

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

**DECLARATION OF CHAD PETERMAN IN SUPPORT OF DEFENDANT
FITBIT, INC.'S RESPONSIVE CLAIM CONSTRUCTION BRIEF**

I, Chad Peterman, declare:

1. I am an attorney with Paul Hastings LLP, counsel of record in this action for Defendant Fitbit, Inc. (“Fitbit”), and admitted to this Court *Pro Hac Vice*. I have personal knowledge of the facts set forth in this declaration and, if called as a witness, could and would testify to those facts under oath.

2. Attached as Exhibit A is a true and correct copy of excerpts from the deposition transcript of Dr. Thomas Martin, taken on June 18, 2020.

3. Attached as Exhibit B is a true and correct copy of excerpts from the Federal Circuit Bar Association’s Model Patent Jury Instructions, last edited May 2020. The Model Patent Jury Instructions are available and can be retrieved from the website for the Federal Circuit Bar Association (<https://fedcirbar.org/IntegralSource/Model-Patent-Jury-Instructions>).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

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.

Dated: July 8, 2020

By: /s/ Yar R. Chaikovsky
Yar R. Chaikovsky (*Pro Hac Vice*)