

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

**[PROPOSED] ORDER DISMISSING AND ENTERING FINAL JUDGMENT**

Before the Court is Plaintiff Philips North America's Renewed Motion to Dismiss and Enter Final Judgment, which is unopposed by Defendant Fitbit, Inc.

In view of the Motion and in accordance with the Federal Circuit's April 6, 2023 affirmance of the PTAB's Final Written Decision in IPR202-00783 finding all asserted claims of U.S. Patent No. 7,088,233 (the "'233 Patent) unpatentable, the Court hereby **DISMISSES WITH PREJUDICE** all claims with regard to the '233 Patent and **DISMISSES WITHOUT PREJUDICE** all counterclaims with regard to the '233 Patent.

Further, in view of the Motion and in accordance with this Court's rulings at Dkt. Nos. 212, 401 & 414, and good cause appearing, the Court hereby enters **FINAL JUDGMENT** of invalidity as to the asserted claims of U.S. Patent No. 6,013,007 and invalidity as to the asserted claims of U.S. Patent No. 8,277,377 and **DISMISSES WITHOUT PREJUDICE** any counterclaims remaining in this matter.

**So Ordered.**

DATE: \_\_\_\_\_

BY THE COURT:

/s/ \_\_\_\_\_  
Chief Judge F. Dennis Saylor IV