

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

PHILIPS NORTH AMERICA LLC,	)	
	)	
Plaintiff,	)	
	)	C.A. No. 1:19-cv-11586-IT
v.	)	
	)	
FITBIT, INC.	)	
	)	
Defendant.	)	
	)	

**PLAINTIFF PHILIPS NORTH AMERICA LLC’S L.R. 16.6(d)(1) DISCLOSURES**

Pursuant to Local Rule 16.6(d)(1) and in accordance with the deadlines agreed to and adopted by the Court in this action, Philips North America LLC (“Philips,” “Plaintiff” or “Patentee”), by and through its counsel, makes the below Preliminary Patent-Related Disclosures.

Discovery in this action is only just beginning, and Defendant has not yet produced any documents or other discovery in this litigation. Accordingly, these disclosures are based solely upon publicly available information and Plaintiff’s present understanding of said publicly available information. Plaintiff’s investigation of the matters disclosed in Preliminary Patent-Related Disclosures is ongoing. Accordingly, Plaintiff may seek to amend, modify, or supplement these disclosures based upon further discovery and investigation.

Throughout these disclosures the term “Accused Products” may, depending on context and the specific patent at issue, mean any of the identified activity tracker products offered by Fitbit, as well as any software products related to, associated with, or used in conjunction with said activity tracker products (regardless of whether such software runs on the activity tracker

itself, a mobile device, desktop/laptop computer, server, or other computing device). For example, “Accused Product” may refer to an activity tracker alone or to a system utilizing the activity tracker in combination with a device running the Fitbit App. An Accused Product may also refer to a system that further includes server-based software and related hardware and software.

#### **A. Infringement Claim Charts**

Attached as Exhibits 1-65 are claim charts detailing Defendant’s infringement of the following U.S. Patents: U.S. Patent Nos. 6,013,007; 7,088,233; 8,277,377; and 6,976,958. Plaintiff asserts that Fitbit both directly and indirectly infringes each asserted claim under 35 U.S.C. § 271(a), (b), (c) and (f) by making, using, offering for sale, selling, importing, or exporting the Accused Products or components thereof; directing or controlling the use of the Accused Products by others (whether in whole or in part); actively and knowingly inducing others to use the Accused Products in an infringing manner; and/or contributing to the infringement of others.

Plaintiff asserts that each Asserted Claims is literally present in the Accused Products. To the extent that any elements of the Asserted Claims are not literally present, Plaintiff asserts that each element of the Asserted Claims is present under the doctrine of equivalents because any differences between the features of the Accused Product and the corresponding claim elements are insubstantial and/or that these features perform substantially the same functions in substantially the same ways to achieve substantially the same result as the corresponding claim elements.

Fitbit’s First Amended Complaint (Dkt. 25) also details Fitbit’s infringement and is incorporated herein by reference.

A summary of the asserted patents, infringing products, and asserted claims is provided below:

<b>U.S. Patent No. 6,013,007</b>		
Ex.	Infringing Product	Asserted Claims
1	Fitbit Ionic	7, 21, 22, 23, 24, 25, 26, 27, 28, 29
2	Fitbit Surge	7, 21, 22, 23, 24, 25, 26, 27, 28, 29

<b>U.S. Patent No. 7,088,233</b>		
Ex.	Infringing Device	Asserted Claims
3	Fitbit Ionic	1, 7, 8, 9, 10, 13, 14, 15, 16, 22, 24, 25, 26
4	Fitbit Surge	1, 7, 8, 9, 10, 13, 14, 24, 25, 26
5	Fitbit Versa	1, 7, 8, 9, 10, 13, 14, 15, 16, 22, 26
6	Fitbit Versa 2	1, 7, 8, 9, 10, 13, 14, 15, 16, 22, 26
7	Fitbit Versa Lite Edition	1, 7, 8, 9, 10, 13, 14, 26
8	Fitbit Charge	1, 7, 8, 9, 10, 13, 14, 26
9	Fitbit Charge HR	1, 7, 8, 9, 10, 13, 14, 26
10	Fitbit Charge 2	1, 7, 8, 9, 10, 13, 14, 26
11	Fitbit Charge 3	1, 7, 8, 9, 10, 13, 14, 26
12	Fitbit Inspire	1, 7, 8, 9, 10, 13, 14, 26
13	Fitbit Inspire HR	1, 7, 8, 9, 10, 13, 14, 26
14	Fitbit Alta	1, 7, 8, 9, 10, 13, 14, 26
15	Fitbit Alta HR	1, 7, 8, 9, 10, 13, 14, 26

16	Fitbit Flex	1, 7, 8, 9, 10, 13, 14, 26
17	Fitbit Flex 2	1, 7, 8, 9, 10, 13, 14, 26
18	Fitbit Ace	1, 7, 8, 9, 10, 13, 14, 26
19	Fitbit Ace 2	1, 7, 8, 9, 10, 13, 14, 26
20	Fitbit Zip	1, 7, 8, 9, 10, 13, 14, 26
21	Fitbit Blaze	1, 7, 8, 9, 10, 13, 14, 26
22	Fitbit Force	1, 7, 8, 9, 10, 13, 14, 26
23	Fitbit One	1, 7, 8, 9, 10, 13, 14, 26

U.S. Patent No. 8,277,377		
Ex.	Infringing Device	Asserted Claims
24	Fitbit Ionic	1, 4, 5, 6, 9, 12
25	Fitbit Surge	1, 4, 5, 6, 9, 12
26	Fitbit Versa	1, 4, 5, 6, 9, 12
27	Fitbit Versa 2	1, 4, 5, 6, 9, 12
28	Fitbit Versa Lite Edition	1, 4, 5, 6, 9, 12
29	Fitbit Charge	1, 4, 5, 6, 9
30	Fitbit Charge HR	1, 4, 5, 6, 9, 12
31	Fitbit Charge 2	1, 4, 5, 6, 9, 12
32	Fitbit Charge 3	1, 4, 5, 6, 9, 12
33	Fitbit Inspire	1, 4, 5, 6, 9
34	Fitbit Inspire HR	1, 4, 5, 6, 9, 12
35	Fitbit Alta	1, 4, 5, 6, 9

36	Fitbit Alta HR	1, 4, 5, 6, 9, 12
37	Fitbit Flex	1, 4, 5, 6, 9
38	Fitbit Flex 2	1, 4, 5, 6, 9
39	Fitbit Ace	1, 4, 5, 6, 9
40	Fitbit Ace 2	1, 4, 5, 6, 9
41	Fitbit Zip	1, 4, 5, 6, 9
42	Fitbit Blaze	1, 4, 5, 6, 9, 12
43	Fitbit Force	1, 4, 5, 6, 9
44	Fitbit One	1, 4, 5, 6, 9

U.S. Patent No. 6,976,958		
Ex.	Infringing Device	Asserted Claims
45	Fitbit Ionic	15, 16, 17
46	Fitbit Surge	15, 16, 17
47	Fitbit Versa	15, 16, 17
48	Fitbit Versa 2	15, 16, 17
49	Fitbit Versa Lite Edition	15, 16, 17
50	Fitbit Charge	15, 16, 17
51	Fitbit Charge HR	15, 16, 17
52	Fitbit Charge 2	15, 16, 17
53	Fitbit Charge 3	15, 16, 17
54	Fitbit Inspire	15, 16, 17
55	Fitbit Inspire HR	15, 16, 17

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.