1	UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS
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4	PHILIPS NORTH AMERICA LLC, )
5	Plaintiff,
6	v. ) Civil Action No. ) 1:19-cv-11586-FDS
7	FITBIT LLC,
8	Defendant.
9	)
10	
11	BEFORE THE HONORABLE F. DENNIS SAYLOR, CHIEF DISTRICT JUDGE
12	
13	MOTION HEARING BY VIDEOCONFERENCE
14	
15	Friday, June 24, 2022 2:08 p.m.
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20	
21	John J. Moakley United States Courthouse
22	One Courthouse Way Boston, Massachusetts
23	
24	Robert W. Paschal, RMR, CRR Official Court Reporter
25	

1	APPEARANCES
2	On behalf of the Plaintiff:
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1	PROCEEDINGS
2	(In open court at 2:08 p.m.)
3	THE DEPUTY CLERK: Court is now in session in the
4	matter of Philips North America LLC versus Fitbit LLC, Civil
5	Action Number 19-11586.
6	Participants are reminded that photographing,
7	recording, and rebroadcasting of this hearing is prohibited
8	and may result in sanction.
9	Will counsel please identify themselves for the
10	record, starting with the plaintiff.
11	MR. THOMPSON: Good afternoon, Your Honor. Eley
12	Thompson on behalf of Philips. And I also have with me Ruben
13	Rodrigues, who is on video, and also John Custer.
14	THE COURT: All right. Good afternoon.
15	MR. SHAW: Good afternoon, Your Honor. David Shaw
16	from Desmarais LLP on behalf of Fitbit. I have with me Henry
17	Ard from my firm; David Beckwith, our co-counsel; and Timur
18	Engin, who is an in-house counsel with Google.
19	THE COURT: All right. Good afternoon.
20	All right. I'll start by apologizing. You have a
21	little glimpse into my tech world here. It took me seven
22	minutes to log into a Zoom call, which probably cost your
23	clients collectively about a thousand dollars. But, anyway,
24	here I am.
25	So this is a hearing on multiple motions. I don't

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1	know if you've talked about whether there's a sensible order.
2	And if you haven't, since Fitbit is has filed most of the
3	motions, I guess, I will probably, Mr. Shaw, turn it over to
4	you and let you proceed as you see fit. What I would like to
5	do is take each one of these in turn, in other words, you
6	know, hear one side and then the
7	MR. SHAW: Sure, Your Honor. And
8	THE COURT: the other. And just to let everyone
9	know the time frame that we have here, so I have a change of
10	plea that has been pushed back many multiple times at
11	three o'clock. So we're going to interrupt at 3:00 for that.
12	That ought to take 20 minutes to half an hour.
13	And then I have a case that's on trial that I'm
14	meeting with the parties at $4:30$ . So we have from $2:00$ to
15	3:00, and then, you know, whatever, until 4:20, let's say,
16	and then we just have to make it fit into that slot. That's
17	all I have.
18	So all right. Mr. Shaw, the floor is yours.
19	MR. SHAW: Sure, Your Honor.
20	So what I was actually thinking and we haven't
21	discussed among the parties but you might recall that
22	Philips requested summary judgment of direct infringement,
23	and a number of our motions are basically predicated on the
24	same arguments that we made in opposition to their summary
25	judgment motion for direct infringement.

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