

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 IPR2019-00500
Patent 9,737,154 B2

PATENT OWNER'S DISCOVERY REQUESTS

Patent Owner Sleep Number Corporation (“Sleep Number”) requests that Petitioner American National Manufacturing Inc. (“ANM” or “You”) and Real Party-in-Interest Sizewise Rentals, LLC (“Sizewise”) produce the following information and documents within 14 days:

Definitions

1. “ANM’s Accused Source Code” shall mean the source code produced by ANM and identified by Sleep Number in its infringement contentions served on January 25, 2019 in *Sleep Number v. ANM*, 5:18-cv-00357AB(SP_x) and which includes Versions 1.8, 1.97, and 2.0.

2. “Sizewise’s Accused Source Code” shall mean the source code produced by Sizewise and identified by Sleep Number in its infringement contentions served on January 25, 2019 in *Sleep Number v. Sizewise*, 5:18-cv-00356AB(SP_x) and which includes the Platinum Source File source code.

3. “An Accused Source Code” shall include all of ANM’s Accused Source Code and Sizewise’s Accused Source Code.

Interrogatories

Interrogatory No. 1: Please describe and identify sales and financial information on all *consumer* inflatable air bed systems sold by ANM under the Instant Comfort brand name (including but not limited to the model Q2, Q3, Q4, Q5, Q6, Q7, Q7-T, Q8, Q9, S6, S7, S7-T, S8 and S9 bed systems) from 2009 to present on a monthly or quarterly basis, including the following: (1) an identification of inflatable air beds sold *with* ANM’s Accused Source Code, (2) an identification of

inflatable air beds sold *without* ANM's Accused Source Code, and (3) separately for the foregoing two categories, an identification of (by SKU or product name) the number of units sold and the revenue generated therefrom.

Interrogatory No. 2: Please describe and identify sales and financial information on all *medical* inflatable air bed systems sold by ANM (including but not limited to any bed models currently or previously listed on ANM's website, <http://www.americannationalmfg.com/medical-beds.html>) from 2009 to present on a monthly or quarterly basis, including the following: (1) an identification of inflatable air beds sold *with* ANM's Accused Source Code, (2) an identification of inflatable air beds sold *without* ANM's Accused Source Code, and (3) separately for the foregoing two categories, an identification of (by SKU or product name) the number of units sold and the revenue generated therefrom.

Interrogatory No. 3: Please describe and identify sales and financial information on all *medical* inflatable air beds from 2009 to present sold or leased by ANM or Sizwise (including sales or leases by ANM to Sizwise) on a monthly or quarterly basis, including the following: (1) an identification of inflatable air beds sold or leased *with* Sizwise's Accused Source Code, (2) an identification of inflatable air beds sold or leased *without* Sizwise's Accused Source Code, and (3) separately for the foregoing two categories, an identification of (by SKU or product name) the number of units sold/leased and the revenue generated therefrom.

Interrogatory No. 4: For all sales identified in response to the Interrogatories above, please identify, on a monthly or quarterly basis, (1) which of the units

sold/leased were to third-party retailers or distributors (including, e.g., to Dires, LLC; Elements of ReST, Inc./Responsive Surface Technology, LLC; and Advanced Sleep Technologies, LLC), and (2) the revenue generated therefrom.

Interrogatory No. 5: Please describe and identify the differentiating product features, as between Your SKUs or products, for each SKU or product sold or leased since 2009, including the size of the bed (e.g., King or Queen), the mattress height, the number and type of comfort or foam types included in the bed and the thickness of each, whether the remotes are wired or wireless, whether each SKU or product includes An Accused Source Code, and whether each SKU or product includes, for example, dual adjustability, a mobile app or app capabilities, a cooling or heating element or technology (e.g., cooling memory foam), and/or other differentiating features.

Requests For Production

Request No. 1: Please produce an excel spreadsheet that identifies sales and financial information on all *consumer* inflatable air bed systems sold by ANM under the Instant Comfort brand name (including but not limited to the model Q2, Q3, Q4, Q5, Q6, Q7, Q7-T, Q8, Q9, S6, S7, S7-T, S8 and S9 bed systems) from 2009 to present on a monthly or quarterly basis, including the following: (1) an identification of inflatable air beds sold *with* ANM's Accused Source Code, (2) an identification of inflatable air beds sold *without* ANM's Accused Source Code, and (3) separately for the foregoing two categories, an identification of (by SKU or product name) the number of units sold and the revenue generated therefrom.

Request No. 2: Please produce an excel spreadsheet that identifies sales and financial information on all *medical* inflatable air bed systems sold by ANM (including but not limited to any bed models currently or previously listed on ANM's website, <http://www.americannationalmfg.com/medical-beds.html>) from 2009 to present on a monthly or quarterly basis, including the following: (1) an identification of inflatable air beds sold *with* ANM's Accused Source Code, (2) an identification of inflatable air beds sold *without* ANM's Accused Source Code, and (3) separately for the foregoing two categories, an identification of (by SKU or product name) the number of units sold and the revenue generated therefrom.

Request No. 3: Please produce an excel spreadsheet that identifies sales and financial information on all inflatable air beds sold or leased by ANM or Sizewise from 2009 to present on a monthly or quarterly basis, including the following: (1) an identification of inflatable air beds sold or leased *with* Sizewise's Accused Source Code, (2) an identification of inflatable air beds sold or leased *without* Sizewise's Accused Source Code, and (3) separately for the foregoing two categories, an identification of (by SKU or product name) the number of units sold/leased and the revenue generated therefrom.

Request No. 4: For all sales identified in the documents responsive to the Document Requests above, produce an excel spreadsheet that identifies, on a monthly or quarterly basis, (1) which of the units sold/leased were to third-party retailers or distributors (including, e.g., to Dires, LLC; Elements of ReST,

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