

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FITBIT, INC.,
Petitioner,

v.

BLACKBIRD TECH LLC d/b/a BLACKBIRD TECHNOLOGIES,
Patent Owner.

Case IPR2017-02012

Patent 6,434,212

**SECOND JOINT STIPULATION
TO MODIFY THE SCHEDULING ORDER**

Pursuant to the Scheduling Order (Paper 9) entered in the above captioned matter on March 12, 2018 and the first Joint Stipulation to Modify the Scheduling Order filed on April 5, 2018, the parties hereby stipulate that DUE DATES 1, 2, 4 and 5 be modified as follows:

DUE DATE 1: ~~June 22, 2018~~ July 6, 2018

- a.) Patent owner's response to the petition.
- b.) ~~Patent owner's motion to amend the patent.~~

DUE DATE 2: ~~September 21, 2018~~ September 28, 2018

- a.) Petitioner's reply to patent owner's response to petition.
- b.) ~~Petitioner's opposition to motion to amend.~~

DUE DATE 4: ~~October 12, 2018~~ October 19, 2018

- a.) Motion for observation regarding cross-examination of reply witness.
- b.) Motion to exclude evidence

DUE DATE 5: ~~November 2, 2018~~ November 9, 2018

- a.) Response to observation.
- b.) Opposition to motion to exclude.

In accordance with the Board's instruction of June 1, 2018, **the Request for oral argument shall be filed on or before October 12, 2018.** The other due dates from the Scheduling Order are not being modified by this Stipulation.

Dated: June 11, 2018

/s/ Harper Batts

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Respectfully Submitted

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CERTIFICATE OF SERVICE

I hereby certify that on June 11, 2018, a true and correct copy of the foregoing *Second Joint Stipulation to Modify the Scheduling Order* was served on Petitioner by serving the correspondence email addresses of record as follows:

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