

**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 DEADLINE TO FILE STATUS REPORT

Plaintiff Philips North America LLC (“Philips”) and Defendant Fitbit, Inc. (“Fitbit”) respectfully jointly move the Court to extend the deadline to file their status report. On April 8, 2020, the Court ordered that if the Court were to deny Fitbit’s Motion to Dismiss, then parties were to file a status report seven days after the issuance of that order. *See* Dkt. #61. On August 10, 2021, the Court denied Fitbit’s Motion to Dismiss. *See* Dkt. # 219. On August 17, 2021 the parties jointly filed a motion requesting an extension to file the status report to August 24, 2021. *See* Dkt. #221. The parties have met and conferred, and believe that they would benefit from some additional time to meet and confer before providing the Court the status report. The parties therefore request an extension to August 27, 2021 to file their status report.

Therefore, Philips and Fitbit respectfully request that the Court grant the parties’ joint motion.

Dated: August 24, 2021

PHILIPS NORTH AMERICA LLC,

By its attorneys,

/s/ Ruben J. Rodrigues

Ruben Rodrigues (BBO 676,573)

Lucas I. Silva (BBO 673,935)

John Custer (BBO 705,258)

FOLEY & LARDNER LLP

111 Huntington Avenue
Suite 2500

Boston, MA 02199-7610

Phone: (617) 342-4000

Fax: (617) 342-4001

rrodrigues@foley.com

lsilva@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

Respectfully submitted,

FITBIT, INC.

By Its Attorneys,

/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

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 August 24, 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