

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

**PLAINTIFF’S UNOPPOSED MOTION FOR LEAVE TO FILE A REPLY AND SUR-
REPLY ON PLAINTIFF’S MOTION TO STRIKE PORTIONS OF NOVEMBER 16, 2021
EXPERT REPORT OF JOSEPH A. PARADISO AS TO PREVIOUSLY WITHHELD
PRIOR ART AND INDEFINITENESS DEFENSE**

Plaintiff Philips North America LLC (“Philips”) hereby requests that the Court permit limited additional briefing on Plaintiff’s pending Motion to Strike Portions of Dr. Joseph A. Paradiso’s Opening Report (Dkt. No. 259) according to the following proposed terms:

- (1) Philips to file a Reply no longer than ten (10) pages by January 18, 2022,
- (2) Fitbit to file a Sur-Reply no longer than ten (10) pages by February 4, 2022.

Defendant Fitbit LLC (“Fitbit”) has indicated that it does not oppose this motion.

WHEREFORE, Philips hereby respectfully requests that the Court grant this unopposed motion.

Dated: January 11, 2022

Respectfully Submitted,

/s/ John W. Custer

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LOCAL RULE 7.1(a)(2) STATEMENT

I, John W. Custer, pursuant to Local Rule 7.1(a)(2), hereby certify that on January 11, 2021 counsel for Philips in good faith conferred with Counsel for Defendant in an effort to resolve or narrow the issues presented in this motion, and that Fitbit does not oppose the relief requested by this motion.

Dated: January 11, 2022

/s/ John W. Custer

John W. Custer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 11, 2022 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.

/s/ John W. Custer

John W. Custer