

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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Case No. IPR2019-00514

Patent No. 5,904,172

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**PETITIONER'S REQUEST FOR EXTENSION OF TIME TO DEEM THE  
FILING OF PETITIONER'S OPPOSITION (PAPER 23) AS TIMELY**

Pursuant to the Panel's authorization, Petitioner American National Manufacturing, Inc. ("ANM") requests that the Panel extend time and deem the filing of ANM's Opposition (Paper 23) (the "Opposition") to Patent Owner Sleep Number Corp.'s ("Patent Owner") Motion for Additional Discovery and Exceed Page Limits (Paper 18) (the "Motion") as timely.

Good cause exists for the requested extension. The Opposition was due on September 19, 2019 (*see* IPR2019-00497, Paper 14), five-business days after the filing Patent Owner's Motion.<sup>1</sup> ANM diligently worked to draft the Opposition.

However, on September 12, the same day as Patent Owner filed its Motion, Patent Owner filed its first *ex parte* application to modify the protective order in a related District Court proceeding. ANM's response was due within 24 hours. After the first *ex parte* application was denied on September 17, Patent Owner on September 18 filed a second *ex parte* application for leave to modify the protective order in the related District Court proceeding. ANM's response was due within 24 hours, thus resulting in two deadlines falling on September 19. In addition, counsel encountered technical difficulties with their computer systems leading up to the filing deadline which contributed to the delay. These circumstances resulted in ANM filing the Opposition approximately 3 minutes late. ANM is not aware of any prejudice to Patent Owner as a result of the late filing, given that no responsive

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<sup>1</sup> In addition, similar filings were also due in IPR2019-00497 and -500, which were timely filed.

pleading is authorized to the opposition. Additionally, with the three minute delay in the filing, there is unlikely to be any substantial reduction to the Board's or the Patent Owner's review of the filing. ANM met and conferred with Patent Owner regarding this issue and Patent Owner does not oppose the relief requested.

For the foregoing reasons, the Panel should authorize a retroactive extension of time and deem the filing of ANM's Opposition as timely.

Date: September 25, 2019

Respectfully Submitted,  
SPENCER FANE LLP

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## CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned hereby certifies that a copy of the foregoing PETITIONER'S REQUEST FOR EXTENSION OF TIME TO DEEM THE FILING OF PETITIONER'S OPPOSITION (PAPER 23) AS TIMELY and its cited exhibits not currently of record were served in its entirety on September 25, 2019, by electronic mail, as authorized by Patent Owner's Mandatory Notices, directed to the attorneys of record for Patent Owner at the following correspondence address of record:

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