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# Transcript of Paul J. Mahoney

**Date:** January 9, 2020

**Case:** American National Manufacturing Inc. -v- Sleep Number Corporation, et al.  
(PTAB)

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

Transcript of Paul J. Mahoney  
Conducted on January 9, 2020

1 (1 to 4)

<p>1 UNITED STATES PATENT AND TRADEMARK OFFICE 2 BEFORE THE PATENT TRIAL AND APPEAL BOARD 3 ----- 4 AMERICAN NATIONAL IPR2019-00497 5 MANUFACTURING INC., IPR2019-00500 6 Petitioner, IPR2019-00514 7 v. 8 SLEEP NUMBER CORPORATION U.S. PATENT 8,769,747 9 f/k/a SELECT COMFORT U.S. PATENT 9,737,154 10 CORPORATION, U.S. PATENT 5,904,172 11 Patent Owner. 12 ----- 13 VIDEO DEPOSITION OF 14 PAUL J. MAHONEY 15 MINNEAPOLIS, MINNESOTA 16 THURSDAY, JANUARY 9, 2020 17 8:07 A.M. 18 19 20 JOB NO.: 278016 21 PAGES: 1 - 181 22 REPORTED BY: PATRICK J. MAHON, RMR, CRR</p>	<p>1 A P P E A R A N C E S 2 3 REPRESENTING THE PETITIONER: 4 Mr. Brian T. Bear 5 Attorney at Law 6 Mr. Kyle L. Elliott (present a.m. session) 7 Attorney at Law 8 Spencer Fane LLP 9 1000 Walnut Street, Suite 1400 10 Kansas City, MO 64106-2140 11 bbear@spencerfane.com 12 kelliott@spencerfane.com 13 14 15 16 17 18 19 20 21 22 (continued...)</p>
<p>1 VIDEO DEPOSITION OF PAUL J. MAHONEY, HELD 2 AT THE OFFICES OF: 3 4 5 FOX ROTHSCHILD LLP 6 222 SOUTH 9TH STREET 7 MINNEAPOLIS, MINNESOTA 55402-3338 8 9 10 11 12 13 Pursuant to Notice, before Patrick J. 14 Mahon, Notary Public in and for the County of 15 Hennepin, State of Minnesota. 16 17 18 19 20 21 * * * * * 22</p>	<p>1 APPEARANCES, continued: 2 3 REPRESENTING THE PATENT OWNER: 4 Mr. Luke Toft 5 Attorney at Law 6 Fox Rothschild LLP 7 222 South 9th Street, Suite 2000 8 Minneapolis, MN 55402 9 ltoft@foxrothschild.com 10 11 ALSO PRESENT: Kyle Stolis, Videographer 12 13 * * * 14 15 16 17 18 19 20 21 22</p>

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<p>1 I N D E X</p> <p>2</p> <p>3 EXAMINATION:</p> <p>4 BY MR. BEAR - PAGES 8 and 174</p> <p>5 BY MR. TOFT - PAGE 163</p> <p>6 EXHIBITS:</p> <table border="1"><thead><tr><th data-bbox="233 436 678 462">NUMBER/DESCRIPTION</th><th data-bbox="641 436 678 462">PAGE</th></tr></thead><tbody><tr><td data-bbox="233 466 678 583">8 Exhibit 1.....</td><td data-bbox="641 466 678 491">142</td></tr><tr><td data-bbox="233 499 678 583">9 Videotape Deposition transcript 10 of Paul James Mahoney on 2/17/16 11 (123 pages)</td><td></td></tr><tr><td data-bbox="233 592 678 676">12 Exhibit 1001.....</td><td data-bbox="641 592 678 617">45</td></tr><tr><td data-bbox="233 684 678 781">13 Patent No.: 5,904,172 14 (17 pages)</td><td></td></tr><tr><td data-bbox="233 789 678 907">15 Exhibit 1001.....</td><td data-bbox="641 789 678 814">105</td></tr><tr><td data-bbox="233 915 678 987">16 Patent No.: US 8,769,747 B2 17 AMERICAN NATIONAL MANUFACTURING, 18 INC. - EX 1001 - Page 1 - Page 16</td><td></td></tr><tr><td data-bbox="233 995 678 1020">19</td><td></td></tr><tr><td data-bbox="233 1024 678 1050">20</td><td></td></tr><tr><td data-bbox="233 1054 678 1079">21</td><td></td></tr><tr><td data-bbox="233 1083 678 1108">22 (continued...)</td><td></td></tr></tbody></table>	NUMBER/DESCRIPTION	PAGE	8 Exhibit 1.....	142	9 Videotape Deposition transcript 10 of Paul James Mahoney on 2/17/16 11 (123 pages)		12 Exhibit 1001.....	45	13 Patent No.: 5,904,172 14 (17 pages)		15 Exhibit 1001.....	105	16 Patent No.: US 8,769,747 B2 17 AMERICAN NATIONAL MANUFACTURING, 18 INC. - EX 1001 - Page 1 - Page 16		19		20		21		22 (continued...)		<p>1 P R O C E E D I N G S</p> <p>2 WHEREUPON, the following proceedings were</p> <p>3 duly had:</p> <p>4 THE VIDEOGRAPHER: Good morning. Here</p> <p>5 begins Disk Number 1 in the videotaped deposition</p> <p>6 of Paul Mahoney in the matter of American National</p> <p>7 Manufacturing Inc. versus Sleep Number</p> <p>8 Corporation, et al., in the United States Patent</p> <p>9 and Trademark Office before the Patent Trial and</p> <p>10 Appeal Board, case numbers IPR2019-00497, -00500,</p> <p>11 and -00514.</p> <p>12 Today's date is Thursday, January 9, 2020.</p> <p>13 The time on the video monitor is 8:07 a.m.</p> <p>14 The videographer today is Kyle Stolis,</p> <p>15 representing Planet Depos.</p> <p>16 This video deposition is taking place at</p> <p>17 the law office of Fox Rothschild LLP in</p> <p>18 Minneapolis, Minnesota.</p> <p>19 Would counsel please voice-identify</p> <p>20 themselves and state whom they represent.</p> <p>21 MR. BEAR: Brian Bear of the Spencer Fane</p> <p>22 LLP law firm on behalf of Petitioner, American</p>		
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9	<p>1 reside?</p> <p>2 <b>A Stillwater, Minnesota.</b></p> <p>3 Q Stillwater, Minnesota.</p> <p>4 I know from some documents in front of me</p> <p>5 that you have been deposed before; is that</p> <p>6 correct?</p> <p>7 <b>A That is correct.</b></p> <p>8 Q Okay. You were deposed on or about</p> <p>9 March 10, 2016, in an International Trade</p> <p>10 Commission case; do you recall that, sir?</p> <p>11 <b>A I recall the case, but I don't remember</b></p> <p>12 <b>the date.</b></p> <p>13 Q Is it approximately 2016? Would that be</p> <p>14 consistent with your memory?</p> <p>15 <b>A I just don't remember.</b></p> <p>16 Q Okay. You were also deposed on or about</p> <p>17 February 17, 2016, in a case, Select Comfort</p> <p>18 versus Tempur Sealy; do you recall that, sir?</p> <p>19 <b>A Tempur Sealy?</b></p> <p>20 Q Yes.</p> <p>21 <b>A I didn't think it was Tempur Sealy, but...</b></p> <p>22 Q Do you recall a gentleman by the name</p>	11
10	<p>1 of -- well, let's see. But you recall giving more</p> <p>2 than one deposition in 2016; is that correct?</p> <p>3 <b>A I've given more than one deposition. I</b></p> <p>4 <b>just don't remember the dates.</b></p> <p>5 Q Okay. And those depositions, were they</p> <p>6 regarding one of the patents that you are a named</p> <p>7 inventor on?</p> <p>8 <b>A Yes.</b></p> <p>9 Q Okay. Besides those two depositions, have</p> <p>10 you given any depositions since that time and</p> <p>11 today?</p> <p>12 <b>A Not that --</b></p> <p>13 MR. TOFT: Object to form.</p> <p>14 <b>A Not that I know of.</b></p> <p>15 <b>BY MR. BEAR:</b></p> <p>16 Q Okay. Have you given any type of sworn</p> <p>17 testimony in a proceeding between that time and</p> <p>18 today?</p> <p>19 <b>A Not that I know of.</b></p> <p>20 Q Okay. So I want to go through some of the</p> <p>21 ground rules, although you probably heard them</p> <p>22 before, about the deposition. Okay?</p>	12

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13	1 BY MR. BEAR: 2 Q So as I ask you questions about this, 3 although I have one of these, it would equally 4 apply to all three of your declarations. Okay? 5 <b>A (Witness nods in affirmative.)</b> 6 Q All righty. Did you draft this document 7 yourself? 8 <b>A (Reviewing.) Which portion?</b> 9 Q Any portion of the document? 10 <b>A I drafted my CV.</b> 11 Q Okay. Beyond that, any other portions did 12 you draft yourself? 13 <b>A No, I did not.</b> 14 Q Okay. Who did prepare the draft for you? 15 <b>A I think it was Liz.</b> 16 Q Liz, Elizabeth Patton? 17 <b>A I can't remember her last name.</b> 18 MR. TOFT: If it's the person that we were 19 just meeting with, then that is her last name. 20 THE WITNESS: Okay. 21 <b>A Yes.</b> 22 <b>BY MR. BEAR:</b>	15	1 Q Okay. I notice, as well, in paragraph 2, 2 you talk about your educational background. You 3 have a BS in science in electrical engineering; is 4 that correct? 5 <b>A Yes, I do.</b> 6 Q And you also have a master's in biomedical 7 engineering from Southern Methodist; is that 8 correct? 9 <b>A Yes, it is.</b> 10 Q What is biomedical engineering? 11 <b>A It kind of builds on engineering</b> 12 <b>principles and also biology.</b> 13 Q Biology. So what are some of the 14 applications that a biomedical engineering 15 discipline would address? 16 <b>A It all would depend on what your specialty</b> 17 <b>is.</b> 18 Q What was your specialty? 19 <b>A Mine was more general.</b> 20 Q So what sorts of problems would you work 21 on as a biomedical engineer? 22 <b>A It all depended on the company that I</b>
14	1 Q Okay. And did you make any changes to the 2 draft that she provided to you? 3 <b>A Yes, I did.</b> 4 Q Okay. Did Ms. Patton consult you prior to 5 providing a draft of this document to you, as in, 6 like, a telephone conference or an in-person 7 meeting? 8 MR. TOFT: And I'm just going to instruct 9 you, to the extent you can answer the question 10 without revealing the content of the 11 conversations, you can answer. Please don't -- 12 <b>A Yes, I did.</b> 13 <b>BY MR. BEAR:</b> 14 Q Okay. I'd like to talk about some of the 15 statements you make in this document. It says 16 that you were employed, in paragraph 3, as a 17 "Senior Product Design Engineer from June 1995 to 18 July 2011"; do you see that, sir? 19 <b>A Yes, I do.</b> 20 Q Okay. And that was at Sleep Number 21 Corporation; is that correct? 22 <b>A That is correct.</b>	16	1 <b>would work for and what my role was in the</b> 2 <b>company.</b> 3 Q Okay. After you got that degree, what was 4 the first company you worked for? 5 <b>A I worked for a hospital.</b> 6 Q Okay. And were you employed as an 7 engineer for the hospital or in a different 8 capacity? 9 <b>A A different capacity.</b> 10 Q What was your capacity? 11 <b>A Respiratory therapist.</b> 12 Q Okay. And then how long did you work at 13 that hospital for, approximately? 14 <b>A Three or four years, I think.</b> 15 Q Okay. And then what did you do? 16 <b>A I worked for 3M.</b> 17 Q Did you work as an engineer for 3M? 18 <b>A Yes, I did.</b> 19 Q What sorts of problems or products did you 20 work on at 3M? 21 <b>A Designing a neonatal intensive care</b> 22 <b>ventilator.</b>

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