

Exhibit 1

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

**DEFENDANT FITBIT, INC.'S SUPPLEMENTAL RESPONSES AND OBJECTIONS TO
PLAINTIFF PHILIPS NORTH AMERICA LLC'S INTERROGATORY NO. 1**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and the Rule 26(f) Pretrial Order in this case, Defendant Fitbit, Inc. ("Fitbit" or "Defendant") hereby provides supplemental objections and responses to Plaintiff Philips North America LLC's ("Philips" or "Plaintiff") Interrogatory No. 1.

PRELIMINARY STATEMENT

Fitbit's responses are based on Fitbit's present knowledge, information, and belief. Discovery is in its early stages and investigation, research, and analysis are ongoing, and may disclose the existence of additional facts or documents, add meaning to known facts or documents, or lead to additions, variations, or changes to these objections and its responses. Accordingly, Fitbit's objections and responses are given without prejudice to Fitbit's right to use or rely on at any time, including trial, subsequently discovered information omitted from its responses by inadvertence or mistake. Fitbit reserves its right to amend or supplement its responses after considering information obtained or reviewed through further discovery and investigation, including Plaintiff's detailed disclosure of its infringement contentions, and in connection with expert discovery.

The objections set forth below and Fitbit's responses are intended to apply to all information and documents produced or provided pursuant to these Interrogatories. Any responses Fitbit provides are made solely for the purpose of this action and Fitbit's responses do not in any way waive any objections by Fitbit, in this or in any subsequent proceeding, on any grounds, at any time, to the admission of any response or any document identified in connection therewith at trial or in any other proceeding, all of which Fitbit reserves and may interpose at the time of trial.

Any response provided by Fitbit stating that documents and things will be produced is to be construed as referring only to responsive documents and things that are not otherwise subject to any specific objection noted below. Moreover, such a statement with respect to any Interrogatory is not a representation that any such documents or things exist, but only that Fitbit will conduct a reasonably diligent search of the materials within its possession, custody, and control, and will produce responsive, non-privileged documents or things if any are discovered as a result of that search.

Fitbit does not waive any objection made in its responses, nor any claim of privilege, whether expressly asserted or not by providing any information or identifying any document or thing in response to any Interrogatory. The inadvertent disclosure of such information, or the inadvertent identification of such a document, shall not constitute a waiver of any applicable privilege as to that information or document or any other privileged information or document.

Any statement made by Fitbit of an intent to produce documents is not, and shall not be deemed, an admission of any factual or legal contention contained in any individual Interrogatory. Fitbit objects to each Interrogatory to the extent it contains any factual or legal misrepresentations.

GENERAL OBJECTIONS

1. Fitbit objects to each of Plaintiff's Instructions and Interrogatories to the extent that it imposes obligations extending beyond those imposed or authorized by the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the Local Rules of Massachusetts, or the Patent Rules of Massachusetts (collectively, "Rules").

2. Fitbit objects to each of Plaintiff's Instructions and Interrogatories as premature to the extent that it seeks information prior to the date such information is to be exchanged pursuant to the Federal Rules of Civil Procedure, the Local Rules, or any Order of this Court. Fitbit objects to any interrogatory to the extent it seeks information that is the subject of expert testimony; such information will be provided on the timeframes established by the Court in this action.

3. Fitbit objects to each of Plaintiff's Instructions and Interrogatories to the extent that it is overbroad and seeks information not relevant to any party's claim or defense and not proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit.

4. Fitbit objects to each of Plaintiff's Instructions and Interrogatories to the extent it seeks confidential and proprietary information, including trade secrets and competitively sensitive business information, where any purported marginal benefits of production of the requested information are outweighed by the burden or risk associated with producing such highly sensitive materials.

5. Fitbit objects to each of Plaintiff's Instructions and Interrogatories to the extent that it seeks information pertaining to products or functionalities outside of the United States.

6. Fitbit objects to each of Plaintiff's Instructions and Interrogatories to the extent that it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege, immunity, or protection ("privileged information"). Fitbit hereby asserts all such applicable privileges, immunities, and protections, and excludes privileged, immune, and protected information from its responses to Plaintiff's Interrogatories. Fitbit also objects to the logging of privileged documents that were created after the filing of the Complaint in this case. Fitbit will not log any such documents. To the extent any Interrogatory may be construed as calling for disclosure of information, documents, and/or things protected by such privileges or doctrines, a continuing objection to each and every such Interrogatory is hereby asserted.

7. Fitbit objects to each of Plaintiff's Definitions, Instructions, and Interrogatories to the extent that it is vague, ambiguous, fails to describe the information sought with the required reasonable particularity, or otherwise uses words and phrases that are nonsensical or not understandable. To the extent reasonably feasible, Fitbit will interpret the terms and phrases used in these Interrogatories as those terms and phrases are understood by Fitbit.

8. Fitbit objects to each of Plaintiff's Instructions and Interrogatories to the extent it is overly broad and unduly burdensome.

9. Fitbit objects to each of Plaintiff's Instructions and Interrogatories to the extent that it is not limited as to time, or is limited to a time period that is unduly burdensome or overly broad. In such cases, Fitbit will endeavor to place a reasonable time restriction on such interrogatory.

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