

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 LUKAS D. TOFT  
IN SUPPORT OF PATENT OWNER'S RESPONSE**

Sleep Number Corp.  
EXHIBIT 0001

I, Lukas D. Toft, declare as follows:

1. I am an attorney at the law firm Fox Rothschild LLP, and I am one of the attorneys representing Sleep Number Corporation f/k/a Select Comfort Corporation (herein “Sleep Number”) in the above matter initiated by American National Manufacturing, Inc. (“ANM”). I submit this Declaration in support of Patent Owner’s Response. All statements made herein are of my own personal knowledge to the best of my recollection and, if called to testify, could and would do so.

2. I am a member of the team representing Patent Owner in the following IPR proceedings: IPR2019-00497 (U.S. Pat. No. 8,769,747), IPR2019-00500 (U.S. Pat. No. 9,737,154), and IPR2019-00514 (U.S. Pat. No. 5,904,172). I am also a member of the team representing Patent Owner in the following related district court cases (“District Court Case”): *Sleep Number Corporation v. American National Manufacturing Inc.*, 5:18-cv-00357(AB)(SPx) (C.D. Cal. 2018) and *Sleep Number Corporation v. Sizewise Rentals, LLC*, 5:18-cv-00356(AB)(SPx) (C.D. Cal. 2018).

3. Exhibit 2065 is a true and correct copy of the transcript of the deposition of Dr. Joshua Phinney, taken September 24, 2019 in IPR proceedings IPR2019-00497 and IPR2019-00500.

Case No. IPR2019-00514

Patent No. 5,904,172

4. Exhibit 2066 is a true and correct copy of the transcript of the deposition of Dr. Joshua Phinney, taken September 25, 2019 in IPR proceedings IPR2019-00497 and IPR2019-00500.

5. Exhibit 2067 is a true and correct copy of the transcript of the deposition of Robert Giachetti, PhD, PE, taken October 7, 2019 in IPR proceedings IPR2019-00514.

6. Exhibit 2068 is a true and correct copy of the transcript of the deposition of Robert Giachetti, PhD, PE, taken October 8, 2019 in IPR proceedings IPR2019-00514.

7. Exhibit 2069 is a true and correct copy of the District Court Order (In Chambers) Granting Plaintiff's Ex Parte Application to Modify Protective Order But Ordering Redactions to Private Source Code Information dated September 26, 2019 and filed in both District Court Case proceedings ("District Court Order").

8. Exhibit 2070 is a true and correct copy of a document served by Patent Owner on ANM in the District Court Case titled "Plaintiff's Amended Disclosure of Asserted Claims and Infringement Contentions," dated January 25, 2019.

9. Exhibit 2071 is a true and correct copy of a document served by Patent Owner on Sizewise in the District Court Case titled "Plaintiff's Amended Disclosure of Asserted Claims and Infringement Contentions," dated January 25, 2019.

Sleep Number Corp.

10. Exhibit 2072 is a true and correct copy of a document served by Patent Owner in the District Court Case entitled “U.S. Patent No. 5,904,172 versus American National Manufacturing Accused Products.” It has been redacted pursuant to the District Court Order filed as Exhibit 2043; a non-redacted copy is not being provided at this time due to Exhibit 2069.

11. Exhibit 2073 is a true and correct copy of a document served by Patent Owner in the District Court Case entitled “U.S. Patent No. 5,904,172 versus Sizewise Rentals, LLC Accused Products.” It has been redacted pursuant to the District Court Order filed as Exhibit 2043; a non-redacted copy is not being provided at this time due to Exhibit 2069.

12. Exhibit 2074 is a true and correct copy of a document served by Patent Owner in the District Court Case entitled “U.S. Patent No. 9,737,154 versus American National Manufacturing Accused Products.” It has been redacted pursuant to the District Court Order filed as Exhibit 2043; a non-redacted copy is not being provided at this time due to Exhibit 2069.

13. Exhibit 2075 is a true and correct copy of a document served by Patent Owner in the District Court Case entitled “U.S. Patent No. 8,769,747 versus American National Manufacturing Accused Products.” It has been redacted pursuant to the District Court Order filed as Exhibit 2043; a non-redacted copy is not being provided at this time due to Exhibit 2069.

14. Exhibit 2076 is a true and correct copy of a document produced by ANM in the District Court case, which is an email thread dated October 17, 2016 and bates labeled as ANMI00178036-ANMI00178041. It is designated by Petitioner as Highly Confidential – Outside Counsel Only and, pursuant to a meet and confer conference between the parties, is filed under seal. An Unopposed Motion to Seal is being filed currently herewith.

15. Exhibit 2077 is a true and correct copy of a document produced by ANM in the District Court case, which is a PDF named “ANM-Pump History.pdf” and bates labeled as ANMI00133414-ANMI00133422. It is designated by Petitioner as Confidential, but pursuant to a meet and confer conference between the parties, it is filed publically for use in this IPR proceeding.

16. Exhibit 2078 is a true and correct copy of the “Raw Data” tab of a document produced by ANM in this IPR proceeding titled “IPR 8,” which has been sorted by Month (Column B) lowest-highest. It is designated by Petitioner as Highly Confidential – Outside Counsel Only and, pursuant to a meet and confer conference between the parties, is filed under seal. An Unopposed Motion to Seal is being filed currently herewith.

17. Exhibit 2079 is a true and correct copy of a document produced by Sleep Number in the District Court Case, which is a Sleep Number pump history document bates labeled as SN\_0021013–SN\_0021033. Pursuant to a meet and

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