

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 OPPOSITION TO PATENT OWNER'S
MOTION FOR ADDITIONAL DISCOVERY AND OTHER
MISCELLANEOUS RELIEF (PAPER 18)**

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Petitioner American National Manufacturing, Inc. (“ANM” or “Petitioner”) files this Opposition in response to Patent Owner Sleep Number Corp.’s (f/k/a Select Comfort Corp.) (“PO” or “Sleep Number”) Motion for Additional Discovery and to Waive the Word Count for the Parties’ Response, Reply, and Sur-Reply (Paper 18) (the “Motion”).¹ Ex. 2026 provides PO’s Discovery Requests (the “Requested Discovery” or “Requests”).

I. INTRODUCTION

PO’s Motion is the first step of opening Pandora’s Box. PO seeks detailed, customized information covering “all” of ANM’s air bed products spanning ten years. The Requests are complicated and expressly implicate confidential documents protected by the District Court’s protective order.² Compliance would be extremely burdensome and appear to require violating the District Court’s protective order, which prohibits the use of protected documents in this proceeding.

PO is the *Goliath* in the premium air mattress industry,³ while ANM is a mere *David*.⁴ PO’s proffered justification for its requested discovery is secondary indicia of nonobviousness (i.e., copying and commercial success). It follows that PO would

¹ This brief is on behalf of ANM only. Sizewise Rentals, LLC (“Sizewise”), who is not a named party to this action, is not believed to be entitled to participate in this proceeding, and is not believed to be subject to the PO’s requested discovery (which does not include a request for a subpoena). To the extent the Board disagrees, the Board’s guidance would be appreciated.

² The “District Court” refers to the district court in *Sleep Number Corp. v. American National Manufacturing, Inc.*, C.A. No. 5:18-cv-00357 AB (SPx) (C.D. Cal. Feb. 20, 2018).

³ See Ex. 1041 (stating revenue of approx. \$1.5 billion).

⁴ See Ex. 1042 (stating revenue of approx. \$21 million est.).

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