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Attorneys for Plaintiff Fitbit, Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

FITBIT, INC.,

Plaintiff,

v.

KONINKLIJKE PHILIPS N.V.,

Defendant.

Case No.

**COMPLAINT FOR DECLARATORY
JUDGMENT**

COMPLAINT FOR DECLARATORY JUDGMENT

1
2 **COMPLAINT FOR DECLARATORY JUDGMENT**

3 Plaintiff Fitbit, Inc. (“Fitbit”) for its complaint against Koninklijke Philips N.V. (“Defendant”
4 or “Philips” and a.k.a. “Royal Philips”) alleges and states as follows:

5 **THE PARTIES**

6 1. Fitbit is a Delaware corporation with its principal place of business located at 405
7 Howard Street, San Francisco, CA 94015.

8 2. On information and belief, Koninklijke Philips N.V. is a corporation duly organized
9 and existing under the laws of the Netherlands with its principal place of business at High Tech
10 Campus 5, 5656 AE Eindhoven, the Netherlands.

11 **JURISDICTION AND VENUE**

12 3. This action for declaratory judgment arises under federal law, and this Court has
13 jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a), 2201, and 2202.

14 4. This Court has personal jurisdiction over Defendant Koninklijke Philips N.V. pursuant
15 to, inter alia, California Code of Civil Procedure § 410.10 and/or Federal Rule of Civil Procedure
16 4(k)(2), including because Philips engages in regular business in the United States and State of
17 California, including business concerning the Patents-in-Suit and this dispute as defined below.

18 5. Venue is proper in this court pursuant to 28 U.S.C. §§ 1391(b), (c).

19 **PATENTS-IN-SUIT**

20 6. U.S. Patent No. 7,845,228 (the “’228 Patent”), entitled “Activity Monitoring,” was
21 issued by the U.S. Patent and Trademark Office on December 7, 2010. Philips has alleged that the
22 ’228 patent is assigned to Koninklijke Philips N.V. A copy of the ’228 patent is attached as **Exhibit**
23 **A.**

24 7. U.S. Patent No. 9,820,698 (the “’698 Patent”), entitled “Actigraphy Methods and
25 Apparatuses” was issued by the U.S. Patent and Trademark Office on November 21, 2017. Philips
26 has alleged that the ’698 patent is assigned to Koninklijke Philips N.V. A copy of the ’698 patent is
27 attached as **Exhibit B.**

1 8. U.S. Patent No. 9,717,464 (the “’464 Patent”), entitled “Continuous Transdermal
2 Monitoring System and Method” was issued by the U.S. Patent and Trademark Office on August 1,
3 2017. Philips has alleged that the ’464 patent is assigned to Koninklijke Philips N.V. A copy of the
4 ’464 patent is attached as **Exhibit C**.

5 9. The ’228 patent, ’698 patent, and ’464 patent are collectively referred to herein as the
6 “Patents-in-Suit.”

7 **BACKGROUND**

8 10. Plaintiff Fitbit is globally recognized technology company headquartered in San
9 Francisco and focused on delivering health solutions that impact health outcomes. Fitbit’s mission is
10 to empower and inspire users to live healthier, more active lives. Fitbit designs and sells products
11 that fit seamlessly into users’ lives so that consumers can achieve their health and fitness goals.

12 11. Fitbit’s line of wearable smartwatches and trackers includes the Fitbit Charge 3™,
13 Fitbit Inspire™, Fitbit Inspire HR™, and Fitbit Ace 2™ activity trackers, in addition to the
14 Fitbit Ionic™, Fitbit Versa 2™ and Fitbit Versa Lite Edition™ smartwatches. Fitbit’s advanced
15 family of smartwatches and trackers are the result of Fitbit’s investment of hundreds of millions of
16 dollars per year in research and development (including in this judicial district), resulting in
17 numerous technological advances and hundreds of patents worldwide. Based on Fitbit’s research and
18 design, its smartwatches and trackers are widely recognized as among the best and most advanced
19 products of their type. *See, e.g.*, <https://www.fitbit.com/us/buzz>.

20 12. Fitbit smartwatches and trackers enable users to view data about their daily activity,
21 exercise, and sleep. Fitbit’s software and services, which include an online dashboard and mobile
22 app, provide its users with data analytics, motivational and social tools, and virtual coaching through
23 customized fitness plans and interactive workouts. These devices track users’ daily steps, calories
24 burned, distance traveled, and active minutes, and display real-time feedback to encourage users to
25 become more active in their daily lives. Together, Fitbit’s devices, services, and software have
26 helped millions of users on their health and fitness journeys be more active, sleep better, eat smarter,
27 and manage their weight.

1 13. Fitbit’s smartwatches and trackers thus enable a wide range of people to get fit their
2 own way, whatever their interests and goals. Fitbit’s users range from people interested in improving
3 their health and fitness through everyday activities, to endurance athletes seeking to maximize their
4 performance. To address this wide range of needs, through its research and development, Fitbit
5 designs its devices to create powerful yet easy to use products that fit seamlessly into peoples’ daily
6 lives and activities. As a result of Fitbit’s efforts and research, its smartwatches and trackers have
7 aided millions of people in meeting their fitness and health goals, including in California and this
8 judicial district.

9 14. On December 10, 2019, Defendant Philips, in conjunction with its subsidiary Philips
10 North America, LLC, filed a Complaint with the United States International Trade Commission, and
11 directed it to be served on Fitbit at its headquarters in San Francisco. Philips’s ITC Complaint seeks
12 to bar importation or sale of Fitbit’s entire current line of smartwatches and trackers as allegedly
13 infringing Philips’s Patents-in-Suit. *See Exhibit D* (Philips ITC Complaint). Philips’s Complaint
14 also seeks a permanent cease-and-desist order barring Fitbit from “marketing, advertising,
15 demonstrating, ... offering for sale, selling, distributing, or using” its entire current line of
16 smartwatches and trackers, including in California and in this judicial district. *See id.* ¶¶ 4–5.
17 According to Philips, its own products practice the Patents-in-Suit (which it variously developed,
18 markets, sells, and offers for sale in the United States, including in California and in this judicial
19 district). *See id.* at Complaint ¶¶ 6–20, 232–245. Philips asserts that its “Lifeline,” “Motion
20 Biosensor,” “Connected Sensing,” and “Sleep Diagnostics” products sold throughout the United
21 States variously practice the Patents-in-Suit, and that the alleged “unauthorized use of [its] patented
22 inventions by Fitbit” is an “unlawful and unfair” act that threatens Philips’s own U.S. domestic
23 industry commercializing these patents. *See id.*¹

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27 ¹ Cf. <https://www.lifeline.philips.com/>; <http://www.actigraphy.com/solutions/actigraphy.html>;
28 <https://www.usa.philips.com/healthcare/innovation/research-and-exploration/connected-sensing>
<https://www.usa.philips.com/healthcare/solutions/sleep/sleep-diagnostics>.

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