

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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**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>

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<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.

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<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).

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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  
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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 DECLARATION OF KYLE L. ELLIOTT IN SUPPORT OF PETITIONER'S AMENDED OPPOSITION TO PATENT OWNER'S MOTION FOR ADDITIONAL DISCOVERY AND OTHER MISCELLANEOUS RELIEF and its cited exhibits not currently of record were served in its entirety on October 3, 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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