

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

**FIT**

BRIAN H. ROBB, Individually and on behalf of all  
others similarly situated,

Plaintiffs,

v.

FITBIT INC., *et al.*,

Defendants.

Case No. 3:16-cv-00151-SI

Hon. Susan Illston

**PROOF OF CLAIM AND RELEASE FORM**

**A. GENERAL INSTRUCTIONS & INFORMATION**

1. You are urged to read carefully the accompanying Notice of Proposed Class-Action Settlement (the “Notice”) and the Stipulation and Agreement of Settlement (“Stipulation”). Both documents are available at [www.FitBitSecuritiesLitigation.com](http://www.FitBitSecuritiesLitigation.com). All capitalized terms used herein shall have the same meaning as defined in the Notice and the Stipulation.

2. To file a claim and recover under the Settlement of this Action, you must have purchased or otherwise acquired Fitbit Inc. Class A common stock (“Common Stock”) or exchange-traded call options on Common Stock (“Call Options”), or sold/written exchange-traded put options on Common Stock (“Put Options”, and collectively with Common Stock and Call Options, the “Securities”) between June 18, 2015 and May 19, 2016, both dates inclusive. You must not be a person who is excluded from the Settlement Class, as defined in the Notice. You also must not have requested exclusion from the Settlement Class.

3. If you are a Settlement Class Member and wish to participate in the proposed Settlement, you must complete and sign this Proof of Claim and Release form (“Proof of Claim”). The submission of a Proof of Claim does not ensure that your claim will be upheld or that you will share in any recovery. All claims are subject to verification and investigation. If you fail to file a properly addressed and fully completed Proof of Claim, fail to provide required documentation, or are not eligible to recover under the Settlement, your claim may be rejected and you may be precluded from any recovery from the proposed Settlement. You may also be requested to provide further information.

4. You must mail your completed and signed Proof Of Claim, **postmarked on or before April 15, 2018**, to the Settlement Administrator at:

Fitbit Securities Litigation  
c/o Settlement Administrator  
1801 Market Street, Suite 660  
Philadelphia, PA 19103

5. If you are a member of the Settlement Class and do not timely request exclusion, **you will be bound** by any judgment entered in the Action **whether or not you submit a proof of claim**.

6. If you are **not** a member of the Settlement Class, **do not** submit a Proof of Claim. For help completing this Proof of Claim, please contact the Settlement Administrator.

**B. CLAIMANT IDENTIFICATION INSTRUCTIONS**

1. If you purchased or otherwise acquired Common Stock or Call Options or sold (wrote) Put Options, and held the Securities in your name, you are the beneficial owner as well as the owner of record. If, however, you purchased or otherwise acquired Common Stock or Call Options, or sold (wrote) Put Options, and these Securities were registered

in the name of a third party (such as your stock broker), you are the beneficial owner and the third party is the owner of record. Proceeds of this Settlement will be distributed to Settlement Class Members who are beneficial owners of the Securities.

2. Use Section D of this form, entitled “Claimant Identification Schedule,” to identify yourself and each owner of record, if different from the beneficial owner of the Securities that form the basis of this claim. **This claim must be filed by the actual beneficial owner(s), or the legal representative of such owner(s), of the stock upon which this claim is based.**

3. If the Securities were owned jointly, all joint owners must sign the Proof of Claim. Executors, administrators, guardians, conservators, and trustees may complete and sign the Proof of Claim on behalf of persons or entities represented by them, but they must identify such persons or entities and provide proof of their authority (e.g., powers of attorney or currently effective letters testamentary or letters of administration). The telephone number of the beneficial owner may be used in verifying the Claim. If you fail to provide the foregoing information, your claim may be delayed or rejected.

4. You must file a separate Proof of Claim for each differently named account or ownership, such as an individual account, an IRA account, a joint account, or a custodial account, etc. Joint tenants, co-owners, or custodians UGMA should file a single claim. Claimants who file one or more claims (e.g., one in Claimant’s name and one for an IRA or joint ownership) must identify the other claims filed.

### **C. INSTRUCTIONS FOR SCHEDULE OF TRANSACTIONS**

1. Use Section E of this form, entitled “Schedule of Transactions,” to supply all of the requested information with respect to **all** of your transactions—purchases, other acquisitions, sales, and other dispositions—in Common Stock, Call Options, and Put Options that took place at any time between June 18, 2015 through and including May 19, 2016, whether such transactions resulted in a profit or a loss. The failure to report all such transactions or to provide all requested information with respect to each transaction may result in the rejection of your claim.

2. If you need more space, attach separate, numbered sheets giving all of the required information in substantially the same form. Sign each additional sheet and print or type your name at the top.

3. List each transaction separately and in chronological order by trade date, beginning with the earliest. You must accurately provide the month, day, and year of each transaction, as well as the purchase and/or sales price, excluding commissions, taxes, and other fees. The date of a transaction is the “trade” date and not the “settlement” date. The date of covering a “short sale” is deemed to be the date of purchase; and the date of a “share sale” is deemed to be the date of sale. Shares originally sold short will have a Recognized Loss of zero. Fitbit Securities acquired or disposed of for any consideration other than, or in addition to, cash must be reported as having been acquired or disposed of.

4. You **must** attach to your claim form **copies** of brokerage confirmations, monthly statements, or other documentation of your transactions in Fitbit Common Stock, Call Options, and Put Options in order for your claim to be valid. A complete list of acceptable supporting documentation can be found at [www.FitBitSecuritiesLitigation.com](http://www.FitBitSecuritiesLitigation.com). Failure to provide this documentation could delay verification or result in rejection of your Claim. The Settlement Administrator may also request additional information as required to efficiently and reliably calculate your losses.

5. If your trading activity between June 18, 2015 and May 19, 2016 exceeds 50 transactions, you must provide all information required in the Schedule of Transactions in an electronic file. For instructions and parameters concerning such a submission, please visit [www.FitBitSecuritiesLitigation.com](http://www.FitBitSecuritiesLitigation.com), call the Settlement Administrator at 1-866-846-7286 or email [FitBitSecurities@AdministratorClassAction.com](mailto:FitBitSecurities@AdministratorClassAction.com).

6. If you have questions or need additional Proofs of Claim, contact the Settlement Administrator via the information in the preceding paragraph. You may make photocopies of this form.

7. Please refer to the Plan of Allocation set forth in the accompanying Notice for a detailed explanation of how a Claimant’s Recognized Loss will be calculated.

**D. CLAIMANT IDENTIFICATION SCHEDULE**

Claims must be received by the Settlement Administrator postmarked no later than **April 15, 2018**.

**Please Type or Print**

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Beneficial Owner's Name *(as it appears on your brokerage statement)*

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Joint Beneficial Owner's Name *(as it appears on your brokerage statement)*

---

Street Address

---

Street Address 2

---

City

---

State

---

Zip Code

---

Foreign Province

---

Foreign Country

---

( )

Telephone Number (Daytime)

---

( )

Telephone Number (Evening)

---

( )

Fax Number

---

E-Mail Address

---

Record Owner's Name and Address *(if different from beneficial owner listed above)*

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**Specify one of the following.**

Claimant holder of the Securities is:

<input type="checkbox"/>	<b>A. Individual Claimant:</b> I am a claimant acting in my own interest and am/was the sole owner of the Securities.
<input type="checkbox"/>	<b>B. Joint Claimants:</b> We are claimants acting jointly.
<input type="checkbox"/>	<b>C. Corporate Claimant:</b> I am the _____ of _____, a corporation whose address is _____. I am authorized to make this claim on behalf of the corporation. The corporation is/was the owner of the Securities.
<input type="checkbox"/>	<b>D. IRA Claimant:</b> I am a claimant acting on behalf of my IRA. The Securities are/were held in my IRA.
<input type="checkbox"/>	<b>E. Partnership Claimant:</b> I am a partner of _____, a partnership whose business address is _____. I am authorized to make this claim on behalf of the partnership. The partnership is/was the owner of the Securities.
<input type="checkbox"/>	<b>F. Decedent's Estate Claimant:</b> I am the executor or the administrator (circle which) of the estate of _____, whose last address was _____. (Valid proof of authority must accompany this claim.)
<input type="checkbox"/>	<b>G. Trust Claimant:</b> I am a trustee of _____, a trust authorized under the laws of _____. I am authorized to make this claim on behalf of the trust. The trust is/was the owner of the Securities.
<input type="checkbox"/>	<b>H. Custodial or Guardian Claimant:</b> I am the custodian or the guardian (circle which) for _____ whose address is _____. (Valid proof of authority must accompany this claim.)
<input type="checkbox"/>	<b>I. Other:</b> (Specify) _____

**E. SCHEDULE OF TRANSACTIONS IN THE SECURITIES**

**CLASS A COMMON STOCK**

1. State the total number of shares of Common Stock owned at the close of trading on **June 18, 2015**, long or short (if none, enter "0"; if other than zero, must be documented):

\_\_\_\_\_

2. Separately list each and every **purchase** of Common Stock between **June 18, 2015** and **May 19, 2016**, and provide the following information (must be documented):

<b>Trade Date (list chronologically) Month/Day/Year</b>	<b>Number of Shares Purchased</b>	<b>Price Per Share (excluding commissions, taxes, and other fees)</b>	<b>Total Purchase Price (excluding commissions, taxes, and other fees)</b>
____/____/____		\$	\$
____/____/____		\$	\$
____/____/____		\$	\$

3. Separately list each and every **sale** of Common Stock between **June 18, 2015** and **May 19, 2016**, and provide the following information (must be documented):

<b>Trade Date (list chronologically) Month/Day/Year</b>	<b>Number of Shares Sold</b>	<b>Price Per Share (excluding commissions, taxes, and other fees)</b>	<b>Total Sale Price (excluding commissions, taxes, and other fees)</b>
____/____/____		\$	\$
____/____/____		\$	\$
____/____/____		\$	\$

4. State the total number of shares of Common Stock owned at the close of trading on **May 19, 2016**, long or short (if none, enter "0"; if other than zero, must be documented):

\_\_\_\_\_

**If you need additional space, attach the required information on separate, numbered sheets in the same format as above and print your name at the top of each additional sheet.**

**PURCHASES/REPURCHASES OF OPTIONS**

I purchased/repurchased the following options on Common Stock between **June 18, 2015** and **May 19, 2016**, inclusive:

Option Type	Date(s) of Transaction (List Chronologically) (MM/DD/YY)	Number of Option Contracts Acquired	Expiry Date (MM/YY)	Strike Price	Transaction Price Per Option Contract	[X]expired [A]ssigned [E]xercised	Proof of Transaction Enclosed?
<input type="checkbox"/> Put <input type="checkbox"/> Call	____/____/____		____/____	____.____	____.____		<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Put <input type="checkbox"/> Call	____/____/____		____/____	____.____	____.____		<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Put <input type="checkbox"/> Call	____/____/____		____/____	____.____	____.____		<input type="checkbox"/> Yes <input type="checkbox"/> No

**SALES OF OPTIONS**

I sold/wrote the following options on Common Stock between **June 18, 2015** and **May 19, 2016**, inclusive:

Option Type	Date(s) of Transaction (List Chronologically) (MM/DD/YY)	Number of Option Contracts Acquired	Expiry Date (MM/YY)	Strike Price	Transaction Price Per Option Contract	[X]expired [A]ssigned [E]xercised	Proof of Transaction Enclosed?
<input type="checkbox"/> Put <input type="checkbox"/> Call	____/____/____		____/____	____.____	____.____		<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Put <input type="checkbox"/> Call	____/____/____		____/____	____.____	____.____		<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Put <input type="checkbox"/> Call	____/____/____		____/____	____.____	____.____		<input type="checkbox"/> Yes <input type="checkbox"/> No

**If you need additional space, attach the required information on separate, numbered sheets in the same format as above and print your name at the top of each additional sheet.**

**YOU MUST ALSO READ THE RELEASE AND SIGN THE CERTIFICATION OR THE W-8 CERTIFICATION BELOW**

**E. SUBMISSION TO JURISDICTION OF THE COURT**

By submitting this Proof of Claim and Release, I/we, and every Settlement Class Member I/we represent, submit to the jurisdiction of the United States District Court for the Northern District of California for purposes of this Action and the Settlement of the Action, as reflected in the Stipulation. I/We further agree to be bound by the orders of the Court, agree that this Proof of Claim, my/our status or the status of the Settlement Class Member I/we represent as a Claimant, and the allowable amount of this claim will be subject to review and further inquiry, and that I/we will furnish such additional documentation with respect to this Proof of Claim as may be required.

## **G. RELEASE**

1. By signing this Proof of Claim and Release, I/we hereby acknowledge full and complete satisfaction of, and do hereby fully, finally and forever settle, release and discharge from the Settlement Class Claims each and all of the “Released Persons” defined as, collectively, each and all of (i) the Defendants, the members of each Individual Defendant’s immediate family, any entity in which any Defendant or member of any Individual Defendant’s immediate family has, or had during the Exchange Act Class Period, a controlling interest (directly or indirectly), any estate or trust of which any Individual Defendant is a settlor or which is for the benefit of any Individual Defendant and/or members of his family, the underwriters of the IPO or SPO; and (ii) for each and every Person listed in part (i), their respective past, present, and future heirs, executors, administrators, predecessors, successors, assigns, employees, agents, affiliates, analysts, assignees, attorneys, auditors, co-insurers, commercial bank lenders, consultants, controlling shareholders, directors, divisions, domestic partners, financial advisors, general or limited partners, general or limited partnerships, insurers, investment advisors, investment bankers, investment banks, joint ventures and joint venturers, managers, managing directors, marital communities, members, officers, parents, personal or legal representatives, principals, reinsurers, selling shareholders, shareholders, spouses, subsidiaries (foreign or domestic), trustees, underwriters, and other retained professionals, in their respective capacities as such.

2. “Settlement Class Claims” means all claims, rights, liabilities, and causes of action of every nature and description, including Unknown Claims, whether contingent or absolute, mature or unmature, discoverable or undiscoverable, liquidated or unliquidated, accrued or unaccrued, including those that are concealed or hidden, regardless of legal or equitable theory, that Plaintiffs or any other member(s) of the Settlement Class asserted or could have asserted in any forum (i) that arise out of, are based upon, or are related in any way directly or indirectly, in whole or in part to, the allegations, transactions, facts, matters, occurrences, representations, or omissions referred to in the operative complaint and that relate to the purchase, sale, acquisition, or retention of Fitbit securities during the Exchange Act Class Period; or (ii) that are related to the administration of the Settlement. Notwithstanding the foregoing, “Settlement Class Claims” does not include any claims asserted on behalf of the Company in the Derivative Actions.

3. “Unknown Claims” means collectively, any and all Settlement Class Claims that any Plaintiff or any other Settlement Class Member does not know or suspect to exist in his, her, or its favor, and any Defendant Claims that any Defendant does not know or suspect to exist in his, her, or its favor, which, if known by him, her, or it, might have affected his, her, or its decision to enter into this Settlement, execute this Stipulation, and agree to all the various releases set forth herein, or might have affected his, her, or its decision not to object to this Settlement or not exclude himself, herself, or itself from the Settlement Class. Unknown Claims include, without limitation, those claims in which some or all of the facts composing the claim may be unsuspected or undisclosed, concealed, or hidden. The parties stipulate and agree that this provision is to be interpreted to the broadest extent permitted by any applicable law, regulation, or rule.

4. “Derivative Actions” means: *In re Fitbit, Inc. Shareholder Derivative Litigation*, No. 16-cv-6558 (N.D. Cal. November 11, 2016); *Correia v. Park*, No. 1:17-cv-00108 (D. Del. Feb. 2, 2017); *In re Fitbit, Inc. Stockholder Derivative Litigation*, C.A. No. 2017-0402-JRS (Del. Chan. May 26, 2017); and any other related derivative action filed on behalf of Fitbit prior to the date of the Stipulation.

## **H. REPRESENTATIONS**

I/we acknowledge that I/we have read the Notice of Proposed Class-Action Settlement and that pursuant thereto I/we file this claim to participate in the Settlement.

I/we hereby warrant and represent that neither I/we, nor any person I/we represent, is a Defendant (as defined in the Notice) with respect to any of the claims asserted in the Action, a member of the immediate family of any of the Defendants, or anyone excluded from the Settlement Class as it is defined in the Stipulation, or a person or entity who has requested exclusion from the Settlement Class.

I/we hereby warrant and represent that I/we have not assigned or transferred or purported to assign or transfer, voluntarily or involuntarily, any matter released pursuant to this release or any other part or portion hereof.

I/we hereby warrant and represent that I/we have included information about all of my/our transactions in Fitbit Common Stock, Call Options, and Put Options between June 18, 2015 and May 19, 2016, as well as the number of shares

of Common Stock held by me/us at the close of trading on June 18, 2015 and on May 19, 2016.

I/we hereby warrant and represent that I am/we are authorized to execute and deliver this Proof of Claim.

**I. CERTIFICATION**

I/we certify that I am/we are not subject to backup withholding. (If you have been notified by the IRS that you are subject to backup withholding, strike out the previous sentence.)

I/we certify that I/we purchased, otherwise acquired, or sold Common Stock, Call Options, and Put Options listed in the above Schedule between June 18, 2015 and May 19, 2016, inclusive.

I/we declare and affirm under penalties of perjury that the foregoing information and the documents attached hereto are true, correct and complete to the best of my/our knowledge, information, and belief, and that this Proof of Claim was executed this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_ in:

\_\_\_\_\_  
(City)

\_\_\_\_\_  
(State/Country)

\_\_\_\_\_  
Signature of Claimant

\_\_\_\_\_  
Signature of Joint Claimant, if any

\_\_\_\_\_  
(Print you name here)

\_\_\_\_\_  
(Print you name here)

\_\_\_\_\_  
Signature of Person signing on behalf of Claimant

\_\_\_\_\_  
(Print you name here)

\_\_\_\_\_  
Capacity of person signing on behalf of Claimant, if other than an individual, (Executor, President, Custodian, etc.)



**SUBSTITUTE FORM W-8: IF YOU ARE NOT A RESIDENT OR CITIZEN OF THE UNITED STATES, COMPLETE THE FOLLOWING:**

Permanent residence (principal office if a corporation): \_\_\_\_\_

If your claim is effectively connected with the conduct of a trade or business within the U.S., please provide the following information regarding your U.S. business:

\_\_\_\_\_  
Name of U.S. Business

\_\_\_\_\_  
Address of U.S. Business

\_\_\_\_\_  
Type of Business

\_\_\_\_\_  
Tax Identification Number

**W-8 Certification:** Under the penalties of perjury, I certify that the information provided above is true, correct and complete.

Signature(s) \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_  
Date: \_\_\_\_\_

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**ACCURATE CLAIMS PROCESSING TAKES A SIGNIFICANT  
AMOUNT OF TIME. THANK YOU FOR YOUR PATIENCE.**

**Reminder Checklist:**

1. Remember to sign the above Certification (or W-8 Certification, if applicable).
2. Remember to attach only **copies** of acceptable supporting documentation, a complete list of which can be found on the Settlement Administrator's website at [www.FitBitSecuritiesLitigation.com](http://www.FitBitSecuritiesLitigation.com).
3. Do not send originals of securities certificates.
4. Keep copies of the completed claim form and documentation for your own records.
5. If you desire an acknowledgment of receipt of your claim form, please send it Certified Mail, Return Receipt Requested, or its equivalent. **You will bear all risks of delay or non-delivery of your claim.**
6. If your address changes in the future, or if these documents were sent to an old or incorrect address, please send us **written** notification of your new address.

If you have questions or concerns regarding your claim, please contact the Settlement Administrator at:

Fitbit Securities Litigation  
c/o Settlement Administrator  
1801 Market Street, Suite 660  
Philadelphia, PA 19103  
[FitBitSecurities@AdministratorClassAction.com](mailto:FitBitSecurities@AdministratorClassAction.com)