

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:19-cv-11586-IT**

Philips North America LLC v. Fitbit, Inc.
Assigned to: Judge Indira Talwani
Cause: 15:1126 Patent Infringement

Date Filed: 07/22/2019
Jury Demand: Plaintiff
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

Philips North America LLC

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| 07/22/2019 | <u>1</u> | COMPLAINT <i>For Patent Infringement</i> against Fitbit, Inc. Filing fee: \$ 400, receipt number 0101-7792833 (Fee Status: Filing Fee paid), filed by Philips North America LLC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Civil Cover Sheet, # <u>6</u> Exhibit Category Form)(Silva, Lucas) (Attachment 5 replaced on 7/23/2019 to correct PDF formatting) (Kinsella, Devan). (Entered: 07/22/2019) |
| 07/22/2019 | <u>2</u> | REPORT ON THE FILING OF AN ACTION REGARDING PATENT OR TRADEMARK. (Silva, Lucas) (Entered: 07/22/2019) |
| 07/22/2019 | <u>3</u> | ELECTRONIC NOTICE of Case Assignment. Judge Indira Talwani assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Judith G. Dein. (Danieli, Chris) (Entered: 07/22/2019) |
| 07/22/2019 | <u>4</u> | Summons Issued as to Fitbit, Inc.. Counsel receiving this notice electronically should download this summons, complete one for each defendant and serve it in accordance with Fed.R.Civ.P. 4 and LR 4.1. Summons will be mailed to plaintiff(s) not receiving notice electronically for completion of service. (Pacho, Arnold) (Entered: 07/22/2019) |
| 07/28/2019 | <u>5</u> | CORPORATE DISCLOSURE STATEMENT by Philips North America LLC. (Silva, Lucas) (Entered: 07/28/2019) |
| 08/08/2019 | <u>6</u> | MOTION for Leave to Appear Pro Hac Vice for admission of Eley O. Thompson Filing fee: \$ 100, receipt number 0101-7823744 by Philips North America LLC. (Attachments: # <u>1</u> Affidavit Affidavit of Lucas Silva in Support of Motion For Admission of Counsel Pro Hac Vice, # <u>2</u> Affidavit Affidavit of Eley Thompson in Support of Motion For Admission of Counsel Pro Hac Vice, # <u>3</u> Exhibit 1)(Silva, Lucas) (Entered: 08/08/2019) |
| 08/12/2019 | <u>7</u> | Judge Indira Talwani: ELECTRONIC ORDER entered ALLOWING <u>6</u> Motion for Leave to Appear Pro Hac Vice Added Eley O. Thompson. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Vieira, Leonardo) (Entered: 08/12/2019) |
| 09/17/2019 | <u>8</u> | NOTICE of Scheduling Conference: Scheduling Conference set for 11/4/2019 02:30 PM in Courtroom 9 before Judge Indira Talwani. Counsel for the plaintiff(s) is responsible for ensuring that all parties and/or their attorneys who have not filed an answer or appearance with the court are notified of the date of the scheduling conference. (MacDonald, Gail) (Entered: 09/17/2019) |
| 10/07/2019 | <u>9</u> | MOTION for Extension of Time to November 22, 2019 to File Answer by Philips North America LLC.(Silva, Lucas) (Entered: 10/07/2019) |
| 10/09/2019 | <u>10</u> | Judge Indira Talwani: ELECTRONIC ORDER entered granting <u>9</u> Motion for Extension of Time to Answer re <u>1</u> Complaint, Fitbit, Inc. Response/Answer due 11/22/2019. (MacDonald, Gail) (Entered: 10/09/2019) |
| 10/17/2019 | <u>11</u> | NOTICE Resetting a Hearing. Scheduling Conference set for 11/4/19 is RESET for 12/2/2019 02:30 PM in Courtroom 9 before Judge Indira Talwani. (MacDonald, Gail) (Entered: 10/17/2019) |
| 11/06/2019 | <u>12</u> | NOTICE of Appearance by Jennifer B Furey on behalf of Fitbit, Inc. (Furey, Jennifer) (Entered: 11/06/2019) |
| 11/06/2019 | <u>13</u> | NOTICE of Appearance by Andrew T. O'Connor on behalf of Fitbit, Inc. (O'Connor, Andrew) (Entered: 11/06/2019) |
| 11/06/2019 | <u>14</u> | Assented to MOTION for Leave to Appear Pro Hac Vice for admission of Yar Chaikovskiy; David Beckwith; David Orano; Berkeley Fife; Chad Peterman Filing fee: \$ 500, receipt number 0101-7959794 by Fitbit, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Furey, Jennifer) (Entered: 11/06/2019) |

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| 11/06/2019 | <u>15</u> | CORPORATE DISCLOSURE STATEMENT by Fitbit, Inc.. (Furey, Jennifer) (Entered: 11/06/2019) |
| 11/07/2019 | <u>16</u> | Judge Indira Talwani: ELECTRONIC ORDER entered ALLOWING <u>14</u> Motion for Leave to Appear Pro Hac Vice Added Yar R. Chaikovsky, David Beckwith, David T. Okano, Berkeley F. Fife, and Chad Peterman. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Kelly, Danielle) (Entered: 11/07/2019) |
| 11/07/2019 | <u>17</u> | Joint MOTION for Leave to File Excess Pages <i>and Enlargement of Time to Oppose Motion to Dismiss</i> by Fitbit, Inc..(Furey, Jennifer) (Entered: 11/07/2019) |
| 11/13/2019 | <u>18</u> | Judge Indira Talwani: ELECTRONIC ORDER entered ALLOWING <u>17</u> Motion for Leave to File Excess Pages and Enlargement of Time to Oppose Motion to Dismiss; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Kelly, Danielle) (Entered: 11/13/2019) |
| 11/13/2019 | <u>19</u> | MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>Defendant Fitbit, Inc.'s Motion to Dismiss Plaintiff Philips North America LLC's Complaint Under Rule 12(b)(6)</i> by Fitbit, Inc.. (Attachments: # <u>1</u> Text of Proposed Order)(Chaikovsky, Yar) (Entered: 11/13/2019) |
| 11/13/2019 | <u>20</u> | MEMORANDUM in Support re <u>19</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>Defendant Fitbit, Inc.'s Motion to Dismiss Plaintiff Philips North America LLC's Complaint Under Rule 12(b)(6)</i> filed by Fitbit, Inc.. (Chaikovsky, Yar) (Entered: 11/13/2019) |
| 11/13/2019 | <u>21</u> | AFFIDAVIT in Support re <u>19</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>Defendant Fitbit, Inc.'s Motion to Dismiss Plaintiff Philips North America LLC's Complaint Under Rule 12(b)(6) (Declaration of David Okano ISO Fitbit's Motion to Dismiss)</i> filed by Fitbit, Inc.. (Attachments: # <u>1</u> Exhibit A)(Chaikovsky, Yar) (Entered: 11/13/2019) |
| 11/22/2019 | <u>22</u> | CERTIFICATION pursuant to Local Rule 16.1 <i>Fitbit's Rule 16.1(d)(3) Certification.</i> (Chaikovsky, Yar) (Entered: 11/22/2019) |
| 11/25/2019 | <u>23</u> | JOINT STATEMENT re scheduling conference . (Attachments: # <u>1</u> Exhibit Proposed Schedule)(Silva, Lucas) (Entered: 11/25/2019) |
| 11/26/2019 | <u>24</u> | CERTIFICATION pursuant to Local Rule 16.1 <i>for Philips North America LLC.</i> (Silva, Lucas) (Entered: 11/26/2019) |
| 11/27/2019 | <u>25</u> | AMENDED COMPLAINT <i>For Patent Infringement</i> against Fitbit, Inc., filed by Philips North America LLC.(Silva, Lucas) (Entered: 11/27/2019) |
| 12/02/2019 | <u>26</u> | NOTICE of Appearance by Ruben J. Rodrigues on behalf of Philips North America LLC (Rodrigues, Ruben) (Entered: 12/02/2019) |
| 12/02/2019 | <u>31</u> | Electronic Clerk's Notes for proceedings held before Judge Indira Talwani: Scheduling Conference held on 12/2/2019. Case called. Motion to Dismiss (<u>19</u>) denied as moot. A new Motion to Dismiss may be filed next week. Initial Disclosures 1/10/20. Discovery begins 1/10/20. Parties are to serve, meet, and confer re: discovery. Next Scheduling Conference set for 3/24/2020 02:30 PM in Courtroom 9 before Judge Indira Talwani. Amendments to Pleadings 3/24/20. (Court Reporter: Lee Marzilli at leemarz@aol.com.) (Attorneys present: Thompson, Silva, Furey, Chaikovsky) (MacDonald, Gail) (Entered: 12/10/2019) |
| 12/06/2019 | <u>27</u> | Joint MOTION To Enlarge Page Limit and Time to Oppose re <u>25</u> Amended Complaint by Fitbit, Inc..(Beckwith, David) (Entered: 12/06/2019) |
| 12/06/2019 | <u>28</u> | TRANSCRIPT ORDER FORM |

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| 12/09/2019 | <u>29</u> | Transcript of Scheduling Conference held on December 2, 2019, before Judge Indira Talwani. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Lee Marzilli at leemarz@aol.com Redaction Request due 12/30/2019. Redacted Transcript Deadline set for 1/9/2020. Release of Transcript Restriction set for 3/9/2020. (Scafani, Deborah) (Entered: 12/09/2019) |
| 12/09/2019 | 30 | NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at http://www.mad.uscourts.gov/attorneys/general-info.htm (Scafani, Deborah) (Entered: 12/09/2019) |
| 12/10/2019 | 32 | Judge Indira Talwani: ELECTRONIC ORDER entered granting <u>27</u> Motion To Enlarge Page Limit and Time to Oppose re <u>25</u> Amended Complaint by Fitbit, Inc. (MacDonald, Gail) (Entered: 12/10/2019) |
| 12/10/2019 | <u>33</u> | MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>Defendant Fitbit, Inc.'s Renewed Rule 12(b)(6) Motion to Dismiss Plaintiff Philips North America LLC's First Amended Complaint Under 35 U.S.C. Sect. 101</i> by Fitbit, Inc.. (Attachments: # <u>1</u> Text of Proposed Order)(Chaikovsky, Yar) (Entered: 12/10/2019) |
| 12/10/2019 | <u>34</u> | MEMORANDUM in Support re <u>33</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>Defendant Fitbit, Inc.'s Renewed Rule 12(b)(6) Motion to Dismiss Plaintiff Philips North America LLC's First Amended Complaint Under 35 U.S.C. Sect. 101</i> filed by Fitbit, Inc.. (Chaikovsky, Yar) (Entered: 12/10/2019) |
| 12/10/2019 | <u>35</u> | AFFIDAVIT in Support re <u>33</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>Defendant Fitbit, Inc.'s Renewed Rule 12(b)(6) Motion to Dismiss Plaintiff Philips North America LLC's First Amended Complaint Under 35 U.S.C. Sect. 101 (Declaration of David Okano ISO Fitbit's Renewed Rule 12(b)(6) Motion to Dismiss)</i> filed by Fitbit, Inc.. (Attachments: # <u>1</u> Exhibit A)(Chaikovsky, Yar) (Entered: 12/10/2019) |
| 12/31/2019 | <u>36</u> | Opposition re <u>33</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>Defendant Fitbit, Inc.'s Renewed Rule 12(b)(6) Motion to Dismiss Plaintiff Philips North America LLC's First Amended Complaint Under 35 U.S.C. Sect. 101</i> filed by Philips North America LLC. (Silva, Lucas) (Entered: 12/31/2019) |
| 01/14/2020 | <u>37</u> | MOTION for Leave to File (<i>Defendant's Motion for Leave to File a Reply Brief ISO Its Rule 12(b)(6) Motion to Dismiss the Amended Complaint</i>) by Fitbit, Inc.. (Attachments: # <u>1</u> Exhibit A – Defendant Fitbit Inc.'s Reply Brief ISO of Its Rule 12(b)(6) Motion to Dismiss the Amended Complaint)(Chaikovsky, Yar) (Entered: 01/14/2020) |
| 01/17/2020 | 38 | Judge Indira Talwani: ELECTRONIC ORDER: ALLOWING <u>37</u> Motion for Leave to File Document a <i>Reply Brief ISO Its Rule 12(b)(6) Motion to Dismiss the Amended Complaint</i> Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Kelly, Danielle) (Entered: 01/17/2020) |
| 01/17/2020 | <u>39</u> | REPLY to Response to <u>33</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>Defendant Fitbit, Inc.'s Renewed Rule 12(b)(6) Motion to Dismiss Plaintiff Philips North America LLC's First Amended Complaint Under 35 U.S.C. Sect. 101 (Defendant Fitbit Inc.'s Reply Brief In Support of Its Rule 12(b)(6) Motion to Dismiss the Amended Complaint)</i> filed by Fitbit, Inc.. (Chaikovsky, Yar) (Entered: 01/17/2020) |
| 02/03/2020 | <u>40</u> | MOTION for Leave to File <i>Sur-Reply in Support of Opposition to Defendant's Motion to Dismiss</i> by Philips North America LLC. (Attachments: # <u>1</u> Exhibit 1 (Proposed Sur-Reply Brief))(Rodrigues, Ruben). Exhibit replaced to remove blank pages (Kelly, Danielle). (Entered: 02/03/2020) |
| 03/18/2020 | 41 | Judge Indira Talwani: Electronic order: Counsel shall confer and promptly file an |

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