UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FITBIT, INC.,

Petitioner,

v.

PHILIPS NORTH AMERICA LLC,

Patent Owner.

Case IPR2020-00783[1]
Patent 7,088,233 B2

DECLARATION OF DR. THOMAS MARTIN

[1] Garmin International, Inc., Garmin USA, Inc., and Garmin Ltd., who filed a petition in IPR2020-00910, has been joined as a petitioner in this proceeding.

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I, Dr. Thomas Martin, declare as follows:

I. INTRODUCTION

1. I have been retained by Patent Owner Philips North America LLC ("Patent Owner" or "Philips") as an independent expert consultant in these *Inter Partes* review proceedings regarding U.S. Patent No. 7,088,233 ("the '233 patent") (Ex. 1001). I have been asked to consider, among other things, whether certain references relied on by Petitioners and their expert, Dr. Joseph Paradiso, disclose or suggest the features recited in claims 1, 7–10, 13–16, 22, 24–26 of the '233 patent. My opinions are set forth below.

2. I am being compensated at my normal rate of $400/hour for the time I spend working on this proceeding. My compensation is not dependent on the nature of my findings, or the outcome of this proceeding or any other proceeding. I have no other interest in this proceeding.

II. QUALIFICATIONS

3. My qualifications for forming the opinions in this report are summarized here and explained in more detail in my curriculum vitae, which I understand is provided as Exhibit 2027.

4. I am a Professor in the Department of Electrical and Computer Engineering at Virginia Polytechnic Institute and State University, more commonly known as "Virginia Tech" where I have been employed since 2001. I

was previously an Assistant Professor at the University of Alabama in Huntsville from 1999-2001.

5. As discussed in my curriculum vitae in Exhibit 2027, I have more than 25 years of experience in the area of wearable technologies, with a particular emphasis on activity monitoring technology. In 1992, I began working on wearable computers for campus tour guides using the Global Positioning System (GPS) and aircraft maintenance. Since that time, I have conducted research on a wide variety of wearable computing topics and applications, including electronic textiles, ambulatory medical monitoring of physiological data such as heart rate, activity classification based upon measuring a person's movements using sensors such as accelerometers and gyroscopes, and personal protective equipment using GPS. I have also been affiliated with the International Symposium on Wearable Computers since 1998, having served as general chair, technical program co-chair (3 times), technical program committee member, and steering committee member.

6. My education includes a Bachelor of Science degree in Electrical Engineering in 1992 from the University of Cincinnati, a Master of Science degree in Electrical and Computer Engineering in 1994 from Carnegie Mellon University, and a Ph.D. in Electrical and Computer Engineering in 1999 from Carnegie Mellon University.

7. My research areas include wearable computing (including for health

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