

EXHIBIT 4

In the Matter Of:

Philips North America LLC vs

FitBit

FITBIT, INC.

January 20, 2021



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2 Do you see that topic?

3 A. Are there page numbers on this
4 document? I see it in your screen, but I
5 was just -- it does not appear that this
6 was generated with page numbers. So I am
7 on page 7 of the PDF.

8 Okay, I'm here, yes.

9 Q. But unfortunately, it does not
10 appear to have page numbers. So I did want
11 you to read along with me as I read that.

12 A. Yeah, maybe we can go through it
13 again. I'm looking also on the document
14 here next to the screen.

15 Q. Sure. So I wanted to focus in on
16 Topic No. 5. I'm going to scroll up so you
17 can see the heading here is "Deposition
18 Topics."

19 Do you see that?

20 A. I do.

21 Q. So going down to Topic No. 5, it
22 reads, "The facts and circumstances
23 surrounding any investigations, analyses,
24 or efforts relating to any attempts to,
25 plans to, and/or analyses of ways to design

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2 around any claim of any of the asserted
3 patents, and the results of such
4 investigations, analyses, or efforts,
5 including whether and why any design-around
6 alternative was incorporated into any
7 accused product."

8 Do you see that topic?

9 A. I do.

10 Q. Okay.

11 Do you understand that you've
12 been designated as a witness on this topic?

13 MR. BECKWITH: So I'm going to
14 interpose an objection. Fitbit has
15 objected to your Topic 5 as drafted.
16 Mr. Krems is being produced to testify
17 only as to, on that topic as to
18 non-infringing alternatives only, and
19 he's also being identified subject to
20 all of the objections that Fitbit
21 raised concerning how you drafted
22 Topic 5.

23 BY MR. RODRIGUES:

24 Q. With the objections of counsel,
25 do you understand that you're designated,

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2 at least in part, for Topic No. 5?

3 MR. BECKWITH: As to
4 non-infringing alternatives.

5 BY MR. RODRIGUES:

6 Q. As to non-infringing
7 alternatives.

8 MR. BECKWITH: Yeah, the witness
9 can answer.

10 A. I do.

11 Q. Okay.

12 What can you tell me about
13 non-infringing alternatives to the asserted
14 patents, to the extent you've been prepared
15 on that topic?

16 MR. BECKWITH: Object to the form
17 of the question as calling for a
18 narrative. It's compound.

19 A. Maybe you can narrow the patent
20 that you would like to get a response on
21 specifically.

22 Q. Sure. Let me go back, actually,
23 and ask you: With respect to
24 non-infringing alternatives, which is what
25 your counsel has represented you've been

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