

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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**PATENT OWNER'S UNOPPOSED MOTION TO SEAL**

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Patent Owner respectfully submits this Unopposed Motion to Seal the Patent Owner Response and certain confidential exhibits concurrently filed with Patent Owner's Response ("Motion").

**I. Good Cause Exists for Sealing The Exhibits.**

Patent Owner moves to seal three categories of documents containing information designated by Petitioner as confidential:

1. Petitioner-produced documents, Exhibits 2076, 2078, and 2084, two of which (ANMI00178036–41; ANMI00178030–35) were produced and designated Highly Confidential – Outside Counsel Only by Petitioner in the underlying District Court litigation and are, therefore, governed by the provisions of the modified District Court Protective Order ("DCPO") enforceable by the District Court, and the other of which (IPR 8) was produced and designated Highly Confidential – Outside Counsel Only by Petitioner in this IPR proceeding, making each exhibit protected under the proposed Stipulated Protective Order in this proceeding;
2. Two expert declarations, Exhibit 2040 and 2055, one of which (Exhibit 2040) quotes two of the foregoing Petitioner-produced documents designated Highly Confidential – Outside Counsel Only (ANMI00178036–41; ANMI00178030–35) and the other of which (Exhibit 2055) extensively refers

to one of the foregoing Petitioner-produced documents designated Highly Confidential – Outside Counsel Only (IPR 8); and

3. The Patent Owner Response, which quotes certain of the foregoing Petitioner-produced documents.

(collectively, the “Confidential Documents”). Petitioner has represented to Patent Owner that the disclosure of these Confidential Documents to the public would harm Petitioner in that it would provide competitors, including Patent Owner as to consumer products, or the public with proprietary and competitively sensitive information. Patent Owner does not currently dispute that the documents contain confidential information and that good cause exists to seal such documents, and requests that the Board grant this Motion so that the documents remain protected under both the DCPO and the Stipulated Protective Order in this proceeding.

This Motion involves both documents being filed fully under seal and those being filed under seal with a redacted version being filed publicly. First, pursuant to the Stipulated Protective Order § 10(A)(i), (Ex. 2034), Patent Owner moves to seal the following Confidential Documents that Petitioner has represented contains only confidential information and thus must be entirely sealed: Exhibits 2076, 2078, and 2084. Accordingly, Patent Owner is filing a fully sealed version of such documents. The parties request that the Board maintain these exhibits under seal.

Second, pursuant to the Stipulated Protective Order § 10(A)(ii), (Ex. 2034), Patent Owner moves to seal the following Confidential Documents that Petitioner has represented contain *both* confidential information and non-confidential information, and thus must be filed with the confidential portions redacted: Exhibits 2040 and 2055, and the Patent Owner Response. Accordingly, Patent Owner is filing a redacted version of such documents publicly and a non-redacted version of such documents under seal. The parties request that the Board maintain these exhibits as under seal with redaction for the public version.

The following table includes reasons Petitioner has provided to Patent Owner for the confidentiality designations for each of the Confidential Documents at issue in this Motion:

<b>Exhibit No.</b>	<b>Description</b>	<b>Reason for Confidentiality</b>
2076	ANMI00178036– ANMI00178041	Discloses confidential product feature and product planning information as well as comparisons drawn by and for the customer. Produced in the District Court litigation pursuant to the DCPO with Highly Confidential – Outside Counsel Only designation.
2078	IPR 8 – “Raw Data” tab	Discloses confidential sales and other financial information. Produced in this IPR proceeding pursuant to the Stipulated Protective Order with Highly Confidential – Outside Counsel Only designation.

Exhibit No.	Description	Reason for Confidentiality
2084	ANMI00178030– ANMI00178035	Discloses confidential product features and product planning information as well as comparisons drawn by and for the customer. Produced in the District Court litigation pursuant to the DCPO with Highly Confidential – Outside Counsel Only designation.
N/A	Patent Owner Response	Quotes or refers to the confidential information contained in the above-referenced exhibits.
2040	Expert Declaration	Quotes and refers to the confidential information contained in Exhibits 2076 and 2084.
2055	Expert Declaration	Extensively refers to the confidential data contained in Exhibit 2078.

## II. Certification of Non-Public Status.

Petitioner certified to the undersigned counsel for Patent Owner that the information sought to be sealed has not been published or otherwise been made available to the public. Patent Owner has also not published or otherwise made the information available to the public.

## III. Certification of Conference Between the Parties Pursuant to 37 C.F.R. § 42.54(a).

The undersigned counsel for Patent Owner certifies that they have in good faith met and conferred with counsel for Petitioner and agreed that, due to the protections afforded by the modified DCPO and the pending Stipulated Protective Order, the Confidential Documents should be filed under seal.

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