

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

PHILIPS NORTH AMERICA LLC,

Plaintiff,

v.

FITBIT, INC.,

Defendant.

Civil Action No. 1:19-cv-11586-IT

**JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT**

Pursuant to the Court’s Scheduling Order (Dkt. 54), Plaintiff Philips North America LLC (“Philips”) and Defendant Fitbit, Inc. (“Fitbit”) jointly submit this claim construction and prehearing statement.

**I. List of Claim Terms**

The parties have attached as **Exhibit A** is a chart listing 10 proposed claim constructions in the order of importance as agreed to by the parties.

**II. CLAIM CONSTRUCTION HEARING**

**A. Timing and Order of Claim Construction Hearing**

The parties agree that 2.5 hours should suffice and agrees that a 10 minute introduction followed by arguments on each term is appropriate.

The parties propose to present their arguments by grouping the disputed terms by patent, and proceeding with the argument term-by term, with the party advocating for a particular construction going first. The parties further propose to present the patents in this order: ’007, ’958, ’233, and ’377.

**B. Live Witnesses**

The Parties do not intend to call live witnesses at the Claim Construction hearing. However, Philips could make any expert witnesses that it may rely on in briefing available at the claim construction hearing if the Court finds that it would be helpful to do so.

Dated: May 26, 2020

PHILIPS NORTH AMERICA LLC,

FITBIT, INC.

By its attorneys,

By Its Attorneys,

/s/ Ruben Rodrigues

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**CERTIFICATE OF SERVICE**

I certify that a true copy of the above document was served on the attorney of record for each party via the Court's CM/ECF system, which will send notification of this filing (NEF) to all registered participants, and paper copies will be sent to those indicated as nonregistered participants.

Dated: May 26, 2020

By: /s/ John Custer