

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

PHILIPS NORTH AMERICA LLC,

Plaintiff,

v.

FITBIT LLC,

Defendant.

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

**DECLARATION OF DAVID J. SHAW IN SUPPORT OF FITBIT LLC'S MOTION FOR
THE CONSTRUCTION OF THREE RELATED CLAIM TERMS**

I, David J. Shaw, hereby declare:

1. I am an attorney at Desmarais LLP, counsel of record for Fitbit LLC ("Fitbit"). I am admitted *pro hac vice* to this Court. I have personal knowledge of the facts set forth herein and could competently testify to them if called as a witness.

2. I make this declaration in support of Fitbit's Motion for the Construction of Three Related Claim Terms and its accompanying memorandum.

3. Attached hereto as Exhibit 1¹ is a true and correct excerpted copy of the Expert Report of Joesph A. Paradiso, Ph.D. Concerning Non-Infringement of U.S. Patent No. 8,277,377, served December 22, 2021.

4. Attached hereto as Exhibit 2 is a true and correct excerpted copy of the Certified File History of U.S. Patent No. 8,277,377 as produced with beginning Bates number of PNA-FB0001473.

¹ Exhibit 1 is Confidential under the protective order and is being filed under seal, subject to the Court's ruling on Fitbit's forthcoming Motion to Seal/Impound.

I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge.

Executed January 7, 2022 in Washington, D.C.

/s/ David J. Shaw
David J. Shaw (*pro hac vice*)