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Transcript of George Edwards, Ph.D.

Date: December 5, 2019

Case: American National Manufacturing Inc. -v- Sleep Number Corporation, et al.
(PTAB)

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Transcript of George Edwards, Ph.D.
Conducted on December 5, 2019

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1	3
1 UNITED STATES PATENT AND TRADEMARK OFFICE	1 APPEARANCES:
2 -----	2 On Behalf of Petitioner:
3 BEFORE THE PATENT TRIAL AND APPEAL BOARD	3 SPENCER FANE LLP
4 -----	4 500 Granite Parkway
5 AMERICAN NATIONAL MANUFACTURING, INC.,	5 Suite 650
6 Petitioner	6 Plano, TX 75024
7 v.	7 By: Jaspal S. Hare, Esq.
8 SLEEP NUMBER CORPORATION	8 On Behalf of Patent Owner:
9 f/k/a SELECT COMFORT CORPORATION,	9 FOX ROTHSCHILD, LLP
10 Patent Owner	10 222 South Ninth Street
11 -----	11 Suite 2000
12 Case IPR2019-00497, Patent No. 8,769,747	12 Minneapolis, MN 55402
13 Case IPR2019-00500, Patent No. 9,737,154	13 By: Luke Toft, Esq.
14 Case IPR2019-00514, Patent No. 5,904,172	14
15 -----	15
16 VIDEOTAPED DEPOSITION	16
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22 Job No. 273573	22
Reported by: Amy L. Larson, RPR	
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7 commencing at approximately 9:10 a.m., at	7 American National Manufacturing Accused Products
8 the law offices of Fox Rothschild, LLP,	8 HIGHLY CONFIDENTIAL SOURCE CODE -
9 222 South Ninth Street, Suite 2000, Minneapolis,	9 OUTSIDE COUNSEL ONLY
10 Minnesota.	10 No Bates
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	34 No Bates

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<p>6</p> <p>1 P R O C E E D I N G S</p> <p>2</p> <p>3 THE VIDEOGRAPHER: Good morning.</p> <p>4 Here begins disc number 1 in the videotaped</p> <p>5 deposition of Dr. George Edwards in the</p> <p>6 matter of American National, Inc. vs.</p> <p>7 Sleep Number Corporation, et al., in the</p> <p>8 United States Patent and Trademark Office</p> <p>9 before the Patent Trial and Appeal Board,</p> <p>10 Case Numbers IPR2019-00497, IPR2019-00500,</p> <p>11 and IPR2019-00514.</p> <p>12 Today's date is Thursday,</p> <p>13 December 6th, 2019 [sic]. The time on the</p> <p>14 video monitor is 9:11 a.m. The videographer</p> <p>15 today is Kyle Stolis representing Planet</p> <p>16 Depos. This video deposition is taking place</p> <p>17 at the law office of Fox Rothschild, LLP, in</p> <p>18 Minneapolis, Minnesota.</p> <p>19 Would counsel please voice identify</p> <p>20 themselves and state whom they represent.</p> <p>21 MR. HARE: This is Jaspal Hare</p> <p>22 from Spencer Fane. We represent the</p>	<p>8</p> <p>1 Edwards, E-D-W-A-R-D-S.</p> <p>2 Q. What's your current address?</p> <p>3 A. My home address?</p> <p>4 Q. Correct.</p> <p>5 A. My home address is 7416 Woodrow Wilson Drive,</p> <p>6 Los Angeles, California 90046.</p> <p>7 Q. I notice that you went to USC, so you are a</p> <p>8 Trojans fan?</p> <p>9 A. Yes, I am.</p> <p>10 Q. Okay. What do you think about Helton?</p> <p>11 A. I was surprised to see that they're going to</p> <p>12 keep him for another year.</p> <p>13 Q. Okay. That's news to me. I went to USC as</p> <p>14 well, so good deal. All right.</p> <p>15 Well, I've got a few ground rules to</p> <p>16 start out. I'm sure you're pretty familiar</p> <p>17 with them.</p> <p>18 I'll be asking the questions, the</p> <p>19 court reporter will be recording it.</p> <p>20 Understood?</p> <p>21 A. Yes.</p> <p>22 Q. Do you understand that you need to speak up</p>

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9	1 so that the court reporter can record your 2 answers? 3 A. Yes. 4 Q. Do you understand that you need to keep your 5 answers clear and verbal, as nods, shakes and 6 such cannot be recorded by the court 7 reporter? 8 A. Yes. 9 Q. Do you understand that you're under oath? 10 A. Yes, I do. 11 Q. Do you understand that requires you to 12 provide complete and candid answers to my 13 questions? 14 A. Yes, I do. 15 Q. Do you understand that requires you to answer 16 my questions, not your own questions or say 17 whatever you like? 18 A. Yes. 19 Q. Do you understand that the -- there's a 20 penalty for violating your oath? 21 A. Yes, I do. 22 Q. All right. I'm going to try to ask clear,	11
10	1 plain English questions. However, if you 2 don't understand my questions, please let me 3 know, all right? 4 A. Okay. 5 Q. If you realize at some point that your answer 6 may not be accurate or may be incomplete, 7 will you also let me know then? 8 A. Yes, I will. 9 Q. While you're answering a question, if you 10 think of a document or anything that would be 11 helpful to answer the question, also let me 12 know, all right? 13 A. Okay. 14 Q. I usually like to take a break every hour, 15 maybe hour and a half. If you need to take a 16 break sooner, let me know, as long as there's 17 not a question pending. I'd just ask that 18 you finish that question. 19 Is that okay? 20 A. Sounds good. 21 Q. Is there any reason you can't fully and 22 accurately testify today?	12

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13	<p>1 may also have submitted a declaration in 2 another PTAB proceeding that was not an IPR. 3 It was a number of years ago. It was a -- a 4 reexamination of some type, but I forget the 5 exact name of it. 6 Q. Gotcha. So it sounds like you're pretty 7 familiar with at least District Court rules 8 for depositions, right? 9 A. Yes, I believe so. 10 Q. Let me backtrack. 11 So your hearings and trial and 12 deposition experience, that was related to 13 patent matters and/or IP generally? 14 MR. TOFT: Object to form. 15 THE WITNESS: Some were related to 16 patents and intellectual property, but I do 17 not believe all of them were. 18 MR. HARE: Okay. 19 BY MR. HARE: 20 Q. Roughly, what percentage would you say 21 related to patents? 22 A. I would say likely half or -- or maybe a</p>	15	<p>1 Q. All right. Do you understand the rules when 2 you're testifying at a deposition for an IPR 3 proceeding are a bit different than the rules 4 in a deposition for Federal District Court? 5 MR. TOFT: Object to form, vague. 6 THE WITNESS: I have a layperson's 7 understanding of some of the rules. But, 8 obviously, I'm not an attorney, so it might 9 be helpful for you to explain which 10 particular rules you're referring to. 11 BY MR. HARE: 12 Q. Are you aware of any differences between the 13 rules in a deposition and an IPR proceeding 14 versus a deposition in a District Court 15 proceeding? 16 MR. TOFT: Same objection. 17 THE WITNESS: Yes. 18 BY MR. HARE: 19 Q. What differences are you aware of? 20 A. I was informed that in an IPR proceeding I am 21 not permitted to have discussions regarding 22 the -- the deposition at breaks and at other</p>
14	<p>1 little bit more than half. 2 Q. Okay. And roughly what percentage would you 3 say were in Federal District Court? 4 A. Most of them. 5 Q. So something like 80 percent would -- or 6 more? 7 A. Off the top of my head, I can recall at least 8 two depositions that were not Federal 9 District Court. One deposition that was the 10 IPR -- 11 Q. Okay. 12 A. -- that I already mentioned, so that's at 13 least three that are not Federal District 14 Court. 15 Those are the ones that are coming 16 to mind right now for me that were not 17 Federal District Court. So I would say the 18 percentage that were Federal District Court 19 is, at most, 7 out of 10. But I would have 20 to go through the full list of my 21 appearances, I guess, to give you a hundred 22 percent answer.</p>	16	<p>1 times until the deposition is concluded or 2 until the cross-examination period is 3 concluded. 4 Q. I just want to go over some of your 5 background a little bit, very high level, you 6 know, where you grew up, where did you go to 7 school, what did you do, kind of what's on 8 your resume, so if that helps you answer 9 questions. 10 So let's start with where did you 11 grow up? 12 A. I was born in Amherst, Massachusetts, old 13 Northampton, Massachusetts, and grew up in 14 Amherst. 15 Q. Gotcha. Where did you go to high school? 16 A. I went to high school at Lincoln Southeast 17 High School in Lincoln, Nebraska. 18 Q. Okay. When did you move from Massachusetts 19 to Nebraska? 20 A. Well, when I was about nine years old, my 21 family moved from Amherst to Lexington, 22 Kentucky. I lived in Lexington, Kentucky for</p>

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