

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMERICAN NATIONAL MANUFACTURING INC.,
Petitioner,

v.

SELECT COMFORT CORPORATION,
Patent Owner.

Case No. IPR2019-00514
Patent No. 5,904,172

**DECLARATION OF ROBERT NUNN
IN SUPPORT OF PATENT OWNER'S RESPONSE**

Sleep Number Corp

I. BACKGROUND

I, Robert Nunn, declare as follows:

1. I am over the age of 21 years and am fully competent to make this Declaration. I make the following statements based on personal knowledge and, if called to testify to them, could and would do so.

2. I was employed at Select Comfort Corporation, now known as Sleep Number Corporation (“Sleep Number”), from April 2011 to October 2017. I worked as an Electrical Engineer from April 2011 to March 2013, as a Senior Electrical Engineer from March 2013 to March 2017, and as a Principal Engineer from March 2017 to October 2017.

3. While at Sleep Number, I was heavily involved in the product research, development, and design of air control systems sold as part of the company’s adjustable air mattress systems. Sleep Number refers to those systems as its proprietary Sleep Number® beds.

4. I have personal knowledge of various Sleep Number patents, including U.S. Patent No. 5,904,172 (“the ‘172 Patent”), U.S. Patent No. 9,737,154 (“the ‘154 Patent”), and U.S. Patent No. 8,769,747 (“the ‘747 Patent”).

5. I understand that the ‘172 Patent discloses an improved valve enclosure assembly and that it was filed in 1997. When I was employed, the ‘172 Patent was believed to be so important and valuable by Sleep Number that the company ended

up incorporating the '172 Patent technology into all of Sleep Number's air controllers.

6. I understand that the '154 and '747 Patents disclose a system and method for improved pressure adjustment and that they were filed in April 2008. I understand that these patents relate to source code technology, specifically software that solved a "hunt and peck" issue of the air controller trying to find the Sleep Number setting selected by the user of the adjustable air mattress. This invention allowed for more quickly and more accurately reaching the user's desired pressure. We sometimes referred to the software as "learning" software because it was able to achieve faster and more accurate pressure adjustments with each iterative adjustment.

7. Recognizing the importance and value of the technology, the '154 and '747 Patent technology was nearly immediately incorporated into most of Sleep Number's air controllers later in 2008 when the company launched its new FCS a/k/a Corolla air controller. In addition, by 2012, Sleep Number had incorporated the '154 and '747 Patent technology into all of Sleep Number's remaining air controllers. It is my understanding that this technology continues to be present in Sleep Number's air controllers.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 10/23, 2019.



Robert Nunn