
From: Bear, Brian <bbear@spencerfane.com>
Sent: Thursday, November 21, 2019 4:13 PM
To: Hare, Jaspal; Hansen, Andrew S.; Nath, Archana; Tuttle, Kevin; Bear, Brian; Allee, J. Lori; Engle, Devon S.; Scott, Kris K.; Patton, Elizabeth A.; Steve Moore; k ecia; Elliott, Kyle L.; Toft, Lukas
Subject: [EXT] Petitioner's discovery requests in IPR2019-00497, -500, and -514
Attachments: Draft ANM outbound additional discovery reqs (v1) (002) (002) (002) (002).docx

Dear Counsel:

Please find attached additional discovery that Petitioner intends to seek from Patent Owner in all three IPRs. As you know, the parties can agree to additional discovery. 37 CFR 42.51(b)(2). Please identify the discovery Patent Owner agrees to and/or disagrees to. Petitioner intends to file a motion with the board for any discovery to which Patent Owner does not agree. I believe that some of these requests, such as the inspection of third party pumps, we already have an agreement in principal.

In the event that Patent Owner does not agree to some or all of the requested discovery, below is a draft communication to the Board. Please provide any revisions by 3:30 PM Central time November 22, 2019.

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Subject: American National Manufacturing v. Sleep Number, IPR2019-00497, -500, and -514

Dear Board:

Petitioner American National Manufacturing Inc. requests a call with the Board seeking authorization to file a motion in all three IPRs identified above for additional discovery to rebut Patent Owner's assertions of secondary considerations raised in Patent Owner's Response. Petitioner met and conferred with Patent Owner on ____ and the parties did not arrive at an agreement to the additional discovery sought by Petitioner. Petitioner will provide a court reporter for the call.

The parties are available for a conference call with the Board on the following dates and times:

Monday, December 2 from 11 AM to 4 PM Eastern time;
Tuesday, December 3 from 11 AM to 4 PM Eastern time; and
Wednesday, December 4 from 11 AM to 4 PM Eastern time.

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Sleep Number Corp.
EXHIBIT 2078

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. IPR2019-00497

Case No. IPR2019-00500

Case No. IPR2019-00514

PETITIONER'S PROPOSED ADDITIONAL DISCOVERY REQUESTS

Petitioner American National Manufacturing Inc. (“ANM” or “Petitioner”) request that Patent Owner Sleep Number Corporation f/k/a Select Comfort Corporation (“Patent Owner,” “Sleep Number,” or “You(r)”) requests that produce the following information and documents within 7 days:

INTERROGATORIES

Interrogatory No. 1: Identify on a quarterly or annual basis the total expenditures for your “sales and marketing,” as identified in Sleep Number’s 10-K statements since January 1, 1994.

Interrogatory No. 2: Describe that nature and types of expenditures that are included in the line item “sales and marketing” as identified in Sleep Number’s 10-K.

Interrogatory No. 3: Identify on a quarterly or annual basis the total expenditures for your “Cost of Sales” as identified in Sleep Number’s 10-K statements since January 1, 1994.

Interrogatory No. 4: Describe that nature and type of expenditures that are included in the line item “Costs of Sales” as identified in Sleep Number’s 10-K.

Interrogatory No. 5: Identify on a quarterly or annual basis the total expenditures for the line item “General and Administrative” as identified in Sleep Number’s 10-K statements since January 1, 1994.

Interrogatory No. 6: Describe that nature and type of expenditures that are included in the line item “General and Administrative” as identified in Sleep Number’s 10-K.

Interrogatory No. 7: Identify on a quarterly or annual basis the total gross revenue as identified in Sleep Number’s 10-K statements since January 1, 1994.

Interrogatory No. 8: To the extent that it is not included in the above line items regarding “cost of sales,” “Sales and Marketing,” or “General and Administrative” line items in Sleep Number’s 10-K statements, identify on a quarterly or annual basis the total amount expended by Sleep Number for construction, mortgage, rent, or other expenses associated with Sleep Number retail stores since January 1, 1994. If these expenses are included in “cost of sales,” “Sales and Marketing,” or “General and Administrative,” instead please identify the line item in which it was included.

Interrogatory No. 8: To the extent that it is not included in the above line items regarding “cost of sales,” “Sales and Marketing,” or “General and

Administrative” line items in Sleep Number’s 10-K statements, identify on a quarterly or annual basis the total amount expended by Sleep Number for salaries, commissions, benefits, and other employment related expenditures for staff and management associated with Sleep Number retail stores since January 1, 1994. If these expenses are included in “cost of sales,” “Sales and Marketing,” or “General and Administrative,” instead please identify the line item in which it was included.

Interrogatory No. 9: To the extent that it is not included in the above line items regarding “cost of sales,” “Sales and Marketing,” or “General and Administrative” line items in Sleep Number’s 10-K statements, identify on a quarterly or annual basis the total amount expended by Sleep Number for construction, mortgage, rent, or other expenses associated with Sleep Number retail stores since January 1, 1994. If these expenses are included in “cost of sales,” “Sales and Marketing,” or “General and Administrative,” instead please identify the line item in which it was included.

REQUESTS FOR PRODUCTION

Request for Production No. 1: Produce a Microsoft Excel workbook that contains the information requested above in the interrogatories.

Request for Production No. 2: Produce a business records affidavit from Sleep Number Corporation’s custodian of records that authenticates the above



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