EXHIBIT E



Transcript of Arie Tol, Corporate Designee & Individually

Date: January 13, 2021

Case: Philips North America -v- Fitbit, Inc.

Planet Depos

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Transcript of Arie Tol, Corporate Designee & Individually Conducted on January 13, 2021

1 (1 to 4)

		1	anuary 13, 2021
	UNITED STATES DISTRICT COURT	1	A P P E A R A N C E S
)	OR THE		(all via Zoom)
2	DISTRICT O MASSACHUSETTS		3 On behalf of Plaintiff:
<i>J</i>			4 OLEY & LARDNER, LLP
-	x PHILIPS NORTH :		5 32 N. Clark Street
2			Suite 3000
6	AMERICA, LLC, :		6 Chicago, IL 60654 (3 2) 832 4500
,	Plaintiff, : Civil Action No.		BY: ELEY O. THOMPSON, ESQ.
8	v. : : 9 cv 586 IT		<pre>8 ethompson@foley.com</pre>
9	ITBIT, INC., :		9
0	Defendant. :		0 On behalf of Defendant:
	X		PAUL HASTINGS, LLP
2			7 S. California Avenue Palo Alto, CA 94304
3	***CON IDENTIAL ATTORNEYS EYES ONLY***		3 (650) 320 800
4	VIDEOTAPED DEPOSITION O		4 BY: YAR R. CHAIKOVSKY, ESQ. DAVID OKANO, ESQ.
5	ARIE TOL		5 RADHESH DEVENDRAN, ESQ. yarchaikovsky@paulhastings.com
6	individually and as corporate representative of		6 davidokano@paulhastings.com
7	PHILIPS NORTH AMERICA, LLC		radheshdevendran@paulhastings.com 7
8	Conducted Remotely		8 HIGO PRESENT
9	Wednesday, January 3, 202		ALSO PRESENT:
20		2	Wendy Viner Videographer 20 Linda leet PD Technician
2	Job No. 345424	2	2
22	Pages: 2 2		22
23	Reported stenographically by:	2	23
24	LEAH M. WILLERSDOR ,		24
	(,,,,,		
_		2	4
			WITNESS INDEX
2		2	2 Witness: Page
3		3	3 ARIE TOL
4	Wednesday, January 3, 202	4	4 Examination by Mr. Chaikovsky 0
5	: p.m.	5	5
6	(Central European Time)		6
7		- - - - - - - - - -	7
R		/ s	, 8
9	Videotaped deposition of ARIE TOL,		9
,	individually and as corporate representative of		0
			•
О	PHILIPS NORTH AMERICA, LLC, held via Zoom		
	videoconference, before Leah Willersdorf, Registered		2
2			
2	Professional Reporter, Certified Realtime Reporter,		3
2 3 4	with the US National Court Reporters Association,		4
2 3 4			
2 3 4 5	with the US National Court Reporters Association,		4
2 3 4 5	with the US National Court Reporters Association, and Accredited Court Reporter member and Qualified		4 5
2 3 4 5 6 7	with the US National Court Reporters Association, and Accredited Court Reporter member and Qualified Realtime Reporter (Level 2), with the British		4 5 6
2 3 4 5 6	with the US National Court Reporters Association, and Accredited Court Reporter member and Qualified Realtime Reporter (Level 2), with the British Institute of Verbatim Reporters, and Certified		4 5 6 7
2 3 4 5 6 7 8	with the US National Court Reporters Association, and Accredited Court Reporter member and Qualified Realtime Reporter (Level 2), with the British Institute of Verbatim Reporters, and Certified		4 5 6 7 8
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2 3 4 5 6 7 8 9	with the US National Court Reporters Association, and Accredited Court Reporter member and Qualified Realtime Reporter (Level 2), with the British Institute of Verbatim Reporters, and Certified	2 2	4 5 6 7 8 9 20
2 3 4 5 6 7 8 9 20 2	with the US National Court Reporters Association, and Accredited Court Reporter member and Qualified Realtime Reporter (Level 2), with the British Institute of Verbatim Reporters, and Certified	2 2 2	4 5 6 7 8 9 20 2
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2 (5 to 8)

			5	January 13, 2021
		EXHIBITS INDEX		LITIGATION SUPPORT INDEX
2	Tol Exhibit No.	Description	Page	2 Line Page
3	Exhibit 7	Letter from Yar Chaikovsky	84	3 Request for information 4 9
4		of Paul Hastings to Eley Thompson of oley & Lardner,		4 Question instructed not to answer 6 48
5		dated ebruary 25, 2020 (8 pages, no Bates)		5 Question instructed not to answer 6 50
6	Exhibit 8	Letter from Ernest Hsin of Gibson Dunn to David		6 Question instructed not to answer 3 59 7 Question instructed not to answer 22 63
8		Hickerson at oley & Lardner, dated January 7,		8 Ouestion instructed not to answer 7 67
9		2020 (4 pages, no Bates)		9 Question instructed not to answer 4 78
0	Exhibit 9	Letter from Yar Chaikovsky	2	0 Question instructed not to answer 2 86
-		of Paul Hastings to Eley Thompson of oley & Lardner,	_	Question instructed not to answer 6 87
2		dated December 8, 2020 (pages, no Bates)		2 Question instructed not to answer 2 9
	Exhibit 0	Transcript of Volume 2 in	3	3 Question instructed not to answer 2 93
4		the deposition of Mr. Erik Pastink, dated October 2 ,		4 Question instructed not to answer 0 00
5		2020, in the Philips v. Garmin litigation		5 Question instructed not to answer 8 06
6		(98 pages)		6 Question instructed not to answer 20 07
7	Exhibit	License Agreement between LifeScan, Inc., and	9	7 Question instructed not to answer 7
8		Koninklijke Philips Electronics, N.V., effective		8 Question instructed not to answer 53
9		as of January , 20 3 (PNA RB0003484 3497)		9 Question instructed not to answer 2 54
20	Exhibit 2	[Confidential] Patent License Agreement	25	20 Question instructed not to answer 6 55
2	LXIIIDIL Z	between LifeScan Global Corporation and Koninklijke	23	2 Question instructed not to answer 20 55
22		Philips, N.V., dated December 20, 20 9		22 Question instructed not to answer 6 56
23		(PNA B000347 348) [Confidential]		23 Request for the time to be marked in the transcript 7 4
24		[com ruemerar]		24
			6	8
		EXHIBITS INDEX		1 (On the record at 1:11 p.m.)
2	Tol Exhibit No.	Description	Page	2 THE VIDEOGRAPHER: Thank you. Here begins
3	Exhibit 3	Plaintiff Philips North	5	3 the videotaped deposition of Arie Tol, in the matter
4		America LLC s Notice of Intent to Withdraw Count IV		4 of Philips North America, LLC, versus Fitbit, Inc.,
5		of the Amended Complaint for Patent Infringement		5 in the United States District Court for the District
6		(3 pages)		6 of Massachusetts, Case Number 1:19-cv-11586-IT.
7	Exhibit 5	Document entitled "Business Plan: License of	64	7 Today's date is January 13, 2021, and the
8		Ouy Patents to LifeScan"		
		(PNA B0006832 0 833)		8 time is 1:11 p.m.
		[Highly Confidential AEO]		8 time is 1:11 p.m. 9 The videographer today is Wendy Viner on
	Exhibit 6	[Highly Confidential AEO] Accounting document headed "Retrieve RR Accounts" for	78	1
0	Exhibit 6	[Highly Confidential AEO] Accounting document headed "Retrieve RR Accounts" for SymCare (PNA B0007 74)	78	9 The videographer today is Wendy Viner on
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0 2 3	Exhibit 6	[Highly Confidential AEO] Accounting document headed "Retrieve RR Accounts" for SymCare (PNA B0007 74) [Confidential] Defendant itbit, Inc. s Notice of Rule 30(b)(6)	78 94	9 The videographer today is Wendy Viner on 10 behalf of Planet Depos. 11 This video deposition is taking place
Ø234		[Highly Confidential AEO] Accounting document headed "Retrieve RR Accounts" for SymCare (PNA B0007 74) [Confidential] Defendant itbit, Inc. s Notice of Rule 30(b)(6) deposition to Plaintiff Philips North America LLC		9 The videographer today is Wendy Viner on 10 behalf of Planet Depos. 11 This video deposition is taking place 12 remotely.
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0234567	Exhibit	[Highly Confidential AEO] Accounting document headed "Retrieve RR Accounts" for SymCare (PNA B8007 74) [Confidential] Defendant itbit, Inc. s Notice of Rule 30(b)(6) deposition to Plaintiff Philips North America LLC (3 pages) Letter from Mr. Tol to	94	9 The videographer today is Wendy Viner on 10 behalf of Planet Depos. 11 This video deposition is taking place 12 remotely. 13 Could I ask counsel, please, to identify 14 themselves and state whom they represent. 15 MR. CHAIKOVSKY: Yar Chaikovsky from
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3 (9 to 12)

1 the court reporter to please swear in the witness and 2 we can proceed. 2 we can proceed. 3 THE STENOGRAPHER: Good aftermoon. My 4 name is Leah Willersdorf. I am a Registered 5 Professional Reporter and a Certified Realtime 6 Reporter. 7 Will counsel please stipulate that in lieu 8 of formally swearing in the witness, the reporter will 9 instead ask the witness to acknowledge that their 10 testimony will be true under the penaltics of perjury, 11 that counsel will not object to the admissibility 12 of the transcript based on proceeding in this way, and 13 that the witness has verified that he is in fact 14 Arie Tol? 15 MR. THOMPSON: So stipulated for Philips 16 and the witness. 16 and the witness. 17 MR. CHAIKOVSKY: So stipulated for Philips 16 and the witness. 18 THE STENOGRAPHER: Thank you. 17 questions. If you don't understand one of my 18 questions, could you please let me know? Will that be 19 okay? 22 THE WITNESS: Sorry. Did I hear you say 2 that. 3 THE STENOGRAPHER: Do you want me shall 4 I repeat it? 4 I repeat it? 5 THE WITNESS: Yeah, I did hear you say 2 that. 3 THE STENOGRAPHER: Do you want what? 6 Okay. 7 THE STENOGRAPHER: Okay. Mr. Tol 8 THE WITNESS: Ido. 13 THE STENOGRAPHER: Okay. Mr. Tol 8 THE WITNESS: Ido. 13 THE STENOGRAPHER: do you hereby 10 acknowledge that your testimony will be true under the 11 penaltics of perjury? 12 THE WITNESS: Ido. 13 THE STENOGRAPHER: Thank you. Thank you, 15 ARIE TOL, 16 having first agreed to tell the truth 14 under penalty of perjury. 18 was examined and testified as follows: 19 EXAMINATION ON BEHALF OF DEFENDANT: 20 BYMR. CHAIKOVSKY: 5 (And there of a star are your 20 duties?) 19 Wat are your responsibilities or what are your 20 duties? 19 EXAMINATION ON BEHALF OF DEFENDANT: 20 BYMR. CHAIKOVSKY: 4 (And there of a star are your 20 duties?) 20 duties?	Conducted on 5	, ,
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A Mostaan, M-o-s-1-a-a-n, number 2, 5646 AN in ryes, AN, in Eindhoven, so that's A - no, sorry, in ryes and a Certified Realtime Reporter. Will counsel please stipulate that in lieu sof formally swearing in the witness, the reporter will sitestimony will be true under the penalties of perjury, that counsel will not object to the admissibility l2 of the transcript based on proceeding in this way, and 13 that the witness has verified that he is in fact l4 Arie Tol? MR. THOMPSON: So stipulated for Philips l6 and the witness. MR. CHAIKOVSKY: So stipulated for Philips l6 and the witness. MR. THE STENOGRAPHER: Thank you. MR. Tol. do you hereby acknowledge that the 20 your testimony will be true under the penalties of 21 perjury? THE STENOGRAPHER: Yes. THE STENOGRAPHER: Do you want me - shall THE STENOGRAPHER: Do you want me - shall THE STENOGRAPHER: Oday. Mr. Tol - STENOGRAPHER: - do you want me - shall THE WITNESS: Yes. THE WITNESS: Yes. THE WITNESS: No., do you want what? A Wr. Thompson can ask questions after I'm done. But 5 you have to answer the questions based on privilege. THE WITNESS: Yes. THE WITNESS: Yes. THE WITNESS: Std. THE STENOGRAPHER: Thank you. The WITNESS: Yes. THE WITNESS: Of Jeriury. THE WITNESS: Yes. THE WITNESS: Yes. THE WITNESS: Yes. THE WITNESS: Oh, do you want what? Okay. THE STENOGRAPHER: Thank you. Thank you, 14 Counsel. The WITNESS: Yes. T		
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O Mr. Toll places state years for the		20 duties?
21 Q. IVIT. 101, prease state your name for the 21 A. IVIY duties? Currently, my duties is to	Q. Mr. Tol, please state your name for the	21 A. My duties? Currently, my duties is to
22 record. 22 do yeah, to advise and to do work in the		22 do yeah, to advise and to do work in the
23 A. My name's Arie Tol. 23 intellectual property field for Philips.		
24 Q. And how do you spell that? 24 Q. What type of work?	Q. And how do you spell that?	24 Q. What type of work?

DOCKET

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