

EXHIBIT 5

In the Matter Of:

PHILIPS NORTH AMERICA vs

FITBIT

GILLES BOCCON-GIBOD

January 22, 2021



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

10 Do you see that topic,
11 Mr. Boccon-Gibod?

12 A. Yes, I do.

13 Q. Do you understand that you're
14 being designated for Topic No. 5, but
15 limited to non-infringing alternatives and
16 subject to Fitbit's objections?

17 A. Yes.

18 Q. Besides meeting with legal
19 counsel, did you do anything else to
20 prepare for Topic No. 5?

21 A. Same as for the other topics, I
22 refreshed my memory about how our products
23 work and how we design them.

24 Q. Would it be fair to characterize
25 your knowledge as relevant to Topic No. 5

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2 as also about how the products work?

3 A. Yes.

4 Q. Okay.

5 Are you aware of any attempts at
6 Fitbit to design around the patents
7 asserted against Fitbit in this lawsuit?

8 MR. BECKWITH: I'll object to the
9 form of the question.

10 You can answer if you know.

11 A. I am not aware of any such thing.

12 Q. Okay.

13 I am going to scroll down to
14 Topic No. 23.

15 Now, Mr. Boccon-Gibod, Topic 23
16 has a number of subparts, some of which
17 you're designated for -- or at least that
18 your counsel has represented that you've
19 been designated for -- and some of which
20 you haven't been. So I'm going to read
21 through the introduction for Topic 23 and
22 then we'll go through the subparts.

23 Do you understand that?

24 A. I do.

25 Q. Okay.