

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

PHILIPS NORTH AMERICA LLC,

Plaintiff,

v.

FITBIT, INC.,

Defendant.

Civil Action No. 1:19-cv-11586-FDS

**DECLARATION OF MICHELLE A. MORAN IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO FITBIT'S MOTION TO STRIKE
PORTIONS OF THE EXPERT REPORT AND EXCLUDE CERTAIN
OPINIONS AND TESTIMONY OF DR. MICHAEL P. AKEMANN**

I, Michelle A. Moran, declare as follows:

1. I am an attorney at Foley & Lardner LLP, counsel to Plaintiff Philips North America, LLC ("Philips").
2. I make this declaration in support of Philips's Opposition to Fitbit's Motion to Strike Portions of the Expert Report and Exclude Certain Opinions and Testimony of Dr. Michael P. Akemann.
3. I have personal knowledge of the facts set forth herein and, if called to testify in this matter, could and would testify to the following facts.
4. Attached as **Exhibit 1** is a true and correct copy of the Rebuttal Expert Report of Lauren R. Kindler, dated December 22, 2021.
5. Attached as **Exhibit 2** is a true and correct copy of excerpts of the Amended Expert Report of Tom Martin Concerning Infringement, dated December 12, 2021.

6. Attached as **Exhibit 3** is a true and correct copy of excerpts from the deposition transcript of Michael P. Akemann, Ph.D., dated January 28, 2022.

7. Attached as **Exhibit 4** is a true and correct copy of excerpts from the deposition transcript of Thomas L. Martin, Ph.D., dated February 1, 2022.

I declare under penalty of perjury that the foregoing is true and correct.

Date: February 23, 2022

/s/ Michelle A. Moran
Michelle A. Moran

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was filed with the Court through the ECF system and that a copy will be electronically served on registered participants as identified on the Notice of Electronic Filing.

By: /s/ Michelle A. Moran