

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

PHILIPS NORTH AMERICA LLC,

Plaintiff,

v.

FITBIT, INC.,

Defendant.

Civil Action No. 1:19-cv-11586-IT

**FITBIT'S NOTICE OF SUPPLEMENTAL AUTHORITY RELATING TO CLAIM
CONSTRUCTION (LEAVE TO SUBMIT GRANTED SEPTEMBER 3, 2020 (DKT. 105))**

COMES NOW Defendant Fitbit, Inc. ("Fitbit" or "Defendant") and respectfully submits this Notice of Supplemental Authority relating to Claim Construction. The District Court in *Philips North America LLC v. Garmin Int'l, Inc. et al.* Case No. 2:19-CV-06301-AB-KS issued its Claim Construction Order, attached (the Order) on August 28, 2020. The Order addresses overlapping claim terms for the same patents under consideration by this Court, including the following:

'007 patent

Term:	Court's construction:
"means for computing"	Indefinite under 35 U.S.C. §112
"means for suspending and resuming operation of said means for computing when a speed of the athlete falls below a predetermined threshold"	Moot, based on determination that "means for computing" term is indefinite

'233 patent

Term:	Court's construction:
"first personal device"	first personal medical device

“wireless communication”	No construction, rejecting Philips’ proposed construction
“governing information transmitted between the first personal device and the second device”	No construction, rejecting Philips’ proposed construction

Dated: September 3, 2020

FITBIT, INC.

By Its Attorneys,

/s/ Yar R. Chaikovsky

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CERTIFICATE OF SERVICE

I certify that a true copy of the above document was served on the attorney of record for each party via the Court's CM/ECF system, which will send notification of this filing (NEF) to all registered participants, and paper copies will be sent to those indicated as nonregistered participants.

Dated: September 3, 2020

By: /s/ Yar R. Chaikovsky
Yar R. Chaikovsky (*Pro Hac Vice*)