

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

**JOINT STIPULATION FOR ENTRY OF THE
STIPULATED PROTECTIVE ORDER**

Sleep Number Corporation (“Patent Owner”) and American National Manufacturing, Inc. (“Petitioner”), by and through their respective counsel of record, hereby stipulate to the entry of the proposed Stipulated Protective Order (“Protective Order” in this *Inter Partes Review* (“IPR”), which is modified from the Board’s Default Protective Order to include heightened levels of confidentiality protection to mirror that in the district court actions involving the same parties, *Sleep Number Corporation v. American National Manufacturing, Inc.*, 5:18-cv-00357AB(SP_x) (C.D. Cal. 2018) and *Sleep Number Corporation v. Sizewise Rentals, LLC*, 5:18-cv-00356AB(SP_x) (C.D. Cal.) (hereinafter “District Court Cases”). The proposed Stipulated Protective Order and a redline comparing the proposed Stipulated Protective Order with the Default Protective Order are attached hereto as Exhibits 2034 and 2035.

There is good cause to modify the Board’s Default Protective Order in this matter. First, the Court in the District Court Cases entered an order on September 26, 2019 (5:18-cv-00357AB(SP_x), Doc. 173; and 5:18-cv-00356AB(PP_x), Doc. 177) modifying the District Court Cases’ protective order to include this IPR, which allows the parties to utilize documents designated under that Protective Order in this IPR. As a result, those documents should be entitled to the same level of protection in this IPR, which justifies modification of the Board’s Default Protective Order. Second, the parties anticipate that documents in this IPR, including produced documents, will potentially include deposition transcripts, and other disclosures involving confidential product and patent information, non-public confidential

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financial and sales information, confidential source code information of the parties, confidential source code information of third-parties, and other proprietary information, is in need of a heightened level of confidentiality protection like in the District Court Cases. This also justifies modification of the Board's Default Protective Order. The parties hereby incorporate by reference the District Court Cases' protective order and modifications.

It is the intent of the parties that information will not be designated as confidential for tactical reasons and that nothing be so designated without a good faith belief that it has been maintained in a confidential, non-public manner, and there is good cause why it should not be part of the public record of this case.

IT IS SO STIPULATED.

Respectfully submitted,

Dated: October 14, 2019

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