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# Transcript of George Edwards, Ph.D.

**Date:** December 5, 2019

**Case:** American National Manufacturing Inc. -v- Sleep Number Corporation, et al.  
(PTAB)

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

Transcript of George Edwards, Ph.D.  
Conducted on December 5, 2019

<p>1 UNITED STATES PATENT AND TRADEMARK OFFICE 2 ----- 3 BEFORE THE PATENT TRIAL AND APPEAL BOARD 4 ----- 5 AMERICAN NATIONAL MANUFACTURING, INC., 6 Petitioner 7 v. 8 SLEEP NUMBER CORPORATION 9 f/k/a SELECT COMFORT CORPORATION, 10 Patent Owner 11 ----- 12 Case IPR2019-00497, Patent No. 8,769,747 13 Case IPR2019-00500, Patent No. 9,737,154 14 Case IPR2019-00514, Patent No. 5,904,172 15 ----- 16 VIDEOTAPED DEPOSITION 17 OF 18 GEORGE EDWARDS, Ph.D. 19 VOLUME I - PAGES 1 - 305 20 December 5, 2019 21 Job No. 273573 22 Reported by: Amy L. Larson, RPR</p>	<p>3 1 APPEARANCES: 2 On Behalf of Petitioner: 3 SPENCER FANE LLP 4 500 Granite Parkway 5 Suite 650 6 Plano, TX 75024 7 By: Jaspal S. Hare, Esq. 8 On Behalf of Patent Owner: 9 FOX ROTHSCHILD, LLP 10 222 South Ninth Street 11 Suite 2000 12 Minneapolis, MN 55402 13 By: Luke Toft, Esq. 14 15 ALSO PRESENT: Larry Askew, Esq. 16 Joshua Phinney, Ph.D. 17 Kyle Stolis, Videographer 18 19 20 21 22</p>
<p>2 1 2 3 4 5 VIDEOTAPED DEPOSITION OF GEORGE EDWARDS, Ph.D., 6 taken on this 5th day of December, 2019, 7 commencing at approximately 9:10 a.m., at 8 the law offices of Fox Rothschild, LLP, 9 222 South Ninth Street, Suite 2000, Minneapolis, 10 Minnesota. 11 12 13 14 15 16 17 18 19 20 21 22</p>	<p>4 1 INDEX: 2 EXAMINATION BY: PAGE 3 Mr. Hare.....7 4 EXHIBITS MARKED FOR IDENTIFICATION: 5 Exhibit 1.....194 6 Exhibit A1 - U.S. Patent No. 5,904,172 versus 7 American National Manufacturing Accused Products 8 HIGHLY CONFIDENTIAL SOURCE CODE - 9 OUTSIDE COUNSEL ONLY 10 No Bates 11 Exhibit 2.....200 12 Plaintiff's Amended Disclosure of 13 Asserted Claims and Infringement Contentions 14 No Bates 15 Exhibit 3.....231 16 Declaration of George Edwards In Support of 17 Patent Owner's Response 18 No Bates 19 Exhibit 4.....231 20 Exhibit C 21 Patent Owner's Response and Notice of Supplemental 22 Evidence in Response to Petitioner's Objections to Patent Owner's Evidence Dated November 6, 2019 No Bates Exhibit 5.....231 Redline Version of Exhibit C Patent Owner's Response and Notice of Supplemental Evidence in Response to Petitioner's Objections to Patent Owner's Evidence Dated November 6, 2019 No Bates Exhibit 6.....231 Redline Version of Declaration of George Edwards in Support of Patent Owner's Response No Bates</p>

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Transcript of George Edwards, Ph.D.  
Conducted on December 5, 2019

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1 INDEX: (Cont'd.)	1 petitioner, American National Manufacturing.
2 EXHIBITS MARKED FOR IDENTIFICATION: PAGE	2 MR. TOFT: And Luke Toft of
3 Exhibit 7.....217	3 Fox Rothschild representing Sleep Number
4 Unredacted Infringement Contentions	4 Corporation.
4 Original Retained by Counsel - No Copy Provided	5 THE VIDEOGRAPHER: Thank you.
5 Exhibit 8.....233	6 The court reporter today is
6 U.S. Patent No. U.S. 8,769,747 B2	7 Amy Larson representing Planet Depos.
6 No Bates	8 Would the court reporter please
7 Exhibit 9.....233	9 swear in the witness.
8 U.S. Patent No. U.S. 9,737,154 B2	10
8 No Bates	11 GEORGE EDWARDS, Ph.D.,
9 Exhibit 10.....233	12 a witness in the above-entitled action,
10 U.S. Patent No. 5,904,172	13 after having been first duly sworn, was
10 No Bates	14 deposed and says as follows:
11	15
12	16 EXAMINATION
13	17 BY MR. HARE:
14	18 Q. Could you state your name for the record,
15	19 please.
16	20 A. George Edwards.
17	21 Q. And do you mind spelling it?
18	22 A. First name George, G-E-O-R-G-E. Last name
19	
20	
21	
22	
6	8
1 PROCEEDINGS	1 Edwards, E-D-W-A-R-D-S.
2	2 Q. What's your current address?
3 THE VIDEOGRAPHER: Good morning.	3 A. My home address?
4 Here begins disc number 1 in the videotaped	4 Q. Correct.
5 deposition of Dr. George Edwards in the	5 A. My home address is 7416 Woodrow Wilson Drive,
6 matter of American National, Inc. vs.	6 Los Angeles, California 90046.
7 Sleep Number Corporation, et al., in the	7 Q. I notice that you went to USC, so you are a
8 United States Patent and Trademark Office	8 Trojans fan?
9 before the Patent Trial and Appeal Board,	9 A. Yes, I am.
10 Case Numbers IPR2019-00497, IPR2019-00500,	10 Q. Okay. What do you think about Helton?
11 and IPR2019-00514.	11 A. I was surprised to see that they're going to
12 Today's date is Thursday,	12 keep him for another year.
13 December 6th, 2019 [sic]. The time on the	13 Q. Okay. That's news to me. I went to USC as
14 video monitor is 9:11 a.m. The videographer	14 well, so good deal. All right.
15 today is Kyle Stolis representing Planet	15 Well, I've got a few ground rules to
16 Depos. This video deposition is taking place	16 start out. I'm sure you're pretty familiar
17 at the law office of Fox Rothschild, LLP, in	17 with them.
18 Minneapolis, Minnesota.	18 I'll be asking the questions, the
19 Would counsel please voice identify	19 court reporter will be recording it.
20 themselves and state whom they represent.	20 Understood?
21 MR. HARE: This is Jaspal Hare	21 A. Yes.
22 from Spencer Fane. We represent the	22 Q. Do you understand that you need to speak up

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9	11
<p>1 so that the court reporter can record your 2 answers? 3 <b>A. Yes.</b> 4 Q. Do you understand that you need to keep your 5 answers clear and verbal, as nods, shakes and 6 such cannot be recorded by the court 7 reporter? 8 <b>A. Yes.</b> 9 Q. Do you understand that you're under oath? 10 <b>A. Yes, I do.</b> 11 Q. Do you understand that requires you to 12 provide complete and candid answers to my 13 questions? 14 <b>A. Yes, I do.</b> 15 Q. Do you understand that requires you to answer 16 my questions, not your own questions or say 17 whatever you like? 18 <b>A. Yes.</b> 19 Q. Do you understand that the -- there's a 20 penalty for violating your oath? 21 <b>A. Yes, I do.</b> 22 Q. All right. I'm going to try to ask clear,</p>	<p>1 <b>A. No.</b> 2 Q. You're not on any drugs or alcohol that would 3 affect your testimony, correct? 4 <b>A. Correct.</b> 5 Q. Do you have any questions about the procedure 6 that we'll follow today? 7 <b>A. Not at this time.</b> 8 Q. Just out of curiosity, do you know why we're 9 doing this deposition in Minneapolis instead 10 of LA? 11 <b>A. I assumed it was because this is where 12 Fox Rothschild is located.</b> 13 Q. Gotcha. It wasn't your choice, was it? 14 <b>A. I was asked if it was okay to have it here, 15 and I agreed to that.</b> 16 Q. All right. Have you ever been deposed 17 before? 18 <b>A. Yes, I have.</b> 19 Q. About how many times? 20 <b>A. I believe it's about ten times.</b> 21 Q. Have you testified at trials or hearings 22 before?</p>
10	12
<p>1 plain English questions. However, if you 2 don't understand my questions, please let me 3 know, all right? 4 <b>A. Okay.</b> 5 Q. If you realize at some point that your answer 6 may not be accurate or may be incomplete, 7 will you also let me know then? 8 <b>A. Yes, I will.</b> 9 Q. While you're answering a question, if you 10 think of a document or anything that would be 11 helpful to answer the question, also let me 12 know, all right? 13 <b>A. Okay.</b> 14 Q. I usually like to take a break every hour, 15 maybe hour and a half. If you need to take a 16 break sooner, let me know, as long as there's 17 not a question pending. I'd just ask that 18 you finish that question. 19 Is that okay? 20 <b>A. Sounds good.</b> 21 Q. Is there any reason you can't fully and 22 accurately testify today?</p>	<p>1 <b>A. Yes, I have.</b> 2 Q. About how many times? 3 <b>A. I believe I've testified at two trials and 4 two hearings.</b> 5 Q. What's the -- what's the general subject 6 matter of those -- strike that. 7 You said you testified at two 8 hearings. What type of hearings were those? 9 <b>A. One hearing was a Markman hearing that dealt 10 with claim construction in a patent 11 litigation.</b> 12 <b>The other hearing was a -- I think 13 it's a preliminary injunction hearing.</b> 14 <b>That's my -- my recollection of the name of 15 that particular proceeding.</b> 16 Q. Do you have any experience outside of the 17 current proceeding doing IPR work or PTAB 18 work? 19 <b>A. I have submitted a declaration and given 20 testimony by deposition in another IPR.</b> 21 Q. Okay. Just one other one? 22 <b>A. I believe only one other IPR. I believe I</b></p>

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13	15
<p>1 <b>may also have submitted a declaration in</b> 2 <b>another PTAB proceeding that was not an IPR.</b> 3 <b>It was a number of years ago. It was a -- a</b> 4 <b>reexamination of some type, but I forget the</b> 5 <b>exact name of it.</b> 6 Q. Gotcha. So it sounds like you're pretty 7 familiar with at least District Court rules 8 for depositions, right? 9 <b>A. Yes, I believe so.</b> 10 Q. Let me backtrack. 11 So your hearings and trial and 12 deposition experience, that was related to 13 patent matters and/or IP generally? 14 MR. TOFT: Object to form. 15 THE WITNESS: Some were related to 16 patents and intellectual property, but I do 17 not believe all of them were. 18 MR. HARE: Okay. 19 BY MR. HARE: 20 Q. Roughly, what percentage would you say 21 related to patents? 22 <b>A. I would say likely half or -- or maybe a</b></p>	<p>1 Q. All right. Do you understand the rules when 2 you're testifying at a deposition for an IPR 3 proceeding are a bit different than the rules 4 in a deposition for Federal District Court? 5 MR. TOFT: Object to form, vague. 6 THE WITNESS: I have a layperson's 7 understanding of some of the rules. But, 8 obviously, I'm not an attorney, so it might 9 be helpful for you to explain which 10 particular rules you're referring to. 11 BY MR. HARE: 12 Q. Are you aware of any differences between the 13 rules in a deposition and an IPR proceeding 14 versus a deposition in a District Court 15 proceeding? 16 MR. TOFT: Same objection. 17 THE WITNESS: Yes. 18 BY MR. HARE: 19 Q. What differences are you aware of? 20 <b>A. I was informed that in an IPR proceeding I am</b> 21 <b>not permitted to have discussions regarding</b> 22 <b>the -- the deposition at breaks and at other</b></p>
14	16
<p>1 <b>little bit more than half.</b> 2 Q. Okay. And roughly what percentage would you 3 say were in Federal District Court? 4 <b>A. Most of them.</b> 5 Q. So something like 80 percent would -- or 6 more? 7 <b>A. Off the top of my head, I can recall at least</b> 8 <b>two depositions that were not Federal</b> 9 <b>District Court. One deposition that was the</b> 10 <b>IPR --</b> 11 Q. Okay. 12 <b>A. -- that I already mentioned, so that's at</b> 13 <b>least three that are not Federal District</b> 14 <b>Court.</b> 15 <b>Those are the ones that are coming</b> 16 <b>to mind right now for me that were not</b> 17 <b>Federal District Court. So I would say the</b> 18 <b>percentage that were Federal District Court</b> 19 <b>is, at most, 7 out of 10. But I would have</b> 20 <b>to go through the full list of my</b> 21 <b>appearances, I guess, to give you a hundred</b> 22 <b>percent answer.</b></p>	<p>1 <b>times until the deposition is concluded or</b> 2 <b>until the cross-examination period is</b> 3 <b>concluded.</b> 4 Q. I just want to go over some of your 5 background a little bit, very high level, you 6 know, where you grew up, where did you go to 7 school, what did you do, kind of what's on 8 your resume, so if that helps you answer 9 questions. 10 So let's start with where did you 11 grow up? 12 <b>A. I was born in Amherst, Massachusetts, old</b> 13 <b>Northampton, Massachusetts, and grew up in</b> 14 <b>Amherst.</b> 15 Q. Gotcha. Where did you go to high school? 16 <b>A. I went to high school at Lincoln Southeast</b> 17 <b>High School in Lincoln, Nebraska.</b> 18 Q. Okay. When did you move from Massachusetts 19 to Nebraska? 20 <b>A. Well, when I was about nine years old, my</b> 21 <b>family moved from Amherst to Lexington,</b> 22 <b>Kentucky. I lived in Lexington, Kentucky for</b></p>

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