

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

**NOTICE OF PROVISIONAL FILING**

Notice is hereby given that Plaintiff Philips North America LLC (“Philips”), by and through its undersigned attorney, is provisionally filing in the above-captioned action a Reply Brief in Support of Plaintiff’s Motion to Strike Fitbit’s Inequitable Conduct Defense, which is attached hereto. This filing is made pursuant to the schedule set forth in the pending Joint Motion of the Parties for Leave to File a Reply and Sur-Reply on Plaintiff’s Motion to Strike Affirmative Defenses and Joint Stipulation Relating to the Same, which provides that Philips is “to file a Reply no longer than ten (10) pages by October 7, 2021” and that Defendant Fitbit, Inc. is “to file a Sur-Reply no longer than ten (10) pages by October 14, 2021.” (Dkt. 244 at 1.)

Dated: October 7, 2021

Respectfully Submitted,

/s/ Ruben J. Rodrigues  
Lucas I. Silva (BBO 673,935)  
Ruben J. Rodrigues (BBO 676,573)  
John Custer (BBO 705,258)  
FOLEY & LARDNER LLP  
111 Huntington Avenue  
Suite 2500  
Boston, MA 02199-7610  
Phone: (617) 342-4000  
Fax: (617) 342-4001  
lsilva@foley.com  
rrodrigues@foley.com  
jcuster@foley.com

Eley O. Thompson (*pro hac vice*)  
FOLEY & LARDNER LLP  
321 N. Clark Street  
Suite 2800  
Chicago, IL 60654-5313  
Phone: (312) 832-4359  
Fax: (312) 832-4700  
ethompson@foley.com

*Counsel for Plaintiff*  
*Philips North America LLC*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document was filed with the Court through the ECF system and that a copy will be electronically served on registered participants as identified on the Notice of Electronic Filing.

By: /s/ Ruben J. Rodrigues