

EXHIBIT 1

FORM 26. Docketing Statement

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July 2020

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

DOCKETING STATEMENT

Case Number: 2023-2286

Short Case Caption: Philips North America, LLC v. Fitbit LLC

Filing Party/Entity: Fitbit LLC

Instructions: Complete each section or check the box if a section is intentionally blank or not applicable. Attach additional pages as needed. Refer to the court's Mediation Guidelines for filing requirements. An amended docketing statement is required for each new appeal or cross-appeal consolidated after first filing.

Case Origin	Originating Number	Type of Case
US District Court for Mass	1:19-cv-11586	Patent Litigation

Relief sought on appeal: None/Not Applicable

To the extent the Federal Circuit has jurisdiction, Fitbit requests affirmance of the district court's order on claim construction (7/22/2021), the district court's order granting Fitbit's motion for summary judgment of invalidity (9/1/22), and the district court's order denying Philips North America LLC's motion for reconsideration (7/13/2023). However, the district court case remains stayed with respect to some of the claims and defenses, and the district court has not entered final judgment, nor has the court entered judgment pursuant to Rule 54(b) or certified any order for interlocutory appeal. Accordingly, this appeal should be dismissed because the Federal Circuit lacks jurisdiction.

Relief awarded below (if damages, specify): None/Not Applicable

On July 22, 2021, the district court issued its order on claim construction, in which it found a term appearing in every asserted independent claim of U.S. Patent No. 6,013,007 to be indefinite.
On September 1, 2022, the district court granted summary judgment of invalidity in favor of Defendant Fitbit, LLC with respect to the asserted claims of U.S. Patent No. 8,277,377. And on July 13, 2023, the district court denied Plaintiff Philips North America LLC's motion for reconsideration of the order granting summary judgment of invalidity.

Briefly describe the judgment/order appealed from:

Philips North America, LLC purports to appeal from:
- The district court's finding of indefiniteness in its July 22, 2021 claim construction order;
- The district court's September 1, 2022 order granting summary judgment of invalidity in favor of Fitbit, LLC; and
- The district court's July 13, 2023 order denying Plaintiff Philips North America LLC's motion for reconsideration.

Nature of judgment (select one):

Date of judgment: N/A

Final Judgment, 28 USC § 1295

Rule 54(b)

Interlocutory Order (specify type) _____

Other (explain) _____

No final appealable order has issued that disposes of all claims and defenses.

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Name and docket number of any related cases pending before this court, and the name of the writing judge if an opinion was issued. None/Not Applicable

Philips North America LLC, v. Garmin International, Inc. Case No. 22-2255 (CAFC)

Issues to be raised on appeal: None/Not Applicable

1. Whether the Federal Circuit has jurisdiction before the district court disposes of all claims and defenses, including stayed claims for infringement of U.S. Patent No. 7,088,233.
2. Whether the district court correctly found that a term appearing in every asserted independent claim of U.S. Patent No. 6,013,007 is indefinite.
3. Whether the district court correctly granted summary judgment of invalidity with respect to the asserted claims of U.S. Patent No. 8,277,377.
4. Whether the district court acted within its discretion in denying reconsideration of its summary judgment order.

Have there been discussions with other parties relating to settlement of this case?

Yes No

If "yes," when were the last such discussions?

- Before the case was filed below
- During the pendency of the case below
- Following the judgment/order appealed from

If "yes," were the settlement discussions mediated? Yes No

If they were mediated, by whom?

N/A

Do you believe that this case may be amenable to mediation? Yes No

Explain.

The parties view the merits of the matter quite differently.

Provide any other information relevant to the inclusion of this case in the court's mediation program.

N/A

Date: 8/30/23 Signature: /s/ David J. Shaw

Name: David J. Shaw