

EXHIBIT 1064

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMERICAN NATIONAL MANUFACTURING INC.
Petitioner

v.

SLEEP NUMBER CORPORATION
f/k/a SELECT COMFORT CORPORATION
Patent Owner

Case No. IPR2019-00500

Patent No. 9,737,154

**DECLARATION OF KYLE L. ELLIOTT IN SUPPORT OF
PETITIONER'S AMENDED OPPOSITION TO PATENT OWNER'S
MOTION FOR ADDITIONAL DISCOVERY AND OTHER
MISCELLANEOUS RELIEF**

WA 13641173.1

I, Kyle L. Elliott, declare and state as follows:

1. I am an attorney with the law firm of Spencer Fane LLP. I represent Petitioner, American National Manufacturing, Inc., in the above captioned proceeding. I make this Declaration in support of Petitioner's Amended Opposition to Patent Owner's Motion for Additional Discovery and Other Miscellaneous Relief. I am above eighteen years of age, of sound mind, and if called to testify I could and would competently testify hereto. I make this declaration of my own personal knowledge.

2. According to Dun & Bradstreet Corporation ("Dun & Bradstreet"), Dun & Bradstreet is a nationally recognized company that provides commercial data, analytics, and insights for businesses.¹ One of Dun & Bradstreet's services is providing company financial profiles—these profiles are based on public information for those entities that are publically traded, and estimates for non-public, private entities.²

¹ *See, e.g., generally*, <https://www.dnb.com/about-us.html> (last visited Oct. 3, 2019) and

<https://www.sec.gov/Archives/edgar/data/1115222/000111522218000004/a201710-k.htm> (last visited Oct. 3, 2019).

² *Id.*

3. Attached as **Exhibit 1028** is a true and correct copy of a screen capture of relevant portions from the Dun & Bradstreet website containing the financial profile of Sleep Number Corporation.³

4. Attached as **Exhibit 1029** is a true and correct copy of a screen capture of relevant portions from Dun & Bradstreet website containing the financial profile of American National Manufacturing, Inc.⁴

5. Attached as **Exhibit 1030** is a true and correct copy of Plaintiff's First Supplemental Responses to Defendants' First Set of Interrogatories (Nos. 1-9) served December 21, 2018 in the matters of Case Nos. 5:18-cv-00356 and 5:18-cv-00357 in U.S. District Court Central District of California Eastern Division.

³ Available at https://www.dnb.com/business-directory/company-profiles.american_national_manufacturing_inc.463aa81e02fa57789eafb831271f3d41.html?sitespectflag=TRUE&imok=hoovers&aka_re=1 (last visited Oct. 3, 2019).

⁴ Available at https://www.dnb.com/business-directory/company-profiles.american_national_manufacturing_inc.463aa81e02fa57789eafb831271f3d41.html?sitespectflag=TRUE&imok=hoovers&aka_re=1 (last visited Oct. 3, 2019).

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6. Attached as **Exhibit 1031** is a true and correct copy of the Joint Stipulation dated August 29, 2018; 5:18-cv-00357, Dkt. No. 89.

7. Attached as **Exhibit 1032** is a true and correct copy of the October 19, 2018 letter from Jaspal Hare to Elizabeth Patton regarding discovery deficiencies.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: October 3, 2019

By /s/Kyle L. Elliott
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