

NOTE: This disposition is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**VALENCELL, INC.,**  
*Appellant*

v.

**FITBIT LLC,**  
*Appellee*

**KATHERINE K. VIDAL, UNDER SECRETARY OF  
COMMERCE FOR INTELLECTUAL PROPERTY  
AND DIRECTOR OF THE UNITED STATES  
PATENT AND TRADEMARK OFFICE,**  
*Intervenor*

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2021-2041

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Appeal from the United States Patent and Trademark  
Office, Patent Trial and Appeal Board in Nos. IPR2017-  
00319, IPR2017-01555.

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**JUDGMENT**

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WILLIAM GABRIEL PAGAN, Coats & Bennett, PLLC,  
Cary, NC, argued for appellant. Also represented by DAVID  
E. BENNETT.

NATHAN K. KELLEY, Perkins Coie LLP, Washington, DC, argued for appellee. Also represented by DAN L. BAGATELL, Hanover, NH; THERESA H. NGUYEN, Seattle, WA; JAMES M. GLASS, Quinn Emanuel Urquhart & Sullivan, LLP, New York, NY; SAM STEPHEN STAKE, OGNJEN ZIVOJNOVIC, San Francisco, CA.

KAKOLI CAPRIHAN, Office of the Solicitor, United States Patent and Trademark Office, Alexandria, VA, for intervenor. Also represented by WILLIAM LAMARCA, FARHEENA YASMEEN RASHEED.

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THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (MOORE, *Chief Judge*, DYK and STOLL, *Circuit Judges*).

**AFFIRMED. See Fed. Cir. R. 36.**

ENTERED BY ORDER OF THE COURT

December 7, 2023  
Date



Jarrett B. Perlow  
Clerk of Court