

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

**PATENT OWNER'S
CORRECTED UNOPPOSED MOTION TO SEAL**

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Patent Owner respectfully submits this Unopposed Motion to Seal certain confidential exhibits concurrently filed with Patent Owner's Response ("Motion").

I. Good Cause Exists for Sealing The Exhibits.

Patent Owner moves to seal three categories of documents containing information designated by Petitioner as confidential:

1. Petitioner-produced documents, Exhibits 2050, 2051, 2053, 2054, 2055, 2056, and 2057, six of which were produced and designated Highly Confidential – Outside Counsel Only by Petitioner in the underlying District Court litigation and are, therefore, governed by the provisions of the modified District Court Protective Order ("DCPO") enforceable by the District Court, and one of which (IPR 8) was produced and designated Highly Confidential – Outside Counsel Only by Petitioner in this IPR proceeding, making all seven protected under the proposed Stipulated Protective Order in this proceeding;
2. An expert declaration, Exhibit 2030, which extensively refers to one of the foregoing Petitioner-produced documents (IPR 8) that was produced and designated Highly Confidential – Outside Counsel Only in this IPR proceeding; and
3. Exhibit 2026 and the Patent Owner Response, which quotes certain of the foregoing Petitioner-produced documents.

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(collectively, the “Confidential Documents”). Petitioner has represented to Patent Owner that the disclosure of these Confidential Documents to the public would harm Petitioner in that it would provide competitors, including Patent Owner as to consumer products, or the public with proprietary and competitively sensitive information. Patent Owner does not currently dispute that the documents contain confidential information and that good cause exists to seal such documents, and requests that the Board grant this Motion so that the documents remain protected under both the DCPO and the Stipulated Protective Order in this proceeding.

This Motion involves both documents being filed fully under seal and those being filed under seal with a redacted version being filed publicly. First, pursuant to the Stipulated Protective Order § 10(A)(i), (Ex. 2024), Patent Owner moves to seal the following Confidential Documents that Petitioner has represented contains only confidential information and thus must be entirely sealed: Exhibits 2050, 2051, 2053, 2054, and 2057. Accordingly, Patent Owner is filing a fully sealed version of such documents. The parties request that the Board maintain these exhibits under seal.

Second, pursuant to the Stipulated Protective Order § 10(A)(ii), (Ex. 2024), Patent Owner moves to seal the following Confidential Documents that Petitioner has represented contain *both* confidential information and non-confidential information, and thus must be filed with the confidential portions redacted: Exhibits

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2026, 2030, 2055, and 2056 and the Patent Owner Response. Accordingly, Patent Owner is filing a redacted version of such documents publicly and a non-redacted version of such documents under seal. The parties request that the Board maintain these exhibits as under seal with redaction for the public version.

The following table includes reasons Petitioner has provided to Patent Owner for the confidentiality designations for each of the Confidential Documents at issue in this Motion:

Exhibit No.	Description	Reason for Confidentiality
2050	ANMI00178030- ANMI00178035	Discloses confidential product features and product planning information as well as comparisons drawn by and for the customer. Produced in the District Court litigation pursuant to the DCPO with Highly – Confidential Outside Counsel Only designation.
2051	ANMI00178036- ANMI00178041	Discloses confidential product feature and product planning information as well as comparisons drawn by and for the customer. Produced in the District Court litigation pursuant to the DCPO with Highly Confidential – Outside Counsel Only designation.
2053	ANMI00268037	Discloses confidential product planning information. Produced in the District Court litigation pursuant to the DCPO with Highly Confidential – Outside Counsel Only designation.

Exhibit No.	Description	Reason for Confidentiality
2054	ANMI00178191	Discloses confidential product planning and business acquisition information. Produced in the District Court litigation pursuant to the DCPO with Highly Confidential – Outside Counsel Only designation.
2055	ANMI00260633	Discloses confidential customer identity information. Produced in the District Court litigation pursuant to the DCPO with Highly Confidential – Outside Counsel Only designation.
2056	ANMI00260628- ANMI00260629	Discloses confidential customer identity information. Produced in the District Court litigation pursuant to the DCPO with Highly Confidential – Outside Counsel Only designation.
2057	IPR 8 – “Raw Data” tab	Discloses confidential sales and other financial information. Produced in this IPR proceeding pursuant to the Stipulated Protective Order with Highly Confidential – Outside Counsel Only designation.
N/A	Patent Owner Response	Quotes or refers to the confidential information contained in the above-referenced exhibits.
2026	Expert Declaration	Quotes or refers to the confidential information contained in the above-referenced exhibits.
2030	Expert Declaration	Extensively refers to the confidential data contained in Exhibit 2057.

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