

EXHIBIT D

From: Pastink, Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D3DB4215AE5841579D226347035764B0-NLV20534]
Sent: 2/21/2019 11:04:38 AM
To: mhollander@fitbit.com
CC: Tol, Arie [arie.tol@philips.com]; Blocker, Ed (edward.blocker@philips.com) [edward.blocker@philips.com]; Gloria.Lee@fitbit.com
Subject: RE: RE: Meeting Philips/Fitbit - IP Licensing
Attachments: 2019-02-20 Philips Fitbit NDA.pdf

Hi Matt,

Please find attached a copy of the NDA executed by Philips.

Vriendelijke groet / Best regards,

Erik Pastink
Senior IP Counsel

Philips Group Innovation
Intellectual Property & Standards
High Tech Campus 5, 5656 AE Eindhoven, The Netherlands
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From: Matthew Hollander <mhollander@fitbit.com>
Sent: Tuesday, February 19, 2019 4:28:52 PM
To: Tol, Arie
Cc: Gloria Lee; Pastink, Erik; Blocker, Ed
Subject: RE: Meeting Philips/Fitbit - IP Licensing

Arie,

I've attached an updated NDA (and redline from the previous NDA) with the below dates. If this looks acceptable, please send me an executed copy, and we can then sign on our end.

Looking forward to meeting with you.

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

From: Tol, Arie [<mailto:arie.tol@philips.com>]
Sent: Monday, February 18, 2019 9:27 AM
To: Matthew Hollander <mhollander@fitbit.com>
Cc: Gloria Lee <Gloria.Lee@fitbit.com>; Pastink, Erik <erik.pastink@philips.com>; Blocker, Ed <edward.blocker@philips.com>
Subject: RE: Meeting Philips/Fitbit - IP Licensing

We confirm time and place of meeting.

We can agree to extend the NDA to cover the period November 1, 2018 to February 28, 2019.

We propose to use February 20 as effective date.

Please provide a version updated accordingly for signing.

See you on Wednesday.

Best regards,

Arie J.W. Tol

Principal Licensing Counsel

Philips Intellectual Property & Standards

Visiting address: High Tech Campus 5, room 4073, 5656 AE Eindhoven, The Netherlands

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From: Matthew Hollander <mhollander@fitbit.com>

Sent: Tuesday, February 12, 2019 7:38 PM

To: Tol, Arie <arie.tol@philips.com>

Cc: Gloria Lee <Gloria.Lee@fitbit.com>; Pastink, Erik <erik.pastink@philips.com>; Blocker, Ed <edward.blocker@philips.com>

Subject: RE: Meeting Philips/Fitbit - IP Licensing

Arie,

I wanted to follow up to confirm 1:30 PM works for our meeting on 2/21. Hogan Lovells has reserved a conference room at their Munich office, located at Karl-Scharnagl-Ring 5.

I also suggest we renew our NDA prior to the meeting. If you're in agreement, I'll send you a revised version with updated dates.

Thanks, Matt

Matthew Hollander

Lead IP Litigation Counsel

mhollander@fitbit.com 415.941.3955

From: Matthew Hollander

Sent: Wednesday, January 23, 2019 4:17 PM

To: 'Tol, Arie' <arie.tol@philips.com>

Cc: Gloria Lee <Gloria.Lee@fitbit.com>; Pastink, Erik <erik.pastink@philips.com>; Blocker, Ed <edward.blocker@philips.com>

Subject: RE: Meeting Philips/Fitbit - IP Licensing

Arie,

The afternoon of 2/21 works for us. How about 1:30 PM? Hogan Lovells can reserve a conference room for us in their Munich office.

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

From: Tol, Arie [<mailto:arie.tol@philips.com>]
Sent: Wednesday, January 23, 2019 8:31 AM
To: Matthew Hollander <mhollander@fitbit.com>
Cc: Gloria Lee <Gloria.Lee@fitbit.com>; Pastink, Erik <erik.pastink@philips.com>; Blocker, Ed <edward.blocker@philips.com>
Subject: RE: Meeting Philips/Fitbit - IP Licensing

Matt,

Thank you for your confirmation and clarification.
Our intention is indeed not to discuss with you the sleep proposition which is being discussed between Fitbit and Respirationics.
We do expect however to have a commercial discussion on resolution of the patent dispute.
On that basis we can meet with you to discuss in Munich on Feb 21.
We have a preference for meeting in the afternoon.

Look forward to your confirmation so that we can finalize our travel schedule as well.

Best regards,

Arie J.W. Tol
Principal Licensing Counsel
Philips Intellectual Property & Standards

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From: Matthew Hollander <mhollander@fitbit.com>
Sent: Tuesday, January 22, 2019 11:04 PM
To: Tol, Arie <arie.tol@philips.com>
Cc: Gloria Lee <Gloria.Lee@fitbit.com>; Pastink, Erik <erik.pastink@philips.com>; Blocker, Ed <edward.blocker@philips.com>
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Arie,

Yes, we'll be prepared to have a meaningful discussion about potential resolution of the patent litigation, regardless of the outcome of the oral hearing.

Just to be clear, however, given your mention of "business discussion"—we intend to focus on the patent dispute, rather than the potential business relationship with Fitbit and Philips Respirationics.

It would be helpful if you can get back to us about your availability by the end of the week, as we'd like to finalize our travel plans.

Thanks, Matt

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

From: Tol, Arie [<mailto:arie.tol@philips.com>]
Sent: Monday, January 21, 2019 8:15 AM
To: Matthew Hollander <mhollander@fitbit.com>
Cc: Gloria Lee <Gloria.Lee@fitbit.com>; Pastink, Erik <erik.pastink@philips.com>; Blocker, Ed <edward.blocker@philips.com>
Subject: RE: Meeting Philips/Fitbit - IP Licensing

Matt,

Thank you for your email.
We are interested to have settlement discussions but we are challenged with respect to availability.
To make sure it is worth our while, can you confirm that you will have a mandate for a meaningful business discussion and settlement, covering all possible outcomes of the oral hearing?

Best regards,
Arie

Arie J.W. Tol
Principal Licensing Counsel
Philips Intellectual Property & Standards

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From: Matthew Hollander <mhollander@fitbit.com>
Sent: Saturday, January 19, 2019 12:22 AM
To: Tol, Arie <arie.tol@philips.com>
Cc: Gloria Lee <Gloria.Lee@fitbit.com>; Pastink, Erik <erik.pastink@philips.com>; Blocker, Ed <edward.blocker@philips.com>
Subject: RE: Meeting Philips/Fitbit - IP Licensing

Arie,

Following up, we'd like to focus on potential resolution of the pending litigations. If meeting on 2/21 works, we'll have the benefit of the oral hearing in the EP229 matter, which may help us reach an agreement on the value of the litigations.

We look forward to hearing from you.

Thanks, Matt

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

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