

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

**PATENT OWNER SLEEP NUMBER CORPORATION'S
NOTICE OF APPEAL**

via PTAB E2E
Patent Trial and Appeal Board

via Federal Express
Office of the General Counsel
United States Patent and Trademark Office
Madison Building East, Room 10B20
600 Dulany Street
Alexandria, VA 22314

via CM/ECF
United States Court of Appeals for the Federal Circuit

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

On October 5, 2020, Petitioner American National Manufacturing (“Petitioner”) filed “Petitioner’s Notice of Appeal of Final Written Decision” (Paper 100) in the above referenced *inter partes* review.

Pursuant to 35 U.S.C. §§ 141(c), 142, 319; 37 C.F.R. §§ 90.2(a), 90.3(a), and Federal Rules of Appellate Procedure/Federal Circuit Rules 4(a) and 15(a)(1), please take notice that Patent Owner Sleep Number Corporation, (“Sleep Number”) hereby appeals/cross appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered on August 4, 2020 (the “Final Written Decision”) (Paper 94) in IPR2019-00514, an *inter partes* review of United States Patent No. 5,904,172 based on the “Trial Instituted Document” entered on August 5, 2019 (Paper 10) (the “Institution Decision”).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Sleep Number’s non-exclusive list of potential issues on appeal include: (i) the Board’s finding that Independent Claim 16 was anticipated by U.S. Patent No. 5,044,029 (“Vrzalik”), including its application of the claim construction for “substantially fluidly sealed,” and (ii) the Board’s claim construction for the term “pressure monitor means.” Other possible issues on appeal include any other issues responsive to the appeal issue(s) raised by Petitioner or that were decided adversely to Sleep Number in any order, decision, ruling, phone conference, opinion, or final decision.

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Sleep Number is filing a true and correct copy of this Notice of Appeal with the Clerk of the United States Court of Appeals for the Federal Circuit, along with the required docketing fee, as set forth in the accompanying Certificate of Filing. Also, in compliance with 37 C.F.R. § 90.2(a)(1), Sleep Number is filing a true and correct copy of this Notice of Appeal with the Director of the United States Patent and Trademark Office.

Respectfully submitted,

Dated: October 6, 2020

By: /s/ Lukas Toft

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CERTIFICATE OF FILING

The undersigned hereby certifies that, in addition to being electronically filed through PTAB E2E, a true and correct copy of the above-captioned PATENT OWNER SLEEP NUMBER CORPORATION'S NOTICE OF APPEAL is being filed by Federal Express with the Director on October 6, 2020, at the following address:

Office of the General Counsel
United States Patent and Trademark Office
Madison Building East, Room 10B20
600 Dulany Street
Alexandria, VA 22314

The undersigned also certifies that a true and correct copy of the above-captioned PATENT OWNER SLEEP NUMBER CORPORATION'S NOTICE OF APPEAL and the filing fee is being filed via CM/ECF with the Clerk's Office of the United States Court of Appeals for the Federal Circuit on October 6, 2020.

Dated: October 6, 2020

/s/ Lukas Toft
Lukas Toft (Reg. No. 75,311)
Counsel for Patent Owner

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR § 42.6(e), the undersigned hereby certifies that on October 6, 2020, the foregoing PATENT OWNER SLEEP NUMBER CORPORATION'S NOTICE OF APPEAL was served via e-mail, as authorized by the Petitioner, at the following email correspondence address of record:

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