

EXHIBIT F

Patent Owner's Response and Notice of Supplemental
Evidence in Response to Petitioner's Objections to Patent
Owner's Evidence Dated October 30, 2019

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

**SUPPLEMENTAL DECLARATION OF ELIZABETH A. PATTON
IN SUPPORT OF PATENT OWNER'S RESPONSE**

I, Elizabeth A. Patton, declare as follows:

1. I am a partner at the law firm Fox Rothschild LLP, and I am one of the attorneys representing Sleep Number Corporation f/k/a Select Comfort Corporation (herein “Sleep Number”) in the above matter initiated by American National Manufacturing, Inc. (“ANM”). I have been admitted *pro hac vice*.

2. I have first-hand knowledge of the information stated in this Supplemental Declaration, which I submit in support of Patent Owner’s Response.

3. I am a senior member of the team representing Patent Owner in the following IPR proceedings: IPR2019-00497 (U.S. Pat. No. 8,769,747), IPR2019-00500 (U.S. Pat. No. 9,737,154), and IPR2019-00514 (U.S. Pat. No. 5,904,172). I am also a senior member of the team representing Patent Owner in the following related district court cases (“District Court Case”): *Sleep Number Corporation v. American National Manufacturing Inc.*, 5:18-cv-00357(AB)(SPx) (C.D. Cal. 2018) and *Sleep Number Corporation v. Sizewise Rentals, LLC*, 5:18-cv-00356(AB)(SPx) (C.D. Cal. 2018).

4. Additionally, I am a senior member of the team representing Sleep Number Corporation in the following district court case involving ANM’s related company and Real-Party-in-Interest Dires, LLC (“Dires Case”): *Sleep Number Corporation, et al. v. John Baxter, et al.*, 12-cv-2899-DWF-SER (D. Minn. 2012), *on appeal*, *Sleep Number Corporation, et al. v. John Baxter, et al.*, 19-1077 (8th Cir.

2019). In September and October of 2017, a trial was conducted in the Dires Case (“Dires Trial”). I was a senior member of the trial team representing Sleep Number Corporation at the Dires Trial. During the Dires Trial, ANM President Craig S. Miller Jr. (*see* Exhibit 1033 ¶1), testified at length regarding facts related to Sleep Number’s claims in the litigation, including the false statements Sleep Number alleged Dires had made to consumers, many of which involved statements pertaining to Sleep Number in comparison to Dires/ANM. I was present for the entirety of Mr. Miller’s testimony. Notably, Dires is a Real-Party-in-Interest in this IPR proceeding.

5. The testimony elicited during the trial in the Dires Case was recorded stenographically and publicly filed on the docket as full page transcripts at Docket Entries 586-588. Exhibit 2034 is a true and correct copy of excerpts of Volumes VI–VIII of the Dires Case trial testimony in minuscrit form, which includes all of Craig Miller’s trial testimony conducted on September 29, 2017, October 2, 2017, and October 3, 2017. Based on being present during the entirety of Mr. Miller’s testimony at the Dires Trial and my review of the transcripts filed in the Dires Case docket, I believe that his testimony was fully, accurately, and authentically recorded in the transcripts filed in the Dires Case docket. Exhibit W is a true and correct copy of excerpts (pages 1090-1094) of Volume V of the Dires Case trial testimony in manuscript form, which contains testimony of a witness named David Karr. I heard

all of this testimony, and I believe it to be accurately and authentically reflected in Exhibit W.

6. During the trial in the Dires Case, the parties entered thousands of exhibits into evidence. Although those exhibits were not publicly filed on the docket, they became publicly available at the conclusion of the trial when the parties did not request any confidentiality designations or restrictions from public access (with the exception of certain customer communications not being submitted in this proceeding). In addition, those exhibits were later provided to the Eighth Circuit Court of Appeals, again under no confidentiality designations or restrictions from public access (and again with the same exception).

7. Exhibit 2035 is a true and correct copy of Plaintiff's Exhibit 730 from the Dires Case trial, which are materials produced by Dires that include instructions from Craig Miller regarding training. Dires stipulated without objection to the admissibility of this Exhibit prior to the Dires Trial. During the Dires Trial, Mr. Miller testified about this trial exhibit, including providing foundation for the exhibit, and Dires did not object to Mr. Miller's knowledge nor did Mr. Miller suggest the exhibit was not authentic. (*See* Exhibit 2034 at 1332:3-1340:25 (Pltf. Ex. 730).) Further, this trial exhibit bears a Dires bates stamp. Exhibit 2036 is a true and correct copy of Defendant's Exhibits 212, 213, and 215 and Plaintiff's Exhibits 716 and 718 from the Dires Case trial, which are emails produced by Dires that

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