

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<i>In re</i> patent of Brann	§	Petition for <i>Inter Partes</i> Review
	§	
U.S. Patent No. 6,059,576	§	Attorney Docket No.: 51539.3
	§	Customer No.: 27683
Issued: May 9, 2000	§	
	§	Real Party in Interest:
Title: Training and Safety Device, System and Method to Aid in Proper Movement During Physical Activity	§	Fitbit, Inc.
	§	
	§	

Declaration of Joseph Paradiso, Ph.D.
Under 37 C.F.R. § 1.68

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I. Introduction

I, Joseph Paradiso, Ph.D., declare:

1. I am making this declaration at the request of Fitbit, Inc. in the matter of the *Inter Partes* Review of U.S. Patent No. 6,059,576 (“the ’576 Patent”) to Brann.

2. I am being compensated for my work in this matter at my standard hourly rate. I am also being reimbursed for reasonable and customary expenses associated with my work and testimony in this matter. My compensation is not contingent on the outcome of this matter or the specifics of my testimony.

3. In the preparation of this declaration, I have studied:

- (1) The ’576 Patent, Exhibit **FTBT-1001**;
- (2) The prosecution history of the ’576 Patent, Exhibit **FTBT-1002**;
- (3) The Ex Parte Reexamination Certificate of the ’576 Patent, Exhibit **FTBT-1003**;
- (4) The reexamination file history of the ’576 Patent (Reexam No. 90/013,201); Exhibit **FTBT-1004**;
- (5) U.S. Patent No. 5,027,824 (“Dougherty”), Exhibit **FTBT-1008**;
- (6) U.S. Patent No. 5,293,879 (“Vonk”), Exhibit **FTBT-1011**;

- (7) U.S. Patent 4,817,628 (“Zealear”), Exhibit **FTBT-1012**;
- (8) U.S. Patent No. 5,803,740 (“Gesink”), Exhibit **FTBT-1013**;
- (9) U.S. Patent No. 4,945,477 (“Edwards”), Exhibit **FTBT-1014**;
- (10) Portions of the Third Edition of the American Heritage Dictionary of the English Language (1996), Exhibit **FTBT-1015**; and
- (11) U.S. Patent No. 6,018,705 (“Gaudet”), Exhibit **FTBT-1016**;
- (12) International Publication WO 97/39677 (“Lim”), Exhibit **FTBT-1017**;
- (13) Endevco Data Sheet, Exhibit **FTBT-1018**;
- (14) U.S. Patent 5,212,774 (“Grider”), Exhibit **FTBT-1019**; and
- (15) U.S. Patent No. 5,716,377 (“Rise”), Exhibit **FTBT-1022**;

4. In forming the opinions expressed below, I have considered:

- (1) The documents listed above, and
- (2) My own knowledge and experience, including my work experience in the wearables, sensors, and wireless communication fields, as described below.

II. Qualifications and Professional Experience

5. My complete qualifications and professional experience are described

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