

# EXHIBIT 1081

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

---

**DECLARATION OF KYLE L. ELLIOTT IN SUPPORT OF  
PETITIONER'S AMENDED OPPOSITION TO PATENT OWNER'S  
MOTION FOR ADDITIONAL DISCOVERY AND OTHER  
MISCELLANEOUS RELIEF**

I, Kyle L. Elliott, declare and state as follows:

1. I am an attorney with the law firm of Spencer Fane LLP. I represent Petitioner, American National Manufacturing, Inc., in the above captioned proceeding. I make this Declaration in support of Petitioner's Amended Opposition to Patent Owner's Motion for Additional Discovery and Other Miscellaneous Relief. I am above eighteen years of age, of sound mind, and if called to testify I could and would competently testify hereto. I make this declaration of my own personal knowledge.

2. According to Dun & Bradstreet Corporation ("Dun & Bradstreet"), Dun & Bradstreet is a nationally recognized company that provides commercial data, analytics, and insights for businesses.<sup>1</sup> One of Dun & Bradstreet's services is providing company financial profiles—these profiles are based on public information for those entities that are publically traded, and estimates for non-public, private entities.<sup>2</sup>

---

<sup>1</sup> See, e.g., generally, <https://www.dnb.com/about-us.html> (last visited Oct. 3, 2019) and

<https://www.sec.gov/Archives/edgar/data/1115222/000111522218000004/a201710-k.htm> (last visited Oct. 3, 2019).

<sup>2</sup> *Id.*

3. Attached as **Exhibit 1041** is a true and correct copy of a screen capture of relevant portions from the Dun & Bradstreet website containing the financial profile of Sleep Number Corporation.<sup>3</sup>

4. Attached as **Exhibit 1042** is a true and correct copy of a screen capture of relevant portions from Dun & Bradstreet website containing the financial profile of American National Manufacturing, Inc. <sup>4</sup>

5. Attached as **Exhibit 1043** is a true and correct copy of Plaintiff's First Supplemental Responses to Defendants' First Set of Interrogatories (Nos. 1-9) served December 21, 2018 in the matters of Case Nos. 5:18-cv-00356 and 5:18-cv-00357 in U.S. District Court Central District of California Eastern Division.

---

<sup>3</sup> Available at [https://www.dnb.com/business-directory/company-profiles.american\\_national\\_manufacturing\\_inc.463aa81e02fa57789eafb831271f3d41.html?sitespectflag=TRUE&imok=hoovers&aka\\_re=1](https://www.dnb.com/business-directory/company-profiles.american_national_manufacturing_inc.463aa81e02fa57789eafb831271f3d41.html?sitespectflag=TRUE&imok=hoovers&aka_re=1) (last visited Oct. 3, 2019).

<sup>4</sup> Available at [https://www.dnb.com/business-directory/company-profiles.american\\_national\\_manufacturing\\_inc.463aa81e02fa57789eafb831271f3d41.html?sitespectflag=TRUE&imok=hoovers&aka\\_re=1](https://www.dnb.com/business-directory/company-profiles.american_national_manufacturing_inc.463aa81e02fa57789eafb831271f3d41.html?sitespectflag=TRUE&imok=hoovers&aka_re=1) (last visited Oct. 3, 2019).

6. Attached as **Exhibit 1044** is a true and correct copy of the Joint Stipulation dated August 29, 2018; 5:18-cv-00357, Dkt. No. 89.

7. Attached as **Exhibit 1045** is a true and correct copy of the October 19, 2018 letter from Jaspal Hare to Elizabeth Patton regarding discovery deficiencies.

8. Attached as **Exhibit 1046** is a true and correct copy of Sizewise's Initial Comment Supporting Vacatur dated April 3, 2018; United States International Trade Commission, 337-TA-971.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: October 3, 2019

By /s/Kyle L. Elliott  
Kyle L. Elliott, Reg. No. 39,485  
Spencer Fane LLP  
1000 Walnut Street, Suite 1400  
Kansas City, Missouri 64106-2140  
Telephone: (816) 474-8100

# 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.