

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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FITBIT, INC.,  
Petitioner

v.

PHILIPS NORTH AMERICA LLC  
Patent Owner

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Case No. IPR2020-00783

Patent No. 7,088,233

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**PETITIONER'S OBJECTIONS TO  
PATENT OWNER'S EXHIBITS**

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner Fitbit, Inc. (“Petitioner”) submits the following objections to certain exhibits submitted by Patent Owner with its Patent Owner Response (Paper 17). Petitioner’s objections apply equally to Patent Owner’s reliance on these exhibits in any subsequently-filed documents. These objections are timely, having been filed within five business days of the filing date of the Patent Owner Response.

**Exhibit 2033**

Petitioner objects to Exhibit 2033, identified by Patent Owner as “John Blau, Computerworld, “Nokia’s ultra-low-power Wibree joins Bluetooth,” 12 June 2007, <https://www.computerworld.com/article/2541926/nokia-s-ultralow-power-wibree-joins-bluetooth.html>,” under Rule 802 of the Federal Rules of Evidence because it constitutes inadmissible hearsay. Petitioner further objects to Exhibit 2033 because it lacks the necessary authentication. Petitioner also objects to Exhibit 2033 under Rules 401-403 of the Federal Rules of Evidence because it is not relevant.

**Exhibit 2035**

Petitioner objects to Exhibit 2035, identified by Patent Owner as “Paul Kallendar, “Citizen to commercialize IBM’s wristwatch computer,” EE Times, October 11, 2001, <https://www.eetimes.com/citizen-to-commercialize-ibmswristwatch-computer/>,” under Rule 802 of the Federal Rules of Evidence

because it constitutes inadmissible hearsay. Petitioner further objects to Exhibit 2035 because it lacks the necessary authentication. Petitioner also objects to Exhibit 2035 under Rules 401-403 of the Federal Rules of Evidence because it is not relevant.

Dated: January 26, 2021

Respectfully submitted,

/Joseph E. Palys/  
Joseph E. Palys  
Registration No. 46,508  
Counsel for Petitioner

**CERTIFICATE OF SERVICE**

I hereby certify that on this 26th day of January 2021, a copy of the foregoing Petitioner's Objections to Patent Owner's Exhibits was served by electronic mail upon the following:

GBeck@foley.com  
EThompson@foley.com  
RRodrigues@foley.com  
PhilipsIPRs@foley.com

Dated: January 26, 2021

Respectfully submitted,

/ Joseph E. Palys /  
Joseph E. Palys  
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