

**IN THE 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

**JOINT MOTION TO REVISE
THE AMENDED DEADLINES ENTERED AT DOCKET NO. 177**

The parties in the above-captioned matter file this joint motion seeking to revise the Amended Deadlines entered at Docket No. 177. The Electronic Clerk's Notes accompanying the order correctly record what the parties understand to be the Court's intended scheduling modification as ordered during the April 21, 2021 Status Conference: "deadlines pushed back 30 days." The parties jointly seek to revise the specific Amended Deadlines provided in Docket No. 177 to reflect that intent.

This joint motion is supported by good cause. On April 21, 2021, the Court held a status conference in the above-captioned matter. Consistent with the Clerk's Notes, the parties' shared understanding of the Court's intent as expressed during the conference was to extend the remaining case scheduling deadlines by thirty days. The Amended Deadline dates provided in Docket No. 177, however, do not reflect that intent, as compared with the deadlines provided in Docket No. 159. To bring the Amended Deadlines into accord with the Court's order during the status conference, the parties respectfully submit that the Amended Deadlines be revised as

follows¹:

<u>Former Deadline (D.I. 159)</u>	<u>Current Deadline (D.I. 177)</u>	<u>Proposed Deadline</u>
Close of Fact Discovery: 3/23/2021	Close of Fact Discovery: 4/23/2021	Close of Fact Discovery: Fact discovery remains closed as of March 23, 2021.
Fact Discovery Motions: 3/31/2021	Fact Discovery Motions: 5/3/2021	Fact Discovery Motions: The deadline for fact discovery motions passed March 31, 2021.
Opening Expert Reports: 5/25/2021	Opening Expert Reports: 5/27/2021	Opening Expert Reports: 6/29/2021
Rebuttal Expert Reports: 7/6/2021	Rebuttal Expert Reports: 7/8/2021	Rebuttal Expert Reports: 8/10/2021
Close of Expert Discovery: 8/3/2021	Close of Expert Discovery: 8/3/2021	Close of Expert Discovery: 9/7/2021
Expert Discovery Motions: 8/10/2021	Expert Discovery Motions: 8/13/2021	Expert Discovery Motions: 9/14/2021

The Proposed Deadlines are agreed to by both parties and will allow the parties to focus expert discovery and narrow their disputes before trial.

WHEREFORE, the parties respectfully request that the Court grant this Joint Motion to revise the Amended Deadlines entered at Docket No. 177.

¹ The Proposed Deadlines modify the dates previously entered at Docket No. 159 by approximately thirty-day extension such that each deadline falls on a Tuesday.

DATED: April 22, 2020

/s/ Karim Z. Oussayef

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LOCAL RULE 7.1(a)(2) CERTIFICATION

I, Karim Z. Oussayef, counsel for Defendant, hereby certifies that counsel for Defendant met and conferred with counsel for Plaintiff on April 22, 2021, wherein counsel for Plaintiff stated that they agree to this extension request.

/s/ Karim Z. Oussayef

CERTIFICATE OF SERVICE

I certify that this document is being filed through the Court's electronic filing system, which serves counsel for other parties who are registered participants as identified on the Notice of Electronic Filing (NEF). Any counsel for other parties who are not registered participants are being served by first class mail on the date of electronic filing.

/s/ Gregory F. Corbett