify the date at which it first became aware of or formed a belief as to Fitbit's alleged infringement. Philips's implementation or lack of implementation of a litigation hold in relation to this case is clearly relevant to whether and when it formed a belief regarding potential infringement and developed a reasonable anticipation of litigation. Second, we have reviewed *PersonalWeb Techs., LLC v. Google Inc.*, No. 13-C-01317-EJD, 2014 WL 4088201, *3-4 (N.D. Cal. Aug. 19, 2014). That case held that a "litigation hold notice itself" was privileged, not that the *date* upon which the notice was sent was privileged. Indeed, the date itself is a bare fact and is not subject to attorney-client privilege.

Finally, we will send redacted versions of the logs to you later today so that you can review. We have excerpted, Philips's response to Rog 2 from the exhibit, which now includes Philips's full response to Rog 3 and partial responses to Rogs 1 and 11 (which are included on the cover page and the page containing the response to Rog 3).

Best,
Eric

From: Rodrigues, Ruben J. <RRodrigues@foley.com>
Sent: Thursday, June 17, 2021 10:47 PM
To: Eric Speckhard <ESpeckhard@desmaraisllp.com>
Cc: BOST - F - Philips - Fitbit <BOSTFPhilipsFitbit@foley.com>; Fitbit Philips DC Service <FitbitPhilipsDCService@desmaraisllp.com>
Subject: [Ext] RE: Philips v. Fitbit - June 11, 2021 Supplemental Privilege Log

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Thanks Erik,