

EXHIBIT 8

In the Matter Of:

PHILIPS NORTH AMERICA v

FITBIT

LAUREN KINDLER

January 27, 2022



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2 A. I have it up.

3 Q. Okay, great.

4 Do you recognize this document?

5 A. Yes. This looks like the
6 electronic version of my report.

7 Q. And your report is directed to
8 what?

9 A. My report on damages.

10 Q. Okay, thank you.

11 So if you would look at page 3,
12 your hard copy or electronic, whatever is
13 easiest.

14 A. Are we talking page numbers or
15 PDF?

16 Q. You know, we're going to go page
17 numbers for your report. For Exhibit 2, I
18 will mention the PDF number. So sorry for
19 the -- all right, so page 3 of the report,
20 paragraph 8.

21 A. Okay.

22 Q. So you just had testified that
23 you had spoke with people at Fitbit and
24 they were listed in your report.

25 So I'd like to go through the

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2 people you've identified in paragraph 8.

3 And I will first apologize, I do not know

4 how to say your first person's name,

5 Mr. Gilles Boccon-Gibod?

6 A. I think it's Boccon-Gibod. It's

7 B-O-C-C-O-N, dash, G-I-B-O-D, for the

8 record.

9 Q. So what did you speak to

10 Mr. Boccon-Gibod about?

11 A. At a high level, we spoke about

12 the accused functionality and

13 design-arounds or non-infringing

14 alternative ways that Fitbit could still

15 offer the accused functionality, but not

16 implicate the patent.

17 Q. Do you recall how long you spoke

18 with him about this topic?

19 A. I would think it was probably

20 around 30 to 45 minutes.

21 Q. Was it a single conversation or

22 several conversations?

23 A. It would have been a single

24 conversation.

25 Q. Do you recall when this

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2 conversation took place?

3 A. Not exactly, but it would have
4 been in the weeks leading up to issuing my
5 report. So probably time in early to mid
6 December. That's when all of these
7 conversations would have been had. They
8 were. My memory is that they were in days
9 of each other, they all occurred pretty
10 close together.

11 Q. Do you recall what order you
12 spoke to the five individuals listed in
13 paragraph 8?

14 A. I do with respect to three of
15 them and I can say which of those three
16 are, but I'm not sure about one. So I
17 spoke to Gilles first and then I would have
18 spoke to Robert or Buddy Herkenham. And
19 then I would have spoken, after that, to
20 Dave Quong.

21 What I don't recall is somewhere
22 in there I also spoke with Ms. Preethi
23 Mukundan, and I just don't recall the order
24 of that one.

25 Q. Okay.

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