

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FITBIT, INC.,
Petitioner,

v.

BLACKBIRD TECH LLC d/b/a BLACKBIRD TECHNOLOGIES,
Patent Owner.

Case IPR2017-02012

Patent 6,434,212

**THIRD JOINT STIPULATION
TO MODIFY THE SCHEDULING ORDER**

Pursuant to the Scheduling Order (Paper 9) entered in the above captioned matter on March 12, 2018, the first Joint Stipulation to Modify the Scheduling Order filed on April 5, 2018, and the second Joint Stipulation to Modify the Scheduling Order filed on June 11, 2018, the parties hereby stipulate that DUE DATE 1 be modified as follows:

DUE DATE 1: ~~July 6, 2018~~ July 20, 2018

- a.) Patent owner's response to the petition.
- b.) ~~Patent owner's motion to amend the patent.~~

The other due dates are not being modified by this Stipulation.

Dated: June 20, 2018

Respectfully Submitted

/s/ Harper Batts
Registration No. 56,160
Baker Botts LLP
1001 Page Mill Road
Building One, Suite 200
Palo Alto, CA, 94304
(650) 739-7500
harper.batts@bakerbotts.com

/s/ Walter D. Davis, Jr.
Registration No. 45,137
Davidson Berquist Jackson
& Gowdey, LLP
8300 Greensboro Dr., Suite 500
McLean, VA 22102
(571) 765-7700
wdavis@dbjg.com

Counsel for Petitioner

Counsel for Patent Owner

CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2018, a true and correct copy of the foregoing *Third Joint Stipulation to Modify the Scheduling Order* was served on Petitioner by serving the correspondence email addresses of record as follows:

Harper Batts (Reg. No. 56,160)
John Gaustad (Reg. No. 69,522)
Baker Botts LLP
1001 Page Mill Road
Building One, Suite 200
Palo Alto, CA, 94304
harper.batts@bakerbotts.com
john.gaustad@bakerbotts.com
DLFitbit-Blackbird@bakerbotts.com

By: /s/ Walter D. Davis, Jr.
USPTO Reg. No. 45,137
Counsel for Patent Owner