

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF MASSACHUSETTS

3  
4 PHILIPS NORTH AMERICA LLC, )  
5 Plaintiff, )  
6 vs. ) CA No. 19-11586-IT  
7 )  
8 FITBIT, INC., )  
9 Defendant. )

10 BEFORE: THE HONORABLE INDIRA TALWANI

11  
12 SCHEDULING CONFERENCE VIA TELECONFERENCE

13  
14  
15 John Joseph Moakley United States Courthouse  
16 Courtroom No. 9  
17 One Courthouse Way  
18 Boston, MA 02210  
19 Tuesday, March 24, 2020  
20 2:30 p.m.

21 Cheryl Dahlstrom, RMR, CRR  
22 Official Court Reporter  
23 John Joseph Moakley United States Courthouse  
24 One Courthouse Way, Room 3510  
25 Boston, MA 02210  
Mechanical Steno - Transcript by Computer

1 APPEARANCES:

2 ON BEHALF OF THE PLAINTIFF:

3 FOLEY & LARDNER LLP  
4 By: Ruben J. Rodrigues, Esq.  
5 111 Huntington Avenue  
6 Boston, Massachusetts 02199

7 FOLEY & LARDNER LLP  
8 By: Eley O. Thompson, Esq.  
9 321 North Clark Street  
10 Chicago, Illinois 60654

11 Also Present: Elias Schilowitz, Esq.

12 ON BEHALF OF THE DEFENDANT:

13 GOULSTON & STORRS  
14 By: Jennifer B. Furey, Esq.  
15 400 Atlantic Avenue  
16 Boston, Massachusetts 02110

17 PAUL HASTINGS LLP  
18 By: Yar R. Chaikovsky, Esq.  
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20 1117 S. California Avenue  
21 Palo Alto, California 94304  
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24  
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1                                    P R O C E E D I N G S

2                    THE CLERK: If we could start please with Philips  
3 North America counsel.

4                    MR. THOMPSON: Yes, thank you. This is Eley Thompson,  
5 of Foley & Lardner, on behalf of Philips. Also with me is  
6 Ruben Rodrigues of Foley & Lardner in Boston; and then in-house  
7 counsel for Philips may be joining. I'm not sure if they've  
8 dialed in yet. That would be Elias Schilowitz. I can spell  
9 that if you would like.

02:27 10                    THE CLERK: I would very much like.

11                    MR. THOMPSON: Okay. Elias is E-l-i-a-s, and  
12 Schilowitz is S-c-h-i-l-o-w-i-t-z.

13                    THE CLERK: Okay. Now, Mr. Schilowitz does not appear  
14 as counsel on the docket. Do you know if he will be entering  
15 an appearance?

16                    MR. THOMPSON: He's going to be observing right now.

17                    THE COURT: Okay. If -- he won't be speaking, is that  
18 correct?

19                    MR. THOMPSON: Yeah. He won't be speaking. I thought  
02:27 20 that I would mention that so that you knew that there was an  
21 additional person.

22                    THE CLERK: I appreciate that, Counsel.

23                    Will Lucas Silva be joining us?

24                    MR. THOMPSON: He will not be.

25                    THE CLERK: Okay. Go ahead.

1 MR. THOMPSON: That's it for Philips.

2 THE CLERK: Okay. Thank you very much.

3 Hi. It's Gail Marchione I'm judge's courtroom deputy.

4 We have counsel on the line for Philips North America. I've

5 taken their names: Mr. Thompson and Mr. Rodrigues. Will

6 Fitbit counsel please identify themselves for the record.

7 MR. CHAIKOVSKY: Hi. This is Yar Chaikovsky, from

8 Paul Hastings, on behalf of Fitbit.

9 THE CLERK: Thank you.

02:28 10 MR. CHAIKOVSKY: We may have others on the line; and

11 if they are, they will announce themselves. I think we have

12 David Beckwith also on the line, but he can confirm.

13 MR. BECKWITH: Yes. This is David Beckwith. I'm also

14 on the line.

15 THE CLERK: Thank you. Anyone else?

16 MS. FUREY: Yes. This is Jennifer Furey, from

17 Goulston & Storrs.

18 THE CLERK: Okay. Thank you. Anyone else?

19 MR. SCHILOWITZ: Yeah. It's Elias Schilowitz, counsel

02:29 20 from Philips.

21 MR. THOMPSON: I told them.

22 THE CLERK: Thank you. Anyone else for Fitbit?

23 Do we expect anyone else to call in later from Fitbit,

24 or do you think we can go ahead now with the judge?

25 MR. CHAIKOVSKY: No. I think that's everyone that's

1 going to call in so we can proceed.

2 THE CLERK: I have Mr. Beckwith, Ms. Furey, and Mr.  
3 Chaikovsky, correct?

4 MR. CHAIKOVSKY: Correct.

5 THE CLERK: I can't really mute anyone. If you could  
6 give me a second, I'm going to send the judge an email and let  
7 her know that we're ready.

8 Judge Talwani?

9 MR. RODRIGUES: No. This is Ruben Rodrigues of Foley  
02:31 10 & Lardner.

11 THE CLERK: Okay. Ruben Rodrigues?

12 MR. RODRIGUES: That is correct.

13 THE CLERK: Okay, good. Thank you.

14 The next beep should be the judge.

15 MR. RODRIGUES: I don't know if others have a similar  
16 problem, but I had to dial in a few times because I was  
17 getting --

18 THE CLERK: I think we have everyone on the line now.

19 MR. RODRIGUES: Okay.

02:31 20 THE CLERK: Unless we've lost everyone. Do we still  
21 have people on the line? You can all sing out.

22 I'm going to say this on the record when the judge  
23 comes on. But every single time you speak, if you could please  
24 state your name just to make it easier for our court reporter.

25 THE COURT: Good afternoon.

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