

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMERICAN NATIONAL MANUFACTURING INC.,
Petitioner,

v.

SELECT COMFORT CORPORATION,
Patent Owner.

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

**DECLARATION OF DR. WILLIAM C. MESSNER
IN SUPPORT OF PATENT OWNER'S PRELIMINARY RESPONSE**

TABLE OF CONTENTS

I.	BACKGROUND	1
II.	QUALIFICATIONS	2
III.	RELEVANT FIELD OF THE INVENTION OF THE '172 PATENT.....	5
IV.	MATERIALS REVIEWED	6
V.	THE UNDERSTANDINGS APPLIED TO MY ANALYSIS	8
VI.	BRIEF SUMMARY OF THE '172 PATENT AND PRIMARY ART	13
	A. The '172 Patent.....	13
	B. Summary of the Primary Prior Art	16
	1. Vrzalik (Ex. 1012)	17
	2. Shafer (Ex. 1007).....	19
VII.	CLAIM CONSTRUCTION	22
	A. Definition of a POSITA	22
	B. Plain and Customary Meaning	23
VIII.	OPINIONS REGARDING SHAFER (EX. 1007) ANTICIPATION.....	24
	A. “Substantially fluidly sealed air chamber.”	24
	B. “Guides and Stops”	27
IX.	OPINIONS REGARDING VRZALIK	29
	A. “Guides and Stops”	29
	B. “Flexible Seal . . . Between the Enclosure Portion and a Rear Cover”	32
X.	PETITIONER’S PROPOSED OBVIOUSNESS COMBINATIONS	36
	A. The Combination of Shafer (Ex. 1007) and Grant (Ex. 1008)	36

B.	The Combination of Shafer (Ex. 1007) and Kashiwamura (Ex. 1009)	39
C.	The Combination of Shafer, Grant, and Kashiwamura	40
D.	The Combination of Shafer and Dye (Ex. 1010)	42
E.	The Combination of Shafer, Grant, and Dye	43
F.	The Combination of Shafer and Cammack (Ex. 1011)	44
G.	The Combination of Shafer, Dye, and Cammack	47
H.	The Combination of Shafer, Kashiwamura, and Cammack	48
I.	The Combination of Vrzalik and Shafer.....	49
J.	The Combination of Shafer and Ramacier (Ex. 1014).....	50

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I. BACKGROUND

I, William C. Messner, make the present Declaration in support of the Patent Owner's Preliminary Response rebutting the Petition for *Inter Partes* Review (IPR) of U.S. Patent 5,904,172 ("the '172 Patent") (Ex. 1001). To that end, I hereby declare as follows:

1. I am over the age of 21 years and am fully competent to make this Declaration. I make the following statements based on personal knowledge and, if called to testify to them, could and would do so. I have been retained on behalf of Sleep Number Corporation to provide my expert opinion in a declaration that will be used in its Patent Owner's Preliminary Response to the *inter partes* review of the '172 Patent. Specifically, I have been asked to analyze and opine regarding: (1) the prior art references and arguments presented by Petitioner, (2) the opinions of Dr. Giachetti presented in the Giachetti Report (Ex. 1005), and (3) what a person of ordinary skill in the art ("POSITA") would know and understand from the prior art references and the field.

2. I am being compensated at a rate of \$575/hr. My fee is not contingent on the outcome of this or any matter or on any of my opinions. I have no financial interest in Sleep Number Corporation or the '172 Patent.

3. This declaration briefly sets forth my background and qualifications to provide my expert opinion, describes the technology at issue and background of the

art, identifies the materials I reviewed to prepare this declaration, and sets forth my understanding of the patent claims at issue and my analysis and opinions regarding the application to the patent claims to the prior art provided to me. I reserve the right to supplement my opinions in the future, to clarify responses where appropriate, and to take into account new information as it becomes available to me.

II. QUALIFICATIONS

4. My qualifications as an expert in the field of mechanical and electrical engineering are set forth in the paragraphs below and in my *curriculum vitae*, attached as Appendix A.

5. I received a B.S. in mathematics from Massachusetts Institute of Technology (“MIT”) in Cambridge, MA in 1985. I received an M.S. and Ph.D. in mechanical engineering at the University of California, Berkeley in Berkeley, CA in 1989 and 1992, respectively.

6. Following my graduation from MIT, I worked as an engineer at BBN Laboratories in Newport, RI where I developed software for analyzing data from tests of a new torpedo under development for the US Navy. After receiving my Ph.D., I joined the Department of Mechanical Engineering at Carnegie Mellon University (CMU) in 1993. At CMU I held courtesy appointments with the Department of Electrical and Computer Engineering and with the Robotics Institute. There I specialized, among other things, in mechanical design for data storage

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