

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-FDS

**PLAINTIFF’S OPPOSED EMERGENCY MOTION TO EXTEND FACT DISCOVERY
AT LEAST THROUGH MARCH 5th, 2021 SO THAT THE PARTIES MAY DISCUSS
FURTHER EXTENSIONS TO THE CASE SCHEDULE WITH THE COURT**

Plaintiff Philips North America LLC (“Philips”) respectfully requests that the current fact discovery cut-off date of February 23, 2021 be extended to at least March 5, 2021 to allow for discussion with the Court regarding several scheduling disputes at the next status conference currently scheduled for March 1, 2021.

Based on the reasons set out in the accompanying memorandum in support of this motion, Philips respectfully requests that the Court GRANT this motion.

Dated: February 17, 2021

Respectfully Submitted,

/s/ Eley O. Thompson

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LOCAL RULE 7.1 CERTIFICATION

I, Ruben J. Rodrigues, counsel for Plaintiff Philips North America, LLC, hereby certify that we have conferred with counsel for Fitbit, Inc. to resolve the issues presented in this motion, but after a good faith attempt to reach agreement, the parties did not do so.

Dated: February 17, 2021

By: /s/ Ruben J. Rodrigues

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above document was served on February 17, 2021 on counsel for Defendant via electronic mail.

By: /s/ John W. Custer