

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

PHILIPS NORTH AMERICA LLC,

Plaintiff,

v.

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

FITBIT LLC,

Defendant.

**FITBIT LLC’S UNOPPOSED MOTION FOR REDACTION OF
ELECTRONIC TRANSCRIPT OF JUNE 24, 2022 HEARING**

Pursuant to Local Rules 7.1 and 7.2, Defendant Fitbit LLC (“Defendant” or “Fitbit”), by and through its undersigned counsel, respectfully moves for redaction of the electronic transcript of the summary judgment motion hearing held on June 24, 2022 (*see* D.I. #396).

In particular, Fitbit requests that the following portions of the transcript be redacted and sealed because they reference Fitbit’s confidential business information that has been designated as Highly Confidential under the Order Adopting Discovery Stipulation and Modified Protective Order in this case (“Protective Order”) (D.I. #59).

Portions Subject to Request for Redaction (by Page and Line Number)
Page 10, ln. 15 (portion thereof)
Page 15, lns. 4-7 (portions thereof)
Page 15, lns. 23-25 (portions thereof)
Page 16, ln. 1 (portion thereof)
Page 16, ln. 3 (portion thereof)
Page 18, lns. 7-10 (portions thereof)
Page 18, lns. 14-15 (in their entirety)
Page 18, lns. 17-18 (portions thereof)
Page 18, ln. 19 (portion thereof)
Page 18, lns. 22-24 (portions thereof)
Page 21, lns. 18-20 (portions thereof)

Page 23, ln. 11 (portions thereof)
Page 23, lns. 13-14 (portions thereof)
Page 23, lns. 16-19 (portions thereof)
Page 23, lns. 21-22 (portions thereof)
Page 24, ln. 4 (portions thereof)
Page 24, lns. 8-16 (portions thereof)
Page 24, ln. 25 (portion thereof)
Page 25, ln. 3 (portions thereof)
Page 31, lns. 22-24 (portion thereof)
Page 32, ln. 4 (portion thereof)
Page 32, lns. 10-12 (portions thereof)
Page 32, lns. 20-24 (in their entirety)
Page 33, ln. 5 (portion thereof)
Page 33, lns. 9-10 (portions thereof)
Page 33, ln. 13 (portion thereof)
Page 33, lns. 20-25 (portions thereof)
Page 34, ln. 1 (portion thereof)
Page 34, lns. 3-24 (portions thereof)
Page 35, lns. 1-14 (portions thereof)
Page 35, lns. 16-25 (portions thereof)
Page 36, lns. 1-25 (portions thereof)
Page 37, lns. 1-22 (portions thereof)
Page 39, ln. 14 (portion thereof)
Page 40, lns. 4-5 (portions thereof)
Page 40, lns. 11-13 (portions thereof)
Page 40, lns. 16-17 (portions thereof)
Page 40, lns. 21-22 (portions thereof)
Page 41, lns. 4-5 (portions thereof)
Page 41, lns. 7-8 (portions thereof)
Page 41, lns. 19-24 (portions thereof)
Page 42, lns. 4-5 (portions thereof)
Page 46, lns. 12-14 (portions thereof)
Page 48, lns. 1-2 (portions thereof)
Page 51, lns. 2-13 (portions thereof)
Page 51, lns. 15-16 (portions thereof)
Page 51, lns. 24-25 (portions thereof)
Page 52, lns. 1-2 (portions thereof)
Page 54, ln. 5 (portion thereof)
Page 54, ln. 18 (portion thereof)
Page 55, ln. 23 (portion thereof)

As grounds for this Motion, Fitbit states that the above-referenced portions of the transcript contain confidential information regarding the structure, function, and operation of the accused

Fitbit wearable devices, applications, and servers, and that has been designated Confidential under the Protective Order. Additionally, the above-referenced portions of the transcript include confidential information regarding the number of Fitbit users in the United States, as well as confidential information regarding internal Fitbit customer/market surveys, both of which are confidential Fitbit competitive and market intelligence, and accordingly, have been designated Confidential pursuant to the Protective Order.

WHEREFORE, Fitbit respectfully requests that the foregoing portions of the electronic transcript of the June 24, 2022 summary judgment motion hearing be redacted and sealed. The above-referenced portions of the transcript should not be made available for inspection by the public.

Respectfully submitted,

Dated: August 29, 2022

By: /s/ Alexandra K. Kim

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Attorneys for Defendant Fitbit LLC

CERTIFICATE PURSUANT TO LOCAL RULE 7.2

The undersigned hereby certifies that counsel for Fitbit conferred with counsel for Philips Philips's counsel indicated that Philips does not oppose the relief requested by this Motion.

/s/ Alexandra K. Kim

Alexandra K. Kim

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