

Case No. IPR2019-00497

Patent No. 8,769,747

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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AMERICAN NATIONAL MANUFACTURING INC.,  
Petitioner,

v.

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

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**PETITIONER'S OPPOSITION TO PATENT OWNER'S  
MOTION FOR ADDITIONAL DISCOVERY AND OTHER  
MISCELLANEOUS RELIEF (PAPER 18)**

**TABLE OF CONTENTS**

I. INTRODUCTION ..... 1

II. LEGAL STANDARD ..... 2

III. ARGUMENT ..... 3

    A. Sans evidence, PO fails to carry its heavy burden to show the additional discovery is “*necessary in the interest of justice*” ..... 3

        1. Factor 1—PO failed to demonstrate it is in “possession” of any probative evidence, and there is no more than “a possibility and mere allegation” here. 3

        2. Factor 2—PO’s Requests implicate the Parties’ litigation position, namely, as to noninfringement ..... 5

        3. Factor 3—Other means exist that PO could use to demonstrate commercial success such as evidence related to its own products ..... 7

        4. Factor 4—PO’s instructions and requests (expressly implicating other disputed and protected documents) are far from “easily understandable” ..... 7

        5. Factor 5—PO’s Requests covering “all” products and 10 years of financial data are overly burdensome ..... 9

    B. Page Limit Extension is Not Warranted .....10

IV. CONCLUSION .....10

**TABLE OF AUTHORITIES**

	<b>Page(s)</b>
<b>Cases</b>	
<i>Apple Inc. v. Sightsound Tech., LLC</i> , CBM2013-00020, Paper 40 .....	6
<i>Brown &amp; Williamson Tobacco Corp. v. Philip Morris Inc.</i> , 229 F.3d 1120 (Fed. Cir. 2000) .....	7
<i>Chervon</i> , IPR2015-00595, Paper 31 .....	9
<i>Douglas Dynamics, L.L.C. v. Meyer Prods., LLC</i> , IPR2015-01839, Paper 29 .....	5
<i>Garmin Int’l, Inc. et al. v. Cuozzo Speed Tech. LLC</i> , IPR2012-00001, No. 26 (Mar. 5, 2013).....	<i>passim</i>
<i>Jazz Pharm., Inc. v. Amneal Pharm. LLC</i> , C.A. No. 13-391(ES) (JAD), 2016 WL 11480203 (D.N.J. Jan. 22, 2016) .....	8
<i>Kingston</i> , IPR2015-00149, Paper 24 (proponent of discovery, who itself did not manufacture a practicing product, attached a claim chart for petitioner’s product and related consumer reviews that pointed out critical patent features to show nexus) .....	4
<i>Seadrill Amer. Inc. v. Transocean Offshore Depwater Drilling, Inc.</i> , IPR2015-01929, Paper 31 .....	6
<i>Sleep Number Corp. v. American National Manufacturing, Inc.</i> , C.A. No. 5:18-cv-00357 AB (SPX) (C.D. Cal. Feb. 20, 2018).....	1, 12
<b>Statutes</b>	
35 U.S.C. § 316(a)(5).....	2

Case No. IPR2019-00497

Patent No. 8,769,747

**Other Authorities**

37 C.F.R. § 42.6(e) .....12

37 C.F.R. § 42.51(b)(2).....2

154 Cong. Rec. S9988 (daily ed. Sept. 27, 2008) (statement of Sen. Kyl) .....3

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IPR2019-00497, Paper 11 .....10

Petitioner American National Manufacturing, Inc. (“ANM” or “Petitioner”) files this Opposition in response to Patent Owner Sleep Number Corp.’s (f/k/a Select Comfort Corp.) (“PO” or “Sleep Number”) Motion for Additional Discovery and to Waive the Word Count for the Parties’ Response, Reply, and Sur-Reply (Paper 18) (the “Motion”).<sup>1</sup> Ex. 2016 provides PO’s Discovery Requests (the “Requested Discovery” or “Requests”).

## I. INTRODUCTION

PO’s Motion is the first step of opening Pandora’s Box. PO seeks detailed, customized information covering “all” of ANM’s air bed products spanning ten years. The Requests are complicated and expressly implicate confidential documents protected by the District Court’s protective order.<sup>2</sup> Compliance would be extremely burdensome and appear to require violating the District Court’s protective order, which prohibits the use of protected documents in this proceeding.

PO is the *Goliath* in the premium air mattress industry,<sup>3</sup> while ANM is a mere *David*.<sup>4</sup> PO’s proffered justification for its requested discovery is secondary indicia of nonobviousness (i.e., copying and commercial success). It follows that PO would

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<sup>1</sup> This brief is on behalf of ANM only. Sizewise Rentals, LLC (“Sizewise”), who is not a named party to this action, is not believed to be entitled to participate in this proceeding, and is not believed to be subject to the PO’s requested discovery (which does not include a request for a subpoena). To the extent the Board disagrees, the Board’s guidance would be appreciated.

<sup>2</sup> The “District Court” refers to the district court in *Sleep Number Corp. v. American National Manufacturing, Inc.*, C.A. No. 5:18-cv-00357 AB (SPx) (C.D. Cal. Feb. 20, 2018).

<sup>3</sup> See Ex. 1018 (stating revenue of approx. \$1.5 billion).

<sup>4</sup> See Ex. 1019 (stating revenue of approx. \$21 million (est.)).

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