

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
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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.
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16 Boston, Massachusetts 02110

17 PAUL HASTINGS LLP
18 By: Yar R. Chaikovsky, Esq.
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23
24
25

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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