

# EXHIBIT C

**From:** Schilowitz, Elias [elias.schilowitz@philips.com]  
**Sent:** 12/12/2017 12:27:45 PM  
**To:** Matthew Hollander [mhollander@fitbit.com]  
**Subject:** RE: Letter of April 13, 2017

Hi Matt,

Per our discussion on Friday, have you managed to identify German counsel for Fitbit?

Thanks, Elias

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**From:** Matthew Hollander [mailto:mhollander@fitbit.com]  
**Sent:** Friday, December 08, 2017 11:56 AM  
**To:** Schilowitz, Elias <elias.schilowitz@philips.com>  
**Subject:** Re: Letter of April 13, 2017

Sounds great.

Matthew Hollander  
Lead IP Litigation Counsel  
[mhollander@fitbit.com](mailto:mhollander@fitbit.com) 415.941.3955

On Dec 8, 2017, at 8:51 AM, Schilowitz, Elias <[elias.schilowitz@philips.com](mailto:elias.schilowitz@philips.com)> wrote:

No, let's keep our current call time, although please excuse me if I'm a few minutes late.

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**From:** Matthew Hollander [mailto:mhollander@fitbit.com]  
**Sent:** Friday, December 08, 2017 11:49 AM  
**To:** Schilowitz, Elias <[elias.schilowitz@philips.com](mailto:elias.schilowitz@philips.com)>  
**Subject:** Re: Letter of April 13, 2017

Hi Elias,

No problem. Unfortunately, I cannot make those times. 11 am PST/2 pm EST still works, but I can also speak on Monday if that time is inconvenient for you.

Thanks, Matt

Matthew Hollander  
Lead IP Litigation Counsel  
[mhollander@fitbit.com](mailto:mhollander@fitbit.com) 415.941.3955

On Dec 8, 2017, at 4:21 AM, Schilowitz, Elias <[elias.schilowitz@philips.com](mailto:elias.schilowitz@philips.com)> wrote:

Hi Matt,

Thanks or this. Something came up that I hadn't anticipated for that time. Could you do the call either before noon EST or between 3-4pm EST? If not, let's keep the current time.

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**From:** Matthew Hollander [mailto:mhollander@fitbit.com]  
**Sent:** Thursday, December 07, 2017 8:16 PM  
**To:** Schilowitz, Elias <elias.schilowitz@philips.com>  
**Subject:** RE: Letter of April 13, 2017

I'm not going to be at my desk, so please use the following dial-in:

Dial: +1 646 876 9923 (US)  
Meeting ID: 299 314 118

Matthew Hollander  
Lead IP Litigation Counsel  
mhollander@fitbit.com 415.941.3955

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**From:** Schilowitz, Elias [mailto:elias.schilowitz@philips.com]  
**Sent:** Thursday, December 7, 2017 4:12 AM  
**To:** Matthew Hollander <mhollander@fitbit.com>  
**Subject:** RE: Letter of April 13, 2017

Sure, I can do that. Should I call you at the number below?

Thanks, Elias

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**From:** Matthew Hollander [mailto:mhollander@fitbit.com]  
**Sent:** Wednesday, December 06, 2017 11:04 PM  
**To:** Schilowitz, Elias <elias.schilowitz@philips.com>  
**Subject:** Re: Letter of April 13, 2017

Sure. Does 11 am PST / 2 PM EST work on Friday?

Matthew Hollander  
Lead IP Litigation Counsel  
mhollander@fitbit.com 415.941.3955

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**From:** "Schilowitz, Elias" <elias.schilowitz@philips.com>  
**Date:** Wednesday, December 6, 2017 at 12:02 PM  
**To:** Matthew Hollander <mhollander@fitbit.com>  
**Subject:** RE: Letter of April 13, 2017

Matthew,

Do you have time for a 5 minute call tomorrow or Friday? We have a question concerning our patents.

Thanks, Elias

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**From:** Matthew Hollander [mailto:mhollander@fitbit.com]  
**Sent:** Thursday, September 07, 2017 11:49 PM  
**To:** Schilowitz, Elias <elias.schilowitz@philips.com>  
**Subject:** Re: Letter of April 13, 2017

Elias,

Thank you for speaking with me yesterday. As discussed, and as I've explained previously, Fitbit is open to having discussions with Philips, but we need details regarding Philips's patent infringement allegations before we can engage in any commercial discussions. To date you have provided almost none.

To move things forward, I requested that:

- (1) we enter into an NDA to enable us to have productive conversations going forward; and
- (2) we schedule a meeting so Philips can provide us with more detail regarding its infringement allegations. Prior to the meeting, we again request that you provide us with claim charts.

Given your concerns about delay, I also suggested that we could agree to a schedule for our discussions. For example, we would be open to agreeing to a date for Philips to provide claim charts to Fitbit, a date for our initial meeting, and a date by which Fitbit will provide a response to Philips regarding the allegations.

You said that you would take this proposal back to your colleagues. I understand that you are traveling next week, but look forward to your response when you return.

Thanks, Matt

Matthew Hollander  
Lead IP Litigation Counsel  
[mhollander@fitbit.com](mailto:mhollander@fitbit.com) 415.941.3955

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**From:** "Schilowitz, Elias" <[elias.schilowitz@philips.com](mailto:elias.schilowitz@philips.com)>  
**Date:** Friday, September 1, 2017 at 4:08 AM  
**To:** Matthew Hollander <[mhollander@fitbit.com](mailto:mhollander@fitbit.com)>  
**Subject:** RE: Letter of April 13, 2017

Let's do it at 1:30PM, then.

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**From:** Matthew Hollander [<mailto:mhollander@fitbit.com>]  
**Sent:** Friday, September 01, 2017 12:51 AM  
**To:** Schilowitz, Elias <[elias.schilowitz@philips.com](mailto:elias.schilowitz@philips.com)>  
**Subject:** RE: Letter of April 13, 2017

Elias,

Great. I can't make 11 am EST, but I'm available any time after 1 PM EST on September 6. Let me know what works best.

Thanks, Matt

Matthew Hollander  
Lead IP Litigation Counsel  
[mhollander@fitbit.com](mailto:mhollander@fitbit.com) 415.941.3955

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**From:** Schilowitz, Elias [<mailto:elias.schilowitz@philips.com>]  
**Sent:** Thursday, August 31, 2017 6:51 AM  
**To:** Matthew Hollander <[mhollander@fitbit.com](mailto:mhollander@fitbit.com)>  
**Subject:** RE: Letter of April 13, 2017

Matt,

September 6 works for a call. How about 11am EST?

Regards, Elias

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**From:** Matthew Hollander [mailto:mhollander@fitbit.com]

**Sent:** Wednesday, August 30, 2017 12:34 AM

**To:** Schilowitz, Elias <elias.schilowitz@philips.com>

**Subject:** RE: Letter of April 13, 2017

Elias,

Thank you for your email.

Fitbit has been and remains open to engaging in productive discussions with Philips. Our continued openness has driven Fitbit's repeated requests to review Philips's claim charts—which you've inexplicably refused to provide despite the fact that you've indicated Philips has already prepared them. We've made these requests regardless of whether you've proposed a face-to-face or phone meeting so that Fitbit can meaningfully analyze Philips's specific allegations in advance.

It is unreasonable for Fitbit to pursue "commercial discussions" with Philips based on the limited information it has provided thus far. Again, Philips has provided no specificity as to its allegations that would enable Fitbit to engage in any process of valuing Philips's intellectual property, let alone make an informed decision as to whether its proposed \$1 royalty rate is necessary or reasonable (which at present, we contend it is absolutely not). Nor does Philips provide any basis for arriving at a \$1 royalty rate other than to "facilitate discussions." As noted in my email below, Fitbit has no legal duty to analyze your current allegations that likely encompass hundreds of claims across a multitude of Fitbit products.

We proposed entering into a non-disclosure agreement to allow the parties to provide complete information to resolve these issues fairly and reasonably. We still think that is the best approach moving forward.

As you know, I am currently on vacation, but I will be back in the office on September 5. Rather than continuing to go in circles with repeated e-mails, I propose that we have a short call on either September 5, 6, or 7 to discuss how Philips and Fitbit can engage in productive discussions moving forward.

We look forward to your response.

Thanks, Matt

Matthew Hollander

Lead IP Litigation Counsel

[mhollander@fitbit.com](mailto:mhollander@fitbit.com) 415.941.3955

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**From:** Schilowitz, Elias [mailto:elias.schilowitz@philips.com]

**Sent:** Wednesday, August 23, 2017 11:15 AM

**To:** Matthew Hollander <mhollander@fitbit.com>

**Subject:** RE: Letter of April 13, 2017

Matt,

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