

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

**PHILIPS NORTH AMERICA LLC'S NOTICE OF APPEAL**

Notice is given that Plaintiff Philips North America LLC ("Philips") hereby appeals to the United States Court of Appeals for the Federal Circuit from the Order regarding Plaintiff's Motion For Reconsideration of the Memorandum and Order on Cross-Motions For Summary Judgment entered on July 13, 2023 (ECF No. 414), Memorandum and Order On Cross-Motions For Summary Judgment entered on September 1, 2022 (ECF No. 401), and Memorandum and Order on Claim Construction entered on July 22, 2021 (ECF No. 212).

Dated: August 12, 2023

Respectfully Submitted,

*/s/ Ruben J. Rodrigues*

Ruben J. Rodrigues (BBO 676,573)

Lucas I. Silva (BBO 673,935)

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

Michelle A. Moran (*pro hac vice*)  
FOLEY & LARDNER LLP  
777 East Wisconsin Avenue  
Milwaukee, WI 53202  
Phone: (414) 271-2400  
Fax: (414) 297-4900  
mmoran@foley.com

*Counsel for Plaintiff Philips North America  
LLC*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on August 12, 2023 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/ Ruben J. Rodrigues  
Ruben J. Rodrigues