

From: [Karim Oussayef](#)
To: RRodrigues@foley.com; [Okano, David](#)
Cc: BOSTFPhilipsFitbit@foley.com; [Philips - Fitbit](#); [Fitbit Philips DC Service](#)
Subject: [EXT] RE: Philips v. Fitbit (D. Mass) - Claim 14 of the '233 Patent
Date: Monday, April 12, 2021 4:34:46 AM

Ruben,

To be clear, your April 5 email was the first time Fitbit received notice that Philips is no longer asserting Claim 14 of the '233 Patent.

Best,
Karim

Karim Z. Oussayef

DESMARAIS LLP

230 Park Avenue
New York, NY 10169
T: (212) 351-3427 | F: (212) 351-3401

From: RRodrigues@foley.com <RRodrigues@foley.com>
Sent: Monday, April 5, 2021 8:24 PM
To: [Karim Oussayef <KOussayef@desmaraisllp.com>](mailto:KOussayef@desmaraisllp.com); [Okano, David <davidokano@paulhastings.com>](#)
Cc: BOSTFPhilipsFitbit@foley.com; [Philips - Fitbit <Philips-Fitbit@paulhastings.com>](#); [Fitbit Philips DC Service <FitbitPhilipsDCService@desmaraisllp.com>](mailto:FitbitPhilipsDCService@desmaraisllp.com)
Subject: [Ext] Philips v. Fitbit (D. Mass) - Claim 14 of the '233 Patent

****EXTERNAL EMAIL** This email originated from outside the company. Do not click on any link unless you recognize the sender and have confidence the content is safe.**

Hi Karim & David,

I was under the impression that we had formally withdrawn Claim 14 of the '233 Patent in the District of Massachusetts action as we did in the Central District of California action against Garmin. To clarify the record and for avoidance of doubt, I wanted to clarify that Philips no longer asserts Claim 14 of the '233 Patent against the Fitbit accused products in this action.

Regards,

-Ruben

Ruben J. Rodrigues
Foley & Lardner LLP
111 Huntington Ave. Suite 2600

Boston, MA 02199

rrodrigues@foley.com

617-502-3228 (office)

617-763-5089 (mobile)

The information contained in this message, including but not limited to any attachments, may be confidential or protected by the attorney-client or work-product privileges. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this message in error, please (i) do not read it, (ii) reply to the sender that you received the message in error, and (iii) erase or destroy the message and any attachments or copies. Any disclosure, copying, distribution or reliance on the contents of this message or its attachments is strictly prohibited, and may be unlawful. Unintended transmission does not constitute waiver of the attorney-client privilege or any other privilege. Legal advice contained in the preceding message is solely for the benefit of the Foley & Lardner LLP client(s) represented by the Firm in the particular matter that is the subject of this message, and may not be relied upon by any other party. Unless expressly stated otherwise, nothing contained in this message should be construed as a digital or electronic signature, nor is it intended to reflect an intention to make an agreement by electronic means.

This email may contain confidential and privileged material for the use of the intended recipient. Any review, use, or distribution by anyone other than the addressee is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and delete all copies of this message.