

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 MOTION TO DISMISS CLAIMS PERTAINING TO U.S. PAT. NO.
7,088,233 AND TO ENTER FINAL JUDGMENT ON U.S. PAT. NOS. 8,277,377 AND
6,013,007**

Plaintiff Philips North America LLC (“Philips”) hereby requests that the Court permit limited additional briefing on Plaintiff’s pending Motion for Final Judgment (Dkt. 418) according to the proposed terms:

- (1) Philips to formally file its Reply (attached as exhibit A hereto) upon the granting of this Motion.
- (2) Fitbit to file a Sur-Reply by October 9, 2023.

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: September 28, 2023

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 September 28, 2023 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: September 28, 2023

/s/ John W. Custer

John W. Custer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 28, 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/ John W. Custer

John W. Custer