

JOSH A. KREVITT (SBN 208552)  
jkrevitt@gibsondunn.com  
GIBSON, DUNN & CRUTCHER LLP  
200 Park Avenue  
New York, New York 10166  
Tel: (212) 351-4000  
Fax: (212) 351-4035

WAYNE BARSKY (SBN 116731)  
wbarsky@gibsondunn.com  
GIBSON, DUNN & CRUTCHER LLP  
2029 Century Park East, Suite 4000  
Los Angeles, CA 90067-3026  
Tel: (310) 557-8183  
Fax: (310) 552-7010

Y. ERNEST HSIN (SBN 201668)  
ehsin@gibsondunn.com  
GIBSON, DUNN & CRUTCHER LLP  
555 Mission Street  
San Francisco, CA 94105-0921  
Tel: (415) 393-8224  
Fax: (415) 374-8436

STUART ROSENBERG (SBN 239926)  
srosenberg@gibsondunn.com  
GIBSON, DUNN & CRUTCHER LLP  
1881 Page Mill Road  
Palo Alto, CA 94304-1211  
Tel: (650) 849-5389  
Fax: (650) 849-5089

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.*<sup>1</sup>

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26  
27 <sup>1</sup> 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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