

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 MOTION TO AMEND**

## TABLE OF CONTENTS

Introduction .....	1
Background .....	2
Argument.....	2
I. The Proposed Amendments Do Not Enlarge the Scope of the Claims or Introduce New Subject Matter.....	4
II. The Proposed Amendments Are Responsive to a Ground of Invalidity Asserted by Petitioner.....	6
III. The Proposed Amendments Have Support In Earlier Disclosures. ....	8
A. Elements 23.P, 27.P, 30.P, and 32.P. ....	9
B. Elements 23.1, 23.2, 27.1, 30.1, 30.2, 32.1, 32.2, 32.5, and 32.6.....	9
C. Elements 23.3, 23.6, 27.2, 30.3, 32.9, 32.10, 32.17, and 32.18.....	10
D. Elements 23.4 and 23.5. ....	10
E. Elements 23.7, 23.8, 30.5, and 30.6.....	10
F. Elements 23.9, 23.10, 27.4, 30.4, 32.11, and 32.12. ....	11
G. Elements 23.11, 23.12, 27.5, 30.7, 32.7, 32.13, and 32.14. ....	11
H. Elements 23.13, 23.14, 24.1, 27.6, 30.8, 32.15, and 32.16. ....	12
I. Elements 23.15, 23.16, 27.7, and 30.9.....	12
J. Elements 25.1 and 26.1. ....	12
K. Elements 27.3 and 28.1. ....	12
L. Elements 33.1, 34.1, 35.1, 36.1, 38.1, 39.1, 40.1, and 41.1.....	13
M. Elements 30.10, 32.19, and 32.20.....	13
N. Element 30.11. ....	13
O. Elements 32.3 and 32.8. ....	13

P.	Element 32.4.....	14
Q.	Element 29.1.....	14
R.	Element 31.1.....	14
S.	Element 37.1.....	15
Conclusion .....		15

..

**TABLE OF AUTHORITIES**

**Page(s)**

**Cases**

*Ariad Pharms., Inc. v. Eli Lilly & Co.*,  
598 F.3d 1336, 1351 (Fed. Cir. 2010) (*en banc*) .....8

*Aqua Products Inc. v. Matal*,  
872 F.3d 1290 (Fed. Cir. 2017) .....3, 4

*Nichia Corp. v. Emcore Corp.*,  
IPR2012-00005, Paper 27 (PTAB June 3, 2013) .....8

*Veeam Software Corp. v. Veritas Techs.*,  
LLC, IPR2014-00090, Paper 48 (PTAB July 17, 2017) .....6

**Statutes**

35 U.S.C. § 316 .....3

35 U.S.C. § 316(d)(1)(B) .....2

35 U.S.C. § 316(d)(3).....2

**Other Authorities**

37 C.F.R. § 1.175(b) .....4

37 C.F.R. § 42.121(c).....7

37 C.F.R. § 42.5(a).....7

37 C.F.R. § 42.121 .....3

37 C.F.R. § 42.121(a)(2)(i) .....2, 6

37 C.F.R. § 42.121(a)(2)(ii) .....2

37 C.F.R. §§ 42.121(b)(1)-(2).....8

U.S. Patent and Trademark Office, Manual of Patent Examination  
Procedure § 2658 (9<sup>th</sup> ed. Revision 08.2017, Last Revised Jan.  
2018) .....4

...

U.S. Patent and Trademark Office, Manual of Patent Examination  
Procedure § 1412.03 (9<sup>th</sup> ed. Revision 08.2017, Last Revised Jan.  
2018) .....4

# 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.