

**IN THE 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

**FITBIT LLC'S UNOPPOSED MOTION FOR LEAVE TO FILE A REPLY AND SUR-  
REPLY ON FITBIT'S MOTION TO STRIKE, IN PART, THE INFRINGEMENT  
EXPERT REPORT AND OPINIONS OF DR. TOM MARTIN**

Defendant Fitbit LLC ("Fitbit") hereby requests the Court's leave to file limited additional briefing on Fitbit's pending Motion to Strike, In Part, the Infringement Expert Report and Opinions of Dr. Tom Martin (D.I. 268). Specifically, Fitbit requests that the Court permit:

- (1) Fitbit to file a Reply no longer than ten (10) pages by February 4, 2022; and
- (2) Philips to file a Sur-Reply no longer than ten (10) pages by February 22, 2022.

Plaintiff Philips North America LLC does not oppose this motion.

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

DATED: January 19, 2022

/s/ David J. Shaw

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**LOCAL RULE 7.1(a)(2) CERTIFICATION**

I, David J. Shaw, counsel for Defendant, hereby certifies that counsel for Defendant met and conferred with counsel for Plaintiff on January 19, 2022, wherein counsel for Plaintiff stated that they do not oppose this request.

*/s/ David J. Shaw*

**CERTIFICATE OF SERVICE**

I certify that this document is being filed through the Court's electronic filing system, which serves counsel for other parties who are registered participants as identified on the Notice of Electronic Filing (NEF). Any counsel for other parties who are not registered participants are being served by first class mail on the date of electronic filing.

*/s/ David J. Shaw*