

IPR2019-00514
Patent No. 5,904,172

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

PETITIONER'S
PROPOSED ADDITIONAL DISCOVERY REQUESTS

Petitioner American National Manufacturing Inc. (“ANM”) requests that Patent Owner Sleep Number Corporation (“Sleep Number”) provide the following within ___ business days:

Definitions

1. 10K shall mean the type of report that is exemplified by Exhibits (Ex. 1059 at 33.

Interrogatory

INTERROGATORY NO. 1: Identify on a quarterly or annual basis the total expenditures for your “sales and marketing,” as identified in Sleep Number’s 10-K statements since January 1, 1994.

INTERROGATORY NO. 2: Describe that nature and types of expenditures that are included in the line item “sales and marketing” as identified in Sleep Number’s 10-K.

INTERROGATORY NO. 3: Identify on a quarterly or annual basis the total expenditures for your “Cost of Sales” as identified in Sleep Number’s 10-K statements since January 1, 1994.

INTERROGATORY NO. 4: Describe that nature and type of expenditures that are included in the line item “Costs of Sales” as identified in Sleep Number’s 10-K.

INTERROGATORY NO. 5: Identify on a quarterly or annual basis the total expenditures for the line item “General and Administrative” as identified in Sleep Number’s 10-K statements since January 1, 1994.

INTERROGATORY NO. 6: Describe that nature and type of expenditures that are included in the line item “General and Administrative” as identified in Sleep Number’s 10-K.

INTERROGATORY NO. 7: Identify on a quarterly or annual basis the total gross revenue as identified in Sleep Number’s 10-K statements since January 1, 1994.

INTERROGATORY NO. 8: To the extent that it is not included in the above line items regarding “cost of sales,” “Sales and Marketing,” or “General and Administrative” line items in Sleep Number’s 10-K statements, identify on a quarterly or annual basis the total amount expended by Sleep Number for construction, mortgage, rent, or other expenses associated with Sleep Number retail stores since January 1, 1994. If these expenses are included in “cost of sales,” “Sales and Marketing,” or “General and Administrative,” instead please identify the line item in which it was included.

INTERROGATORY NO. 9: To the extent that it is not included in the above line items regarding “cost of sales,” “Sales and Marketing,” or “General and Administrative” line items in Sleep Number’s 10-K statements, identify on a

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quarterly or annual basis the total amount expended by Sleep Number for salaries, commissions, benefits, and other employment related expenditures for staff and management associated with Sleep Number retail stores since January 1, 1994. If these expenses are included in “cost of sales,” “Sales and Marketing,” or “General and Administrative,” instead please identify the line item in which it was included.

Document Requests

REQUEST NO. 1: Produce a Microsoft Excel workbook that contains the information requested above in the interrogatories.

REQUEST NO. 2: Produce a business records affidavit from Sleep Number Corporation’s custodian of records that authenticates the above Microsoft Excel file as a summation of voluminous business records under FRE 1006.

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Respectfully Submitted,
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