

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

**NOTICE OF SUPPLEMENTAL AUTHORITY RELATING TO FITBIT'S RENEWED  
RULE 12(b)(6) MOTION TO DISMISS PLAINTIFF PHILIPS NORTH AMERICA  
LLC'S FIRST AMENDED COMPLAINT UNDER 35 U.S.C. § 101 AND PHILIPS'S  
OPPOSITION THERETO**

Defendant Fitbit, Inc. ("Fitbit") and Plaintiff Philips North America LLC ("Philips") respectfully submit this Notice of Supplemental Authority regarding recent Federal Circuit's § 101 decisions relevant to Fitbit's pending Renewed Rule 12(b)(6) Motion to dismiss Plaintiff Philips North America LLC's ("Philips") First Amended Complaint under 35 U.S.C. § 101 and Philips's Opposition thereto. Dkt. 34 filed December 10, 2019 and Dkt. 36 filed December 31, 2019.

Fitbit identifies the following Federal Circuit cases: *Cardionet, LLC v. Infobionic, Inc.* No. 2020-1018, Dkt. 45 (Fed. Cir. July 1, 2020) and *Dropbox, et al. v. Synchronoss Technologies*, Nos. 2019-1765, 2019-1767, 2019-1823, Dkt. 48 (Fed. Cir. June 19, 2020), which are attached hereto.

Philips identifies the following Federal Circuit cases: *Uniloc USA, Inc. v. LG Electronics USA, Inc.*, 957 F.3d 1303 (Fed. Cir. 2020) and *CardioNet, LLC v. InfoBionic Inc.*, 955 F.3d 1358 (Fed. Cir. 2020). These two decisions are also attached hereto.

Dated: July 2, 2020

PHILIPS NORTH AMERICA LLC,

FITBIT, INC.

By Its Attorneys,

By Its Attorneys,

/s/ Ruben J. Rodrigues

/s/ Yar R. Chaikovsky

Ruben Rodrigues (BBO 676,573)

Yar R. Chaikovsky

Lucas I. Silva (BBO 673,935)

yarchaikovsky@paulhastings.com

John Custer (BBO 705,258)

Chad Peterman

FOLEY & LARDNER LLP

chadpeterman@paulhastings.com

111 Huntington Avenue

Dave Beckwith

Suite 2500

davidbeckwith@paulhastings.com

Boston, MA 02199-7610

David Okano

Phone: (617) 342-4000

davidokano@paulhastings.com

Fax: (617) 342-4001

Radhesh Devendran

rrodrigues@foley.com

radheshdevendran@paulhastings.com

lsilva@foley.com

Berkeley Fife

jcuster@foley.com

berkeleyfife@paulhastings.com

Eley O. Thompson (*pro hac vice*)

PAUL HASTINGS LLP

FOLEY & LARDNER LLP

1117 S. California Avenue

321 N. Clark Street

Palo Alto, California 94304-1106

Suite 2800

Telephone: 1(650) 320-1800

Chicago, IL 60654-5313

Facsimile: 1(650) 320-1900

Phone: (312) 832-4359

Fax: (312) 832-4700

ethompson@foley.com

Jennifer B. Furey (BBO # 634174)

Andrew T. O'Connor (BBO # 664811)

GOULSTON & STORRS PC

400 Atlantic Avenue

Boston, MA 02110

Telephone: (617) 482-1776

Facsimile: (617) 574-4112

E-mail: jfurey@goulstonstorrs.com

aoconnor@goulstonstorrs.com

**CERTIFICATE OF SERVICE**

I certify that a true copy of the above document was served on the attorney of record for each party via 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 nonregistered participants.

Dated: July 2, 2020

By: /s/ Yar R. Chaikovsky  
Yar R. Chaikovsky (*Pro Hac Vice*)