

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

PHILIPS NORTH AMERICA LLC,

Plaintiff,

v.

FITBIT LLC,

Defendant.

Civil Action No. 1:19-cv-11586-FDS

**JOINT STIPULATION TO PARTIALLY STAY PROCEEDINGS RELATED TO U.S.
PATENT NO. 7,088,233**

Plaintiff Philips North America LLC (“PNA”) and Defendant Fitbit LLC (“Fitbit”), hereby file this Joint Stipulation to Stay Proceedings with respect to U.S. Patent No. 7,088,233 (“the ’233 patent”) pending a resolution of any appeals of the Patent Trial and Appeal Board’s Final Written Decision in IPR2020-00783.

On October 4, 2021, the Patent Trial and Appeal Board (“PTAB”) issued a final written decision in IPR2020-00783 finding all asserted claims of the ’233 Patent unpatentable. PNA is considering an appeal of that decision. The parties have met and conferred and stipulate to a partial stay of this case that would apply to proceedings related to ’233 patent while proceedings relating to U.S. Patent No. 8,277,377 (“the ’377 patent) (which is not the subject of any instituted IPR proceeding) would proceed.

For the foregoing reasons, the parties stipulate to stay proceedings with regard the ’233 patent pending PNA’s appeal of the PTAB’s final written decision and respectfully request the Court enter this stipulation such that present deadlines need not apply with regard to proceedings in this action to the extent they relate to the ’233 Patent.

Dated: October 20, 2021

Respectfully Submitted,

/s/ Ruben J. Rodrigues

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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