

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

**FITBIT’S MOTION FOR LEAVE TO SUBMIT SUPPLEMENTAL AUTHORITY  
RELATING TO CLAIM CONSTRUCTION**

COMES NOW Defendant Fitbit, Inc. (“Fitbit” or “Defendant”) and respectfully submits this motion for leave to Submit Supplemental Authority relating to Claim Construction. The District Court in *Philips North America LLC v. Garmin Int’l, Inc. et al.* Case No. 2:19-CV-06301-AB-KS issued its Claim Construction Order, attached (the Order) on August 28, 2020. The Order addresses overlapping claim terms for the same patents under consideration by this Court, including the following:

**‘007 patent**

Term:	Court’s construction:
“means for computing”	Indefinite under 35 U.S.C. §112
“means for suspending and resuming operation of said means for computing when a speed of the athlete falls below a predetermined threshold”	Moot, based on determination that “means for computing” term is indefinite

**'233 patent**

<b>Term:</b>	<b>Court's construction:</b>
"first personal device"	first personal medical device
"wireless communication"	No construction, rejecting Philips' proposed construction
"governing information transmitted between the first personal device and the second device"	No construction, rejecting Philips' proposed construction

Dated: September 1, 2020

FITBIT, INC.

By Its Attorneys,

*/s/ Yar R. Chaikovsky*


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**LOCAL RULE 7.1 CERTIFICATION**

I, David Beckwith, counsel for Defendant Fitbit, Inc., hereby certify that we have conferred with counsel for Philips North America, LLC to resolve the issues presented in this motion, but after a good faith attempt to reach agreement, the parties did not do so.

Dated: September. 1, 2020

By: /s/ David Beckwith  
David Beckwith (*pro hac vice*)

**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: September 1, 2020

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