

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

**JOINT STIPULATION FOR ENTRY OF THE
STIPULATED PROTECTIVE ORDER**

Sleep Number Corporation (“Patent Owner”) and American National Manufacturing, Inc. (“Petitioner”), by and through their respective counsel of record, hereby stipulate to the entry of the proposed Stipulated Protective Order (“Protective Order” in this *Inter Partes Review* (“IPR”), which is modified from the Board’s Default Protective Order to include heightened levels of confidentiality protection to mirror that in the district court actions involving the same parties, *Sleep Number Corporation v. American National Manufacturing, Inc.*, 5:18-cv-00357AB(SP_x) (C.D. Cal. 2018) and *Sleep Number Corporation v. Sizewise Rentals, LLC*, 5:18-cv-00356AB(SP_x) (C.D. Cal.) (hereinafter “District Court Cases”). The proposed Stipulated Protective Order and a redline comparing the proposed Stipulated Protective Order with the Default Protective Order are attached hereto as Exhibits 2024 and 2025.

There is good cause to modify the Board’s Default Protective Order in this matter. First, the Court in the District Court Cases entered an order on September 26, 2019 (5:18-cv-00357AB(SP_x), Doc. 173; and 5:18-cv-00356AB(PP_x), Doc. 177) modifying the District Court Cases’ protective order to include this IPR, which allows the parties to utilize documents designated under that Protective Order in this IPR. As a result, those documents should be entitled to the same level of protection in this IPR, which justifies modification of the Board’s Default Protective Order. Second, the parties anticipate that documents in this IPR, including produced documents, will potentially include deposition transcripts, and other disclosures involving confidential product and patent information, non-public confidential

Case No. IPR2019-00500
Patent No. 9,737,154

financial and sales information, confidential source code information of the parties, confidential source code information of third-parties, and other proprietary information, is in need of a heightened level of confidentiality protection like in the District Court Cases. This also justifies modification of the Board's Default Protective Order. The parties hereby incorporate by reference the District Court Cases' protective order and modifications.

It is the intent of the parties that information will not be designated as confidential for tactical reasons and that nothing be so designated without a good faith belief that it has been maintained in a confidential, non-public manner, and there is good cause why it should not be part of the public record of this case.

IT IS SO STIPULATED.

Respectfully submitted,

Dated: October 14, 2019

By: /s/ Kyle L. Elliott
Kyle L. Elliott (Reg. No. 39,485)
Kevin S. Tuttle (Reg. No. 52,307)
Brian T. Bear (*pro hac vice*)
SPENCER FANE LLP
1000 Walnut Street, Suite 1400
Kansas City, Missouri 64106
Telephone: (816) 474-8100
kelliott@spencerfane.com
ktuttle@spencerfane.com
bbear@spencerfane.com

Case No. IPR2019-00500
Patent No. 9,737,154

Jaspal S. Hare (Reg. No. 66,988)
SPENCER FANE LLP
2200 Ross Avenue
Suite 4800 West
Dallas, TX 75201
Telephone: 214-750-3610
jhare@spencerfane.com

Attorneys for Petitioner
American National Manufacturing Inc.

Dated: October 14, 2019

By: /s/ Luke Toft
Luke Toft (Reg. No. 75,311)
Andrew Hansen (*pro hac vice*)
Archana Nath (*pro hac vice*)
Elizabeth A. Patton (*pro hac vice*)
FOX ROTHSCHILD LLP
222 South Ninth Street, Suite 2000
Minneapolis, MN 55402
Telephone: (612) 607-7000
Facsimile: (612) 607-7100
ltoft@foxrothschild.com
ahansen@foxrothschild.com
anath@foxrothschild.com
epatton@foxrothschild.com

Steven A. Moore (Reg. No. 55,462)
PILLSBURY WINTHROP SHAW PITTMAN LLP
501 West Broadway, Suite 1100
San Diego, CA 92101
Telephone: (619) 234-5000
Facsimile: (619) 236-1995
steve.moore@pillsburylaw.com

Case No. IPR2019-00500
Patent No. 9,737,154

Kecia J. Reynolds (Reg. No. 47,021)
PILLSBURY WINTHROP SHAW PITTMAN LLP
1200 Seventeenth Street, NW
Washington, DC 20036
Telephone: (202) 663-8000
Facsimile: (202) 663-8007
kecia.reynolds@pillsburylaw.com

Attorneys for Patent Owner
Sleep Number Corporation

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.