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Transcript of Joseph Paradiso, Ph.D.

Date: December 17, 2020

Case: Fitbit, Inc. -v- Philips North America

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

Transcript of Joseph Paradiso, Ph.D.
Conducted on December 17, 2020

<p>1 UNITED STATES PATENT AND TRADEMARK OFFICE 2 BEFORE THE PATENT TRIAL AND APPEAL BOARD 3 - - - - - x 4 FITBIT, INC., : 5 Petitioner, : Case No. 6 v. : IPR2020-00783 7 PHILIPS NORTH AMERICA LLC, : 8 Patent Owner. : 9 - - - - - x 10 11 Deposition of JOSEPH A. PARADISO, Ph.D. 12 Conducted Virtually 13 Thursday, December 17, 2020 14 7:07 a.m. PST 15 16 17 18 19 20 Job No.: 340111 21 Pages: 1 - 130 22 Reported By: Rhonda Norberg, CSR No. 9265, CCRR No. 185 23 24 25</p>	<p>1 A P P E A R A N C E S 2 3 ON BEHALF OF THE PETITIONER: 4 DAVID OKANO, ESQUIRE 5 BERKELEY FIFE, ESQUIRE 6 PAUL HASTINGS LLP 7 1117 South California Avenue 8 Palo Alto, California 94304 9 650.320.1855 10 11 JOSEPHY PALYS, ESQUIRE 12 PAUL HASTINGS LLP 13 2050 M Street NW 14 Washington, D.C. 20036 15 202.551.1996 16 17 18 19 20 21 22 23 24 25</p>
<p>1 Deposition of JOSEPH A. PARADISO, Ph.D., conducted 2 virtually. 3 4 5 6 7 8 9 Pursuant to notice, before Rhonda Norberg, 10 Certified Shorthand Reporter No. 9265, CCRR No. 185 11 in and for the State of California. 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 A P P E A R A N C E S C O N T I N U E D 2 3 ON BEHALF OF THE PATENT OWNER: 4 RUBEN J. RODRIGUES, ESQUIRE 5 FOLEY & LARDNER LLP 6 111 Huntington Avenue 7 Suite 2500 8 Boston, Massachusetts 02199 9 617.502.3228 10 11 GEORGE C. BECK, ESQUIRE 12 FOLEY & LARDNER LLP 13 Washington Harbour 3000 K Street, N.W. 14 Suite 600 15 Washington, D.C. 20007 16 202.945.6014 17 18 ALSO PRESENT: 19 MICHAEL PIETANZA, VIDEOCONFERENCE TECH 20 21 22 23 24 25</p>

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5	7
1 I N D E X	1 So you've been deposed in the past, correct?
2	2 A Yes, I have.
3 WITNESS: JOSEPH A. PARADISO, Ph.D.	3 Q What were the circumstances that led to your
4 EXAMINATION PAGE	4 past depositions?
5 By Mr. Rodrigues 6	5 A Mainly various IP cases, expert testimony.
6 By Mr. Rodrigues (Continued) 92	6 Q Got it.
7 By Mr. Okano 125	7 Any depositions that you've given that did not
8 By Mr. Rodrigues (Further) 126	8 relate to IP cases?
9	9 A Not that I remember.
10	10 Q Is there a certain technology area that these
11 EXHIBITS	11 IP cases all related to?
12 EXHIBIT NO. DESCRIPTION PAGE	12 A Wireless sensors, wearable technologies,
13 1003 Curriculum Vitae 14	13 low-power systems, things of that sort.
14 1002 Declaration 36	14 Q And when you say "wearable technologies," what
15 1001 '233 Patent 50	15 do you mean by that?
16 1005 U.S. Patent No. 6,198,394 72	16 A Various kinds of wearable systems, wearable
17	17 sensors, wearable wiring sensors. My group did a lot of
18	18 very early work in -- in wearable wireless sensing, so
19 PREVIOUSLY MARKED EXHIBITS	19 lots of -- lots of application domains that have sparked
20 EXHIBIT NO. DESCRIPTION PAGE	20 from that.
21 1006 U.S. Patent No. 6,175,752 83	21 Q Have you ever testified at trial?
22	22 A Yes, I have.
23	23 Q How -- how many times?
24	24 A Twice if you don't count a divorce trial, which
25	25 I don't think we -- we're talking about here. I've
6	8
1 P R O C E E D I N G S	1 testified at the ITC twice.
2	2 Q Have you ever testified in district court?
3 Whereupon,	3 A No, I haven't.
4 JOSEPH A. PARADISO, Ph.D.,	4 Q And what were the two matters in which you
5 being first duly sworn or affirmed to testify to	5 testified before the ITC?
6 the truth, the whole truth, and nothing but the	6 A One was Fitbit versus Jawbone or Jawbone versus
7 truth, was examined and testified as follows:	7 Fitbit. I'm not sure how it works there. The other is
8	8 in another arm of this case. It was a patent tried at
9 EXAMINATION	9 the ITC.
10 BY MR. RODRIGUES:	10 Q Both those times, was the testimony you
11 Q Good morning, Dr. Paradiso.	11 provided on behalf of Fitbit?
12 A Good morning.	12 A Yes, it was.
13 Q Could you please state your full name?	13 Q Do you know roughly how many matters you've
14 A Joseph A. Paradiso.	14 been retained by Fitbit for?
15 Q And where do you live? It doesn't need to be a	15 A Oh, I'd have to look. Maybe order of five,
16 specific address. City and state is fine.	16 six, but I -- I don't recall.
17 A I live in Medford, Massachusetts.	17 Q Besides the IP cases that you have mentioned
18 Q And have you ever been deposed before?	18 you worked as an expert for and the divorce proceeding
19 A Yes, I have.	19 which you mentioned, which we don't have to get into,
20 Q About how many times?	20 have you been involved in any other side of legal -- any
21 A Order of a dozen.	21 other sort of legal proceeding?
22 Q And what were the circumstances that led you to	22 A No formal legal proceeding that I can remember,
23 be deposed previously?	23 no.
24 A What do you mean by "previously"?	24 Q Well, it sounds like you're familiar with the
25 Q Sure.	25 deposition process, including even, perhaps, being

9
1 deposited via Zoom, which not everyone has had the fond
2 experience of; but I'm going to, nonetheless, go through
3 some of the -- the ground rules and expectations for --
4 for today.
5 So I'll ask the questions and I'll expect the
6 answers; and unless your counsel specifically instructs
7 you not to answer the question, then I would expect an
8 answer to the question.
9 Does that make sense?
10 **A It does.**
11 Q The court reporter is transcribing everything
12 we say; and so as she said in the beginning, we should
13 try not to talk over each other. But also we need to
14 answer verbally, not do nods or gestures and things of
15 that sort.
16 Does that make sense?
17 **A It does make sense.**
18 Q If you don't understand a question I ask, could
19 you please ask me to clarify? Otherwise, I'll assume
20 you understood the question.
21 **A Yes, I'll -- I'll ask you too clarify in that**
22 **case.**
23 Q We can take breaks periodically. Usually we do
24 an hour or an hour and 15, hour and a half, depending
25 on, you know, what your preference is. I have no

10
1 preference on my end.
2 The only thing I would ask is that we -- if
3 there's a question pending, we -- you answer the
4 question before we take a break.
5 **A Yes.**
6 Q If you remember something additional later on
7 in the deposition that maybe affects one of your prior
8 answers, or if you think you need to correct something,
9 please let me know, just raise it even if I don't ask
10 you specifically.
11 Would you agree to do that today if there's
12 something that comes up later that relates to something
13 we've previously discussed?
14 **A Yes, I do.**
15 Q Is there anything that would affect your
16 ability to testify truthfully and honestly and
17 completely here today?
18 **A No, there's not.**
19 Q Are you feeling sick at all today?
20 **A No.**
21 **A little tired, but I feel good.**
22 Q Okay. What did you do to prepare for today's
23 deposition?
24 **A I reviewed --**
25 MR. OKANO: I just caution the witness not to

11
1 reveal the substance of any work-product-protected
2 information. He can answer as to facts.
3 THE WITNESS: I reviewed my declaration and the
4 materials the declaration cites.
5 BY MR. RODRIGUES:
6 Q Did you review anything outside your
7 declaration or what your declaration cites?
8 MR. OKANO: I give the witness the same
9 caution.
10 THE WITNESS: In -- in preparing for this
11 deposition, that's the material that I reviewed.
12 BY MR. RODRIGUES:
13 Q Okay. And without revealing the substance of
14 any communications with attorneys, did you speak to
15 anyone in preparation for your deposition?
16 **A Yes, I have.**
17 Q And -- and who did you speak with?
18 **A I spoke with the attorneys on the call here.**
19 Q And that would be Mr. Okano and Mr. Palys and
20 Ms. Fife?
21 **A Yes.**
22 Q How long did you spend discussing your
23 preparation with those attorneys?
24 **A Oh, a few afternoons, maybe.**
25 Q Across how many days?

12
1 **A Three, order of three.**
2 Q And how many hours, roughly, on each day?
3 **A It would vary. Anywhere from three to six or**
4 **seven.**
5 Q Where are you currently employed?
6 **A I'm at MIT.**
7 Q And what do you do at MIT?
8 **A I'm a professor there.**
9 Q Professor of what?
10 **A I'm a professor of media arts and sciences,**
11 **which is the title we use at the MIT media lab.**
12 Q I guess what is the MIT media lab?
13 **A The MIT media lab is a -- a laboratory at MIT.**
14 **It was set up around 1985, originally to focus on**
15 **convergence, convergence of computers, print media,**
16 **audio, motion picture, music, everything, and -- and**
17 **then evolved quickly.**
18 **We've always been a future-looking institute.**
19 **We were very involved in the beginning ubiquitous**
20 **computing Internet of things. A lot of my work has been**
21 **very involved there. We were pioneers of wearable**
22 **computing. We're looking at the future of everywhere**
23 **augmented reality, all -- all kinds of things that will**
24 **really change the world.**
25 Q And when you say you're a professor of media

13
1 arts and sciences, what are media arts and sciences?
2 **A That's a term that we identified, made up at**
3 **the media lab. And the media lab is a very**
4 **interdisciplinary institute, so to do what we do, we**
5 **bring people together with disciplines in various**
6 **fields, such as I am, among other things, an electrical**
7 **engineer as well as physicist.**
8 **We have people that come from biology now, we**
9 **have people that come from the arts, from music, we have**
10 **people that -- that -- that come from lots of different**
11 **disciplines. And in the beginning, we were looking at**
12 **the convergence of media, which is how we inherited that**
13 **name.**
14 **The arts side tends to look at content, which**
15 **is very much a part of that, still a part of a lot of**
16 **what we do, but also the sciences, which is the**
17 **technology, which we're extremely agile at and very**
18 **capable about. So we combined both.**
19 Q And how long have you been at the media lab?
20 **A I was a visitor there in 1993 and I joined in**
21 **1994.**
22 Q Have you had different roles at the media lab
23 since then?
24 **A Yes, I have.**
25 Q And what are some of those roles?

14
1 **A My C.V. details all of them. I started, again,**
2 **as a visitor; then I became a research scientist, I**
3 **believe; then became a principal research scientist that**
4 **formed a group, decided to form a group; and then I**
5 **became an associate professor; and then full professor;**
6 **and now I'm also associate department head.**
7 Q I'm going to bring up your C.V. as an exhibit
8 here. I'm going to share the exhibit in the chat so
9 that you have a copy to go through.
10 **A I have it here.**
11 Q Okay. You can --
12 **A Counsel provided all of the documents.**
13 Q I'm going to share this anyway just so that
14 everyone has a copy or that we can reference the same
15 document. You can feel free to look at whatever you --
16 you have handy.
17 **A Thank you.**
18 Q This is also how I'm going to provide the
19 exhibits to the court reporter and Planet Depos?
20 **A Sure.**
21 (Exhibit No. 1003 was marked for
22 identification by the court
23 reporter; attached hereto.)
24 MR. RODRIGUES: So I've shared what I've marked
25 as Exhibit 1 in the chat, and I'll bring this up on my

15
1 screen as well.
2 And can folks see my screen.
3 THE WITNESS: Yep.
4 MR. RODRIGUES: And I'm just going to scroll
5 through here quickly.
6 Q Does what's been marked as Exhibit 1 look to be
7 the copy of the -- of your C.V. that was included with
8 your declaration in this case?
9 **A Yes.**
10 MR. OKANO: And, Ruben, this is -- I guess I'm
11 not so concerned with this exhibit, but for subsequent
12 exhibits, can you provide control to Dr. Paradiso so
13 that he can be -- you know, he's able to scroll through
14 the entire document himself to make sure it is
15 consistent with what he submitted with his -- his
16 declaration?
17 MR. RODRIGUES: Sure.
18 That -- that's why I shared it in the chat, if
19 you'd like to -- to pull it.
20 Would you prefer that I give control of the
21 screen?
22 MR. OKANO: Okay. That's -- that's fine.
23 Dr. Paradiso, would you prefer to look at your
24 own copy downloaded or have -- like just keep your paper
25 copies in front of you and have control of the screen?

16
1 THE WITNESS: At this point, I think the paper
2 copies could -- would be good, and in some cases, I
3 might want to jump onto the electronic copy.
4 But yeah, in that case, I'd want to be able to
5 scroll it. It could be on the screen, it could be just
6 something I open up in Acrobat or -- or whatever.
7 MR. OKANO: Okay. So -- so when counsel for --
8 for Philips, Mr. Rodrigues, shares a document, make sure
9 you download it in the chat.
10 Do you -- have you -- can you see the -- can
11 you see the document in the chat window?
12 THE WITNESS: I saw it. The chat went away.
13 Here it is. Let me download it.
14 MR. OKANO: Okay. Yeah, make sure you download
15 that. That way you can have the -- the exhibit that
16 will go into the record, so I -- I -- in this -- for
17 this deposition, so that -- that ensures you are looking
18 at what is going to be attached to the deposition
19 itself.
20 THE WITNESS: Okay. It's downloading.
21 MR. OKANO: And -- and, Ruben, can we agree
22 for -- since Dr. Paradiso's C.V. has already been marked
23 as Exhibit 103 [sic] in this case, that we keep the
24 exhibit numbering just to lessen the confusion? It's
25 already Exhibit 103 in this trial, and so giving it an

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