

states that it may also rely on the circumstances surrounding Philips's assertion, and subsequent dismissal of the '958 patent, as evidence that this case is exceptional under 35 U.S.C § 285. Philips disagrees that the assertion of the '958 Patent has any bearing on any request by Fitbit for Attorneys' Fees and Costs, or to any request under 35 U.S.C. 285, however, will address the same if an when Fitbit brings those issues to the Court.

Philips respectfully requests that the Court grant this Motion.

Dated: September 2, 2020

Respectfully Submitted,

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LOCAL RULE 7.1 CERTIFICATION

Pursuant to Local Rule 7.1(a)(2), the undersigned conferred with counsel for Fitbit, Inc. and Fitbit, Inc. does not oppose this motion.

By: /s/Ruben J. Rodrigues
Ruben J. Rodrigues

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above document was served on September 2, 2020 on counsel for Defendant via electronic mail.

By: /s/Ruben J. Rodrigues
Ruben J. Rodrigues