

# EXHIBIT 9

**In the Matter Of:**

*PHILIPS NORTH AMERICA LLC vs*

*FITBIT*

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*JOSEPH PARADISO*

*February 02, 2022*

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1           **J. PARADISO - CONFIDENTIAL**

2           **these are the elements that I use to rebut**  
3           **Philips.**

4           Q.       And in paragraph 3, you list  
5           three different non-infringing alternatives  
6           to the asserted claims, is that right?

7           **A.       Yes, I do.**

8           Q.       Did you answer the question,  
9           Dr. Paradiso? I didn't hear you. I'm  
10          sorry.

11          **A.       Yes, I do.**

12          Q.       Okay. Apologies.  
13                   And your report does not offer an  
14          opinion as to any author non-infringing  
15          alternatives besides the three listed here,  
16          is that right?

17          **A.       That's correct. These are the**  
18          **ones.**

19          Q.       Okay.

20                   And paragraph 4 of your report  
21          talks about your opinion as to whether  
22          Philips licenses to SimCare and LifeScan  
23          are technically comparable to the  
24          hypothetical license regarding the '377  
25          Patent between Philips and Fitbit, is that

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2 THE VIDEOGRAPHER: We are now  
3 going off the record. The time is  
4 5:11.

5 (Recess taken from 5:11 p.m. to  
6 5:17 p.m. EST)

7 THE VIDEOGRAPHER: We are now  
8 back on the record. The time is 5:17.

9 BY MR. CUSTER:

10 Q. I should probably share my screen  
11 again, I suppose.

12 All right. Is my screen sharing?

13 **A. Yes.**

14 Q. Great.

15 Let's turn to paragraph 337.

16 This is on page 142.

17 **A. Let me find it in my copy. 142.**

18 Q. 142 is the page. 337 is the  
19 paragraph.

20 **A. I see it.**

21 Q. Great.

22 And here you mention a  
23 conversation with Mr. Gilles Boccon-Gibod?

24 **A. Gilles, I believe so.**

25 Q. Oh, Gilles.

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2 A. Gilles Boccon-Gibod. I used to  
3 speak a little more French than I do now.

4 Q. No, I appreciate it. I like  
5 being able to say it correctly.

6 A. Gilles, yeah.

7 Q. Okay.

8 So this conversation with  
9 Mr. Boccon-Gibod -- and I apologize that I  
10 don't speak French -- but this conversation  
11 with Mr. Boccon-Gibod, when did that take  
12 place?

13 A. That took place around the same  
14 time as my other conversation and -- yeah.  
15 It was a few months ago more or less. It  
16 was before the report, preparation of the  
17 report.

18 Q. Sure.

19 And did you just have one  
20 conversation with Mr. Boccon-Gibod?

21 A. Yes, I did.

22 Q. And how long was that  
23 conversation approximately?

24 A. Oh, I don't know, maybe a half  
25 hour, something like that. I don't

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