

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 LESLIE M. SPENCER IN SUPPORT OF DEFENDANT FITBIT
LLC'S OPPOSITION TO PHILIPS' MOTION TO STRIKE PORTIONS OF FITBIT'S
EXPERT REBUTTAL REPORTS**

I, Leslie M. Spencer, 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 Opposition to Philips' Motion to Strike Portions of Fitbit's Expert Rebuttal Reports (D.I. 300).

3. Attached hereto as Exhibit 1 is a true and correct copy of Philips' 30(b)(6) Deposition Notice of Fitbit, dated August 24, 2020.

4. Attached hereto as Exhibit 2 is a true and correct copy of Fitbit's Objections and Responses to Philips' 30(b)(6) Deposition Notice of Fitbit, dated September 4, 2020.

5. Attached hereto as Exhibit 3 is a true and correct copy (highlighted for clarity) of email correspondence between David Okano (counsel for Fitbit) and Ruben Rodrigues (counsel for Philips), dated January 12-13, 2021.

6. Attached hereto as Exhibit 4 is a true and correct excerpt of the deposition transcript of Ryan Krems, dated January 20, 2021.

7. Attached hereto as Exhibit 5 is a true and correct excerpt of the deposition transcript of Gilles Boccon-Gibod, dated January 22, 2021.

8. Attached hereto as Exhibit 6 is a true and correct copy of Philips' First Set of Interrogatories to Fitbit, dated January 10, 2020.

9. Attached hereto as Exhibit 7 is a true and correct copy of Philips' Second Set of Interrogatories to Fitbit, dated September 2, 2020.

10. Attached hereto as Exhibit 8 is a true and correct excerpt of the deposition transcript of Lauren Kindler, dated January 27, 2022.

11. Attached hereto as Exhibit 9 is a true and correct excerpt of the deposition transcript of Joseph Paradiso, dated February 2, 2022.

12. Attached hereto as Exhibit 10 is a true and correct excerpt (highlighted for clarity) of the deposition transcript of Thomas Martin, dated February 1, 2022.

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

Executed February 23, 2022 in New York, NY.

/s/ Leslie M. Spencer
Leslie M. Spencer (*pro hac vice*)

CERTIFICATE OF SERVICE

I certify that this document is being filed through the Court's electronic filing system, which serves counsel for other parties who are registered participants as identified on the Notice of Electronic Filing (NEF). Any counsel for other parties who are not registered participants are being served by first class mail on the date of the electronic filing.

/s/ Elizabeth A. DiMarco

Elizabeth A. DiMarco