

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

**PATENT OWNER'S MOTION FOR ADMISSION *PRO HAC VICE*
OF ANDREW S. HANSEN**

Pursuant to 37 C.F.R. § 42.10 and the Board's authorization to file motions for *pro hac vice* admission in *Inter Partes* Review Case No. IPR2019-00497, Patent Owner requests that the Board admit Andrew S. Hansen *pro hac vice* in this proceeding.

The Board may recognize counsel *pro hac vice* during a proceeding on a showing of good cause. “[W]here lead counsel is a registered practitioner, a motion to appear *pro hac vice* may be granted upon a showing that counsel is an experienced litigation attorney and has an established familiarity with the subject matter at issue in the proceeding.” 37 C.F.R. § 42.10(c).

Here, lead counsel, Steve Moore is a registered practitioner (Reg. No. 55,462). Additionally, first backup, Lukas D. Toft, who practices in the same firm as Mr. Hansen, is also a registered practitioner (Reg. No. 75311.) Mr. Hansen has at least seven years of patent litigation experience, and he is substantially familiar with the subject matter at issue in this proceedings. Accompanying this motion is the Declaration of Andrew S. Hansen, where Mr. Hansen attests to his experience and familiarity. *See generally* Hansen Decl. (Ex. 2032.) Specifically, Mr. Hansen attests that:

- He has been practicing intellectual property litigation for over twenty years, and specifically patent litigation, for over seven years;
- He has been counsel on several patent litigation cases; and

- He is a senior member of the team representing Patent Owner in the following proceedings: IPR2019-00497 (U.S. Pat. No. 8,769,747), IPR2019-00500 (U.S. Pat. No. 9,737,154), and IPR2019-00514 (U.S. Pat. No. 5,904,172).
- He is also a senior member of the team representing Patent Owner in the following related district court cases: *Sleep Number Corporation v. American National Manufacturing Inc.*, 5:18-cv-00357(AB)(SPx) and *Sleep Number Corporation v. Sizewise Rentals, LLC*, 5:18-cv-00356(AB)(SPx).

Good cause exists because (1) the Parties anticipate numerous calls with the Board in which Mr. Hansen may have insight to provide or argument to assert, (2) the Parties have multiple depositions to take between September 15, 2019 and October 8, 2019, some of which may need two days to take, and (3) Patent Owner also anticipates additional discovery or motion practice, including additional depositions after submission of Patent Owner's Response, that would necessitate Mr. Hansen's involvement. Mr. Hansen's involvement in these proceedings alleviates conflict concerns created by the schedule and ensures the full team representing Patent Owner can appear before the Board. Additionally, this motion and Mr. Hansen's declaration meet the other requirements for *pro hac vice* admission in this matter. Moreover, Petitioner has indicated that it will not oppose this motion. Accordingly, these facts establish good cause to recognize Mr. Hansen

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in this proceeding. Thus, Patent Owner requests that the Board admit Mr. Hansen *pro hac vice* in this proceeding.

Dated: September 12, 2019

Respectfully submitted,

FOX ROTHSCHILD, LLP

s/ Luke D. Toft

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e) and 42.105, and by agreement of counsel, the undersigned hereby certifies on this 12th day of September, 2019, that a complete copy of Patent Owner's Motion for Admission *Pro Hac Vice* of Andrew S. Hansen, was served by e-mail, as authorized by the Petitioner, at the following email correspondence address of record as follows:

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Dated: September 12, 2019

By: s/Luke D. Toft
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