

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 B2

**REPLY IN SUPPORT OF
PATENT OWNER'S MOTION TO AMEND**

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	ARGUMENT.....	1
A.	The Proposed Amendments Meet the Statutory and Regulatory Requirements	1
B.	ANM Improperly Incorporates by Reference	2
C.	The Substitute Claims Are Not Obvious	3
1.	There Is No Motivation to Combine Gifft-Mittal-Pillsbury-Ebel	4
a.	A POSITA Would Understand Ebel Is Less Accurate.....	4
b.	Ebel Does Not Teach the Claimed Multiplicative	5
c.	ANM Relies on Improper Hindsight	8
2.	The Remaining Substitute Claims Are Not Obvious	9
3.	ANM Admits the References Are Not Analogous.....	9
D.	ANM Is Wrong on Indefiniteness	10
E.	ANM Is Also Wrong on Written Description and Enablement.....	11
F.	PO Has Not Violated the Duty of Candor	12
III.	CONCLUSION	12

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Alcohol Monitoring Sys., Inc. v. Soberlink, Inc.</i> , No. IPR2015-00556, 2016 WL 2342118 (PTAB May 3, 2016)	2
<i>Apple Inc. v. Samsung Elecs. Co.</i> , 839 F.3d 1034 (Fed. Cir. 2016)	3
<i>Aqua Products Inc. v. Matal</i> , 872 F.3d 1290 (Fed. Cir. 2017)	3
<i>Ariad Pharm., Inc. v. Eli Lilly & Co.</i> , 598 F.3d 1336 (Fed. Cir. 2010) (<i>en banc</i>)	11, 12
<i>BASF Corp. v. Johnson Matthey Inc.</i> , 875 F.3d 1360 (Fed. Cir. 2017)	11
<i>Cisco Sys. Inc. v. C-Cation Tech. LLC</i> , IPR2014-00454, Paper 12 (PTAB Aug. 29, 2014)	2
<i>KSR Int’l Co. v. Teleflex Inc.</i> , 550 U.S. 398 (2007).....	3
<i>Lectrosonics, Inc. v Zaxcom, Inc.</i> , IPR2018-01129, Paper 15 (PTAB Feb. 25, 2019)	1, 3
<i>Merck Sharp & Dohme B.V. v. Warner Chilcott Co., LLC</i> , 711 F. App’x 633 (Fed. Cir. 2017).....	9
<i>Metalcraft of Mayville, Inc. v. The Toro Co.</i> , 848 F.3d 1358 (Fed. Cir. 2017)	9
<i>Poly-America, L.P. v. API Indus., Inc.</i> , 839 F.3d 1131 (Fed. Cir. 2016)	10
<i>SmithKline Beecham Corp. v. Apotex Corp.</i> , 403 F.3d 1331 (Fed. Cir. 2005).....	11
<i>Tillotson Ltd. v. Walbro Corp.</i> , 831 F.2d 1033 (Fed. Cir. 1987).....	1

Case IPR2019-00500
Patent 9,737,154 B2

Unified Patents Inc. v. Location Based Servs., LLC,
No. IPR2017-01965, 2019 WL 650546 (PTAB Feb. 15, 2019).....2

In re Wands,
858 F.2d 731 (Fed. Cir. 1988).....12

Other Authorities

37 C.F.R. § 42.6(a)(3).....2

84 Fed. Reg. 33,925 (July 16, 2019)3

PATENT OWNER'S EXHIBIT LIST

Exhibit No.	Description
2079	Declaration of Dr. William Messner
2080	Deposition Transcript of Dr. Joshua Phinney
2081	PCT App. US 2008/059409 (“‘409 App.”)
2082	Information Disclosure Statement

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.