

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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AMERICAN NATIONAL MANUFACTURING, INC.,  
Petitioner,

v.

SLEEP NUMBER CORPORATION  
f/k/a SELECT COMFORT CORPORATION,  
Patent Owner.

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IPR2019-00514  
Patent 5,904,172

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Before SCOTT A. DANIELS, FRANCES L. IPPOLITO, and  
ALYSSA A. FINAMORE, *Administrative Patent Judges*.

FINAMORE, *Administrative Patent Judge*.

DECISION  
Institution of *Inter Partes* Review  
35 U.S.C. § 314

## I. INTRODUCTION

Petitioner filed a Petition requesting an *inter partes* review of claims 2, 4, 6, 12, 16, 20, 22, and 24 of U.S. Patent No. 5,904,172 (“the ’172 patent”)<sup>1</sup>. Paper 2 (“Pet.”). Patent Owner filed a Preliminary Response. Paper 7 (“Prelim. Resp.”). Pursuant to the authorization set forth in our Order entered March 26, 2019 (Paper 6), Petitioner filed a Reply limited to the issue of service and issues relating to service of process of process raised in the Preliminary Response. Paper 8 (“Reply”).

We have authority, acting under the designation of the Director, to determine whether to institute an *inter partes* review. 35 U.S.C. § 314; 37 C.F.R. § 42.4(a). We may not authorize an *inter partes* review to be instituted “unless . . . the information presented in the petition filed under section 311 and any response filed under section 313 shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a).

Upon consideration of the arguments and evidence presented by both parties, we determine Petitioner demonstrates a reasonable likelihood that Petitioner would prevail with respect to at least one of the claims challenged in the Petition. Accordingly, we hereby institute an *inter partes* review of the challenged claims of the ’172 patent.

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<sup>1</sup> The ’172 patent includes *ex parte* reexamination certificate US 5,904,172 C1, issued January 3, 2014 (“reexamination certificate”).

## II. BACKGROUND

### A. *Real Parties in Interest*

Petitioner identifies Petitioner, Sizewise Rentals, L.L.C., Dires, LLC d/b/a Personal Comfort Bed, and Raye's, Inc. d/b/a Wheelchairs of Kansas d/b/a Sunflower Medical as the real parties in interest. Pet. 1. Patent Owner identifies Patent Owner, Select Comfort SC Corporation, Select Comfort Canada Holding Inc., Select Comfort COSC Canada ULC, and Select Comfort Limited as the real parties in interest. Paper 5, 1.<sup>2</sup>

### B. *Related Matters*

The parties identify *Sleep Number Corp. v. American National Manufacturing, Inc.*, No. 3:17-cv-03517-B (N.D. Tex. dismissed Feb. 20, 2018) and *Sleep Number Corp. v. Sizewise Rentals, LLC*, No. 3:17-cv-03518-N (N.D. Tex. dismissed Feb. 20, 2018), which were refiled as *Sleep Number Corp. v. American National Manufacturing, Inc.*, No. 5:18-cv-00357-AB SP (C.D. Cal. filed Feb. 20, 2018) and *Sleep Number Corp. v. Sizewise Rentals, LLC*, No. 5:18-cv-00356-AB SP (C.D. Cal. filed Feb. 20, 2018), respectively, and currently stayed. Pet. 1; Paper 5, 2. The parties further identify the following closed proceedings: *Select Comfort Corp. v. The Sleep Better Store, LLC*, No. 0:12-cv-1148 (D. Minn. dismissed Aug. 13, 2013); *Select Comfort Corp. v. Halcyon Waterspring*, No. 0:03-cv-3324 (D. Minn. filed June 3, 2003); and *Select Comfort Corp. v. Tempur Sealy International, Inc. d/b/a Tempur-Pedic*, No. 0:14-cv-00245 (D. Minn. dismissed Sept. 6, 2017). Pet. 2–3; Paper 5, 3. Patent Owner also identifies

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<sup>2</sup> Paper 5 does not include page numbers. We treat the pages as being numbered consecutively, with the page following the title page as page 1.

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the following antitrust action: *American National Manufacturing Inc. v. Select Comfort Corp.*, No. 16-cv-00582-GHK-JC (C.D. Cal. dismissed Jan. 13, 2017). Paper 5, 2–3.

In addition to these district court proceedings, the parties identify *Certain Air Mattress Systems, Components Thereof, and Methods of Using the Same*, USITC Inv. No. 337-TA-971 (USITC Oct. 16, 2015). Pet. 2; Paper 5, 2. The parties further identify the *ex parte* reexamination of the '172 patent, namely Reexamination Control No. 90/012,456 (filed Oct. 17, 2012). Pet. 2–3; Paper 5, 3.

The parties also identify the following Board proceeding: *Tempur Sealy International, Inc. v. Select Comfort Corp.*, Case IPR2014-01419 (PTAB filed Aug. 29, 2014). Pet. 3; Paper 5, 2. Patent Owner further identifies *American National Manufacturing Inc. v. Sleep Number Corp.*, Case IPR2019-00497 (PTAB filed Dec. 21, 2018) and *American National Manufacturing Inc. v. Sleep Number Corp.*, Case IPR2019-00500 (PTAB filed Dec. 21, 2018). Paper 5, 2.

### C. The '172 Patent (Ex. 1001)

According to the '172 patent, “the present invention relates to an improved valve enclosure assembly used to control the pressure in [an] inflatable mattress and method to inflate the mattress.” Ex. 1001, 1:5–8. Figure 2, reproduced below, shows an inflatable air mattress system. *Id.* at 3:29–30.

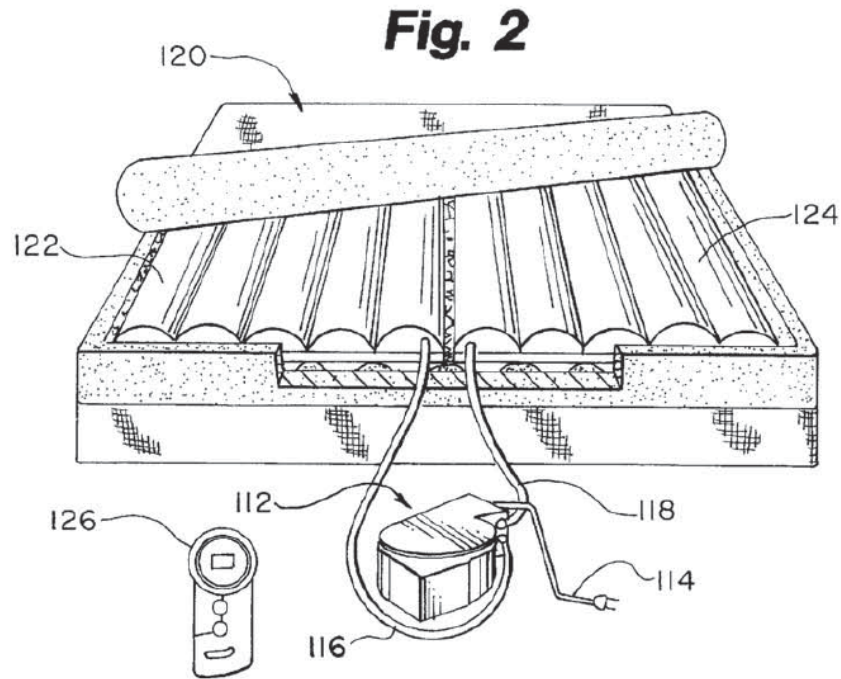


Figure 2 shows an air mattress system comprising pump 112, left and right air hoses 116 and 118, left and right bladders 122 and 124 of inflatable bed 120, and controller 126. *Id.* at 3:61–4:10. Pump 112 has an air inlet, an air outlet, and a processor board that receives signals from controller 126 to increase or decrease pressure in left bladder 122 or right bladder 124. *Id.* at 4:3–6, 10–15.

Valve enclosure assembly 100 is incorporated into the housing of pump 112. *Id.* at 3:64–65. Valve enclosure assembly 100 is fluidly coupled to the air outlet of pump 112, and left and right air hoses 116 and 118 are fluidly coupled to valve enclosure assembly 100. *Id.* at 4:3–8. Left and right air hoses 116 and 118 also are fluidly coupled to left and right bladders 122 and 124, respectively. *Id.* at 4:8–10.

Figure 4, reproduced below, shows valve enclosure assembly 100.

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