

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

**[PROPOSED] ORDER GRANTING DEFENDANT FITBIT, INC.'S RENEWED RULE  
12(b)(6) MOTION TO DISMISS PLAINTIFF PHILIPS NORTH AMERICA LLC'S  
FIRST AMENDED COMPLAINT UNDER 35 U.S.C. § 101**

Having reviewed Defendant Fitbit, Inc.'s renewed motion to dismiss Plaintiff Philips North America LLC's first amended complaint under Rule 12(b)(6) of the Federal Rules of Civil Procedure, the Court **GRANTS** the motion.

The Court **ORDERS** the first amended complaint to be **DISMISSED WITH PREJUDICE**.

BY THE COURT:

Date: \_\_\_\_\_

\_\_\_\_\_  
Indira Talwani, J.