

**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 EXTEND THE TIME TO FILE DISCOVERY
MOTIONS RELATING TO PLAINTIFF'S APRIL 16, 2021 PRIVILEGE LOG**

The parties in the above-captioned matter file this joint motion seeking to further extend the deadline for Defendant, Fitbit, Inc. ("Fitbit"), to file discovery motions that relate to Plaintiff Philips North America LLC's ("Philips") April 16, 2021 privilege log. Fact discovery in this matter closed on March 23, 2021 and the current deadline for filing motions relating to Philips's April 16, 2021 privilege log is May 21, 2021.¹

This joint motion is supported by good cause. The extension will permit the parties to continue to meet and confer in an effort to resolve pending disputes without judicial intervention. The extension will not impact any other deadlines in this matter and will not cause prejudice or delay in this action. Further, all parties have agreed to this extension request.

WHEREFORE, the parties respectfully request that the Court grant this Joint Motion to

¹ Philips originally served its privilege log on March 23, 2021. After the parties met and conferred on March 26, Philips agreed to review and amend the March 23 log. Pursuant to that agreement, the parties filed a joint motion to extend the deadline for filing discovery motions related to that log. D.I. 169. The Court granted that extension in its April 7, 2021 order. D.I. 170. Philips served its amended log on Fitbit on April 16, 2021. After further conference, the parties again sought to extend the deadline for motions related to Philips's log (D.I. 178), which the Court granted. (D.I. 184.) The parties again met and conferred regarding Philips's April 16 log on May 18, 2021.

extend the deadline to June 8, 2021 for Fitbit to file discovery motions related to Philips's April 16, 2021 privilege log.

DATED: May 20, 2021

/s/ Karim Z. Oussayef

Karim Z. Oussayef (*pro hac vice*)
koussayef@desmaraisllp.com
Leslie M. Spencer (*pro hac vice*)
lspencer@desmaraisllp.com
Brian D. Matty (*pro hac vice*)
bmatty@desmaraisllp.com

DESMARAIS LLP
230 Park Avenue
New York, NY 10169
Telephone: (212) 351-3400
Facsimile: (212) 351-3401

Ameet A. Modi (*pro hac vice*)
amodi@desmaraisllp.com
Emily H. Chen (*pro hac vice*)
echen@desmaraisllp.com

DESMARAIS LLP
101 California Street
San Francisco, CA 94111
Telephone: (415) 573-1900
Facsimile: (415) 573-1901

Gregory F. Corbett (BBO # 646394)
Elizabeth A. DiMarco (BBO#681921)

WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, MA 02110
Telephone: (617) 646-8000
Facsimile: (617) 646-8646
gcorbett@wolfgreenfield.com
edimarco@wolfgreenfield.com

Attorneys for Fitbit, Inc.

/s/ Ruben J. Rodrigues

Lucas I. Silva (BBO 673,935)
Ruben J. Rodrigues (BBO 676,573)
John W. Custer (BBO 705,258)

FOLEY & LARDNER LLP
111 Huntington Avenue
Suite 2500
Boston, MA 02199-7610
Phone: (617) 342-4000
Fax: (617) 342-4001
lsilva@foley.com
rrodrigues@foley.com
jcuster@foley.com

Eley O. Thompson (*pro hac vice*)
FOLEY & LARDNER LLP
321 N. Clark Street
Suite 2800
Chicago, IL 60654-5313
Phone: (312) 832-4359
Fax: (312) 832-4700
ethompson@foley.com

Counsel for Plaintiff
Philips North America LLC

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 May 19, 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/ Elizabeth A. DiMarco