

EXHIBIT R

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PHILIPS NORTH AMERICA LLC,)	
)	
Plaintiff,)	
)	C.A. No. 1:19-cv-11586-IT
v.)	
)	
FITBIT, INC.)	
)	
Defendant.)	
)	

PLAINTIFF PHILIPS NORTH AMERICA LLC’S SUPPLEMENTAL RESPONSES TO INTERROGATORY NOS. 1, 2, 3, 11, 13, 14, AND 20

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff Philips North America LLC (“Philips”), by and through its attorneys, provides the following supplemental responses to Defendant’s Interrogatory Nos. 1, 2, 3, 11, 13, 14, and 20.

FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 1

Philips incorporates all prior General and Specific Objections and Responses to Interrogatory No. 1 herein by reference, and further responds as follows:

Philips contends that the asserted claims of the ’007 Patent are entitled to claim the benefit of at least the priority date of March 26, 1999. Furthermore, the asserted claims of the ’007 Patent have a conception and reduction to practice of at least the priority date of March 26, 1999.

As detailed in Philips’s First Supplemental Response to Interrogatory No. 5 and exhibits thereto, Philips contends that claims 1, 7-10, 14, 15, 24, and 25 of the ’233 Patent are entitled to claim the benefit of at least the priority date of May 25, 1999. Furthermore, claims 1, 7-10, 14,

PNA-FB0004840-4845; PNA-FB0004849-5358; PNA-FB0005521-6364; PNA-FB0006523-6529; PNA-FB0006580-6688; PNA-FB0006701-6720; and PNA-FB0006814-6834.

Philips reserves the right to supplement its response to this Interrogatory in view of its ongoing investigation and discovery in this case.

FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 3

Philips incorporates all prior General and Specific Objections and Responses to Interrogatory No. 3 herein by reference, and further responds as follows:

Philips's first awareness, knowledge, or belief concerning Fitbit's alleged infringement of each claim of each of the Patents-in-Suit dates back at least to Philips providing notice to Fitbit of each Patent-in-Suit. Fitbit has had actual knowledge of the '007, '233, and '377 patents at least by approximately October 10, 2016 by virtue of communications from Philips, such communications providing notice of the patents.

Philips identifies the following documents as further responsive to this Interrogatory:
PNA-FB0003498-3517; Fitbit_19-11586_0054727-54734

Philips reserves the right to supplement its response to this Interrogatory in view of its ongoing investigation and discovery in this case.

FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 11

Philips incorporates all prior General and Specific Objections and Responses to Interrogatory No. 11 herein by reference, and further responds as follows:

Philips does not make, offer for sale, or sell with in the United States any article that practices the '007 Patent. Nor has Philips done so in the past. Therefore, with respect to the '007 Patent, Philips has complied with 35 U.S.C. § 287. With respect to the '377 Patent, Philips has only asserted method claims, mooted any marking requirements under 35 U.S.C. § 287. With

Dated: November 13, 2020

Respectfully Submitted,

/s/ Ruben J. Rodrigues

Lucas I. Silva (BBO 673,935)
Ruben J. Rodrigues (BBO 676,573)
John W. Custer (BBO 705,258)
FOLEY & LARDNER LLP
111 Huntington Avenue
Suite 2500
Boston, MA 02199-7610
Phone: (617) 342-4000
Fax: (617) 342-4001
lsilva@foley.com

Eley O. Thompson (*pro hac vice*)
FOLEY & LARDNER LLP
321 N. Clark Street
Suite 2800
Chicago, IL 60654-5313
Phone: (312) 832-4359
Fax: (312) 832-4700
ethompson@foley.com

Counsel for Plaintiff
Philips North America LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above document was served on November 13, 2020 on counsel for Defendant via electronic mail.

/s/ John W. Custer