

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

PHILIPS NORTH AMERICA LLC,

Plaintiff,

v.

FITBIT LLC,

Defendant.

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

**DECLARATION OF DAVID J. SHAW IN SUPPORT OF DEFENDANT FITBIT LLC'S
REPLY IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT OF
INVALIDITY OF U.S. PATENT NO. 8,277,377 UNDER 35 U.S.C. § 101**

I, David J. Shaw, hereby declare:

1. I am an attorney at Desmarais LLP, counsel of record for Defendant Fitbit LLC ("Fitbit"). I am admitted *pro hac vice* to this Court. I have personal knowledge of the facts set forth herein and could competently testify to them if called as a witness.

2. I make this declaration in support of Defendant Fitbit LLC's Reply in Support of Its Motion for Summary Judgment of Invalidity of U.S. Patent No. 8,277,377 Under 35 U.S.C. § 101.

3. Attached hereto as Exhibit 1¹ is a true and correct copy of the CONFIDENTIAL deposition transcript of Roger Quy, Ph.D. taken in *Philips North America, LLC v. Garmin International, Inc. et al*, Case No. 2:19-cv-06301-AB-KS (C.D. Cal.), dated September 2, 2020.

¹ Exhibit 1 is Confidential under the protective order and is being filed under seal, subject to the Court's ruling on Fitbit's forthcoming Motion to Seal/Impound.

I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge.

Executed April 13, 2022 in Washington, DC.

/s/ David J. Shaw
David J. Shaw (*pro hac vice*)

CERTIFICATE OF SERVICE

I certify that this document is being filed through the Court's electronic filing system, which serves counsel for other parties who are registered participants as identified on the Notice of Electronic Filing (NEF). Any counsel for other parties who are not registered participants are being served by first class mail on the date of the electronic filing.

Dated: April 13, 2022

/s/ Alexandra K. Kim
Alexandra K. Kim