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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.

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

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

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

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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.

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12 Dated: April 20, 2020

Respectfully submitted,

13 DAVID F. MCDOWELL
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16 By: /s/ David F. McDowell
17 David F. McDowell

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19 FITBIT, INC.
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