Case No. IPR2019-00514 Patent No. 5,904,172

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. IPR2019-00514

Patent No. 5,904,172

PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE



TABLE OF CONTENTS

I. I	INTRODUCTION	. 1
II. I	PO'S CLAIM CONSTRUCTIONS ARE IMPROPER	. 1
A.	Only the Enclosure Defines a Substantially Fluidly Sealed Air Chamber.	. 3
B.	Guides and Stops Are Structural And Functional.	. 5
C.	Pressure Monitor Means ("PMM")	. 8
III.	GROUNDS 1 TO 13 INVALIDATE THE CHALLENGED CLAIMS	11
A.	Gifft is Anticipated by each of Vrzalik and Shafer.	11
1	1. Vrzalik Discloses "Guides and Stops"	11
2	2. Vrzalik Discloses the Claimed Enclosure.	11
3	3. Shafer Discloses a Substantially Fluidly Sealed Air Chamber	12
۷	4. Shafer Discloses "Guides and Stops"	13
4	5. Shafer Discloses the PMM	15
	6. Shafer Anticipates and Petitioner Has Not Improperly Co-Mingled Embodiments	.15
B.	Gifft is Obvious.	16
1	1. The Prior Art is Analogous Art	16
C.	Petitioner's Grounds Render the Challenged Claims Obvious	17
1	1. Shafer in View of Grant Renders Ground 2 Claims Obvious	17
2	2. Shafer in View of Kashiwamura Renders Claim 2 Obvious	18
3	3. Shafer in View of Dye Renders Claim 12 Obvious	19
۷	4. Shafer in View of Cammack Renders Claims 2, 12, 22 Obvious	19
4	5. Shafer in View of Ramacier Renders Claim 4 Obvious	20
	6. Petitioner's Combination Grounds Are Procedurally and Substantively Sufficient.	
IV.	PO'S ASSERTED SECONDARY CONSIDERATIONS DO NOT	
OVE	RCOME THE OVERWHELMING CASE OF OBVIOUSNESS	
A.	Industry Praise.	
B.	Copying	
C.	Commercial Success.	
V.	ANTITURST ACTIONS DO NOT BAR IPRs	29

	No. 5,904,172	
VI.	SERVICE IS PROPER	29
VII.	CONCLUSION.	29



TABLE OF AUTHORITIES

Page	(s)
Federal Cases	
<i>In re Bigo</i> , 381 F.3d 1320 (Fed. Cir. 2004)	.15
Danmark v. CMI USA, Inc., 100 F.Supp.3d 871 (N.D. Cal., 2015)	.16
KSR Int'l Co. v. Teleflex, Inc., 550 U.S. 398 (2007)	.16
Phillips v. AWH Corp., 415 F.3d 1303 (Fed. Cir. 2005) (en banc) 2	2, 6
Plantronics, Inc. v. Aliph, Inc., 724 F.3d 1343 (Fed. Cir. 2013)	.16
Schoenhaus v. Genesco, Inc., 440 F.3d 1354 (Fed. Cir. 2006)	3
Sleep Number Corporation v. American National Manufacturing, Inc., No. 5:18-cv-0357-AB (C.D. Cal. filed Feb. 20, 2018)	33
Vitronics Corp. v. Conceptronic, Inc., 90 F.3d 1576 (Fed. Cir. 1996)	3
In re Wood, 599 F.2d 1032 (C.C.P.A. 1979)	.15
Federal Statutes	
35 U.S.C. 312(a)(5)	.29
35 U.S.C. 315(a)	.29
35 U.S.C. ¶ 103(a)	.16
35 U.S.C. § 112 ¶ 2	viii

PETITIONER'S EXHIBIT LIST

Exhibit	Description
1001	U.S. Patent 5,904,172 ("Gifft")
1002	Relevant excerpts of the File History of U.S. Patent 5,904,172 (Appl. 08/901,144)
1003	Relevant excerpts of the Reexamination File History of U.S. Patent 5,904,172 (Appl. 90/012,456)
1004	Claim Listing
1005	Declaration of Dr. Robert Giachetti ("Giachetti")
1006	Curriculum vitae and testimony list of Dr. Robert Giachetti
1007	PCT Publication WO96/13947 ("Shafer")
1008	U.S. Patent 5,353,838 ("Grant")
1009	U.S. Patent 4,655,505 ("Kashiwamura")
1010	U.S. Patent 5,383,894 ("Dye")
1011	U.S. Patent 4,309,783 ("Cammack")
1012	U.S. Patent 5,044,029 ("Vrzalik")
1013	U.S. Patent 3,155,991 ("Dunham")
1014	U.S. Patent 5,494,074 ("Ramacier")
1015	U.S. Patent 4,540,154
1016	U.S. Patent 2,364,812
1017	U.S. Patent 2,713,986
1018	U.S. Patent 3,346,009
1019	U.S. Patent 4,368,756
1020	U.S. Patent 4,526,340
1021	U.S. Patent 4,988,967
1022	First Amended Complaint in <i>Sleep Number Corporation v. Sizewise Rentals, L.L.C.</i> , No. 5:18-cv-0356-AB (SPx) (C.D. Cal. filed Feb. 20, 2018)
1023	First Amended Complaint in <i>Sleep Number Corporation v. American National Manufacturing, Inc.</i> , No. 5:18-cv-0357-AB (SPx) (C.D. Cal. filed Feb. 20, 2018)
1024	Petition in IPR2014-01419
1025	Decision denying institution in IPR2014-01419
1026	U.S. Patent 3,177,018 ("Goodwin")
1027	Power Transmission Handbook (1st. Ed.), 1993, Chapter 13, pp. 1-22
1028	Power Transmission Handbook (1st. Ed.), 1993, Chapter 9, pp. 1-14
1029	Declaration of Kyle L. Elliott in Support of Petitioner's Reply Regarding Service

DOCKET

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.

