

**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

**JOINT MOTION TO EXCEED PAGE LIMITS AND  
ENLARGEMENT OF TIME TO OPPOSE MOTION TO DISMISS**

Plaintiff Philips North America LLC (“Philips”) and Defendant Fitbit, Inc. (“Fitbit”) respectfully and jointly move to exceed the page limits imposed by Local Rule 7.1(b)(4) by five pages in connection with Fitbit’s intended motion to dismiss Philips’ Amended Complaint and Philips’ corresponding opposition. In addition, the parties respectfully and jointly move for an enlargement of time of seven days for Philips to file an opposition to Fitbit’s motion to dismiss. In support of this motion, the parties jointly state as follows:

1. In response to Philips’ Complaint, Fitbit filed a motion to dismiss pursuant to Fed. R. Civ. Proc. 12(b)(6) on the grounds that the asserted patents claim unpatentable subject matter pursuant to 35 U.S.C. § 101 and *Alice Corp. Pty. Ltd. v. CLS Bank Int’l*, 573 U.S. 208 (2014). (ECF No. 20). Philips responded to Fitbit’s motion to dismiss by filing an Amended Complaint. (ECF No. 25).
2. In response to the Amended Complaint, Fitbit intends to re-file a motion to dismiss based on the same grounds that the asserted patents claim unpatentable subject matter pursuant to 35

U.S.C. § 101 and *Alice Corp. Pty. Ltd. v. CLS Bank Int'l*, 573 U.S. 208 (2014). The parties jointly agree that a modest enlargement of five (5) pages to the page limit imposed by Local Rule 7.1(b)(4) will enable the parties to better explain to the Court the technology relating to the asserted patents in this case.

3. In addition, the parties jointly request that Philips be granted a modest enlargement of seven days to file its opposition to Fitbit's motion to dismiss. This is Philips' second request for an extension of any of its deadlines.

WHEREFORE, the parties jointly and respectfully request that the Court enter an order granting this Joint Motion as follows:

- a. Defendant Fitbit's Memorandum in Support of Motion to Dismiss Philips' Amended Complaint may exceed the page limits imposed by Local Rule 7.1(b)(4) by five pages, for a total page limit of twenty-five pages;
- b. Plaintiff Philips' Opposition to Fitbit's Motion to Dismiss may exceed the page limits imposed by Local Rule 7.1(b)(4) by five pages, for a total page limit of twenty-five pages; and
- c. The time for Philips to file an opposition to Fitbit's Motion to Dismiss be enlarged by seven days.

Jointly and respectfully submitted on this 6<sup>th</sup> day of December, 2019,

FITBIT, INC.  
by its attorneys,

/s/ David Beckwith

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## **CERTIFICATE OF SERVICE**

I hereby certify that, on December 6, 2019, I electronically filed the foregoing with the Clerk's Office using 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 non-registered participants.

/s/ David Beckwith

David Beckwith