

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

**PLAINTIFF PHILIPS NORTH AMERICA LLC'S NOTICE OF INTENT TO
WITHDRAW COUNT IV OF THE AMENDED COMPLAINT FOR
PATENT INFRINGEMENT**

Plaintiff Philips North American LLC ("Philips") hereby informs the Court of its intent to withdraw its allegations of infringement of U.S. Patent No. 6,976,958 ('958 patent). Defendant Fitbit has not yet answered the complaint in this action. In its continuing efforts to narrow issues in the case, Philips intends to promptly meet and confer with Defendant Fitbit, Inc. concerning the withdrawal of its infringement allegations for the '958 patent through an amendment of the complaint, but Philips is filing the present Notice to inform the Court of its intent to withdraw its infringement allegations in view of the claim construction hearing that is scheduled to take place on August 5, 2020.

Dated: August 4, 2020

Respectfully Submitted,

/s/ Lucas I. Silva

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above document was served on August 4, 2020 on counsel for Defendant via electronic mail.

By: /s/Lucas I. Silva