

1 DAVID F. MCDOWELL (CA SBN 125806)  
DMcDowell@mofo.com  
2 MORRISON & FOERSTER LLP  
707 Wilshire Blvd., Suite 6000  
3 Los Angeles, California 94105  
Telephone: 213.892.5200  
4 Facsimile: 213.892.5454

5 ERIN M. BOSMAN (CA SBN 204987)  
EBosman@mofo.com  
6 JULIE Y. PARK (CA SBN 259929)  
JuliePark@mofo.com  
7 MORRISON & FOERSTER LLP  
12531 High Bluff Drive  
8 San Diego, California 92130-2040  
Telephone: 858.720.5100  
9 Facsimile: 858.720.5125  
10

11 Attorneys for Defendant  
12 FITBIT, INC.

13 **UNITED STATES DISTRICT COURT**  
14 **NORTHERN DISTRICT OF CALIFORNIA**  
15 **SAN FRANCISCO DIVISION**

16  
17 JAMES P. BRICKMAN, individually and as a  
18 representative of all others similarly situated,

19 Plaintiff,

20 v.

21 FITBIT, INC.,

22 Defendant.  
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Case No. 3:15-cv-2077-JD

**DEFENDANT FITBIT, INC.'S  
NOTICE OF APPEAL**

Date: April 20, 2020  
Judge: Hon. James Donato

1 NOTICE IS HEREBY GIVEN under Rules 3(a)(1) and 4(a)(1)(A) of the Federal Rules of  
2 Appellate Procedure that defendant FITBIT, INC. ("Fitbit") in the above-entitled action hereby  
3 appeals to the United States Court of Appeals for the Ninth Circuit from the order entered in this  
4 action on March 20, 2020 entering final judgment approving settlement (Dkt. No. 317), and any  
5 and all other orders and/or rulings adverse to Fitbit, including but not limited to the District  
6 Court's March 20 order granting plaintiff's motion for attorneys' fees, costs, and incentive  
7 compensation (Dkt. 316). This notice of appeal is timely filed under Federal Rule of Appellate  
8 Procedure 4(a).

9 Attached is a Representation Statement complying with Ninth Circuit Rule 3-2 and Rule  
10 12(b) of the Federal Rules of Appellate Procedure.

11  
12 Dated: April 20, 2020

Respectfully submitted,

13 DAVID F. MCDOWELL  
14 ERIN M. BOSMAN  
15 JULIE Y. PARK  
MORRISON & FOERSTER LLP

16 By: /s/ David F. McDowell  
17 David F. McDowell

18 Attorneys for Defendant  
19 FITBIT, INC.  
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