

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EVERI PAYMENTS INC.,
Petitioner,

v.

SIGHTLINE PAYMENTS LLC,
Patent Owner.

IPR2022-00614
Patent 8,708,809 B2

Before SCOTT C. MOORE, MITCHELL G. WEATHERLY, and
CARL M. DeFRANCO, *Administrative Patent Judges*.

MOORE, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining All Challenged Claims Unpatentable
35 U.S.C. § 318(a)

I. INTRODUCTION

A. *Background and Summary*

Everi Payments Inc. (“Petitioner”) filed a Petition requesting an *inter partes* review of claims 1, 2, 6–11, 14–20, and 22–26 of U.S. Patent No. 8,708,809 B2 (“the ’809 Patent”). Paper 1 (“Petition” or “Pet.”).¹ Sightline Payments LLC (“Patent Owner”) did not file a Preliminary Response. We instituted an *inter partes* review as to all claims and grounds set forth in the Petition. Paper 13.

On December 2, 2022, Patent Owner filed a Response to the Petition (Paper 16, “Response” or “Resp.”). Thereafter, Petitioner filed a Reply to the Response (Paper 21, “Reply”), and Patent Owner filed a Sur-Reply (Paper 23, “Sur-Reply”). An oral hearing was held on June 14, 2023, and a transcript of the hearing is in the record. Paper 30 (“Tr.”).

We have jurisdiction under 35 U.S.C. § 6. This Final Written Decision is issued pursuant to 35 U.S.C. § 318(a). For the reasons that follow, we determine that Petitioner has shown by a preponderance of the evidence that claims 1, 2, 6–11, 14–20, and 22–26 are unpatentable.

B. *Related Matters*

Patent Owner asserted the ’809 Patent against Petitioner in the following litigation: *Sightline Payments LLC v. Everi Holdings Inc., et al*, No. 6:21-cv-01015-ADA (W.D. Tex.) (filed September 30, 2021). Pet. 1; Paper 12, 1. On June 1, 2022, the case was dismissed. Ex. 1029.

¹ We granted Petitioner permission to file a Corrected Petition (Paper 10) to improve the quality of certain images that were included in the Petition. Paper 9. The Corrected Petition, however, did not include page numbers. Accordingly, citations herein are to the original Petition, which is identical in substance to the Corrected Petition. See Paper 6.

Petitioner challenges patents that are related to the '809 Patent in the following *inter partes* review proceedings: IPR2022-00663 (involving U.S. Patent No. 9,196,123), IPR2022-00696 (involving U.S. Patent No. 8,998,708), IPR2022-00706 (involving U.S. Patent No. 9,466,176), and IPR2022-00707 (involving U.S. Patent No. 9,785,926). Paper 4.

C. The '809 Patent

The '809 Patent is directed to a system and method for facilitating gaming-related financial transactions. Ex. 1002, 4:50–51. Embodiments of the disclosed system and method may use a financial/transaction facilitator to selectively transfer funds between a player's gaming account and personal account. *Id.* at Abstract, 4:52–55. Figure 3 of the '809 Patent, reproduced below, illustrates an embodiment of a fund transfer system.

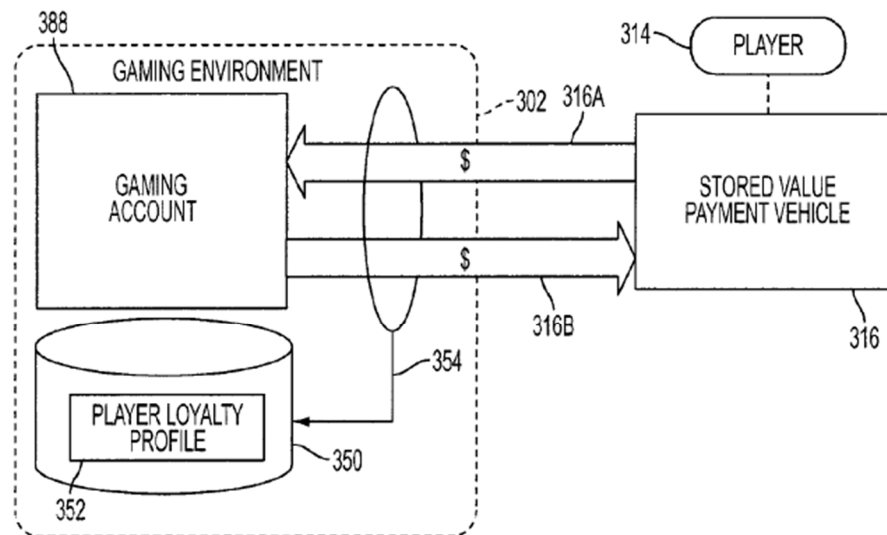


FIG. 3

Figure 3 is a diagrammatic representation illustrating the interplay between a stored value payment vehicle and a gaming account in accordance with embodiments of the disclosure. Ex. 1002, 4:13–16.

As depicted in Figure 3, a gaming environment 302, such as a casino, may include a gaming account 388 and a loyalty profile 352 associated with player 314. *Id.* at Fig. 3, 5:63–67, 9:63–10:3. The gaming environment may also include a gaming computing system (also called a “casino computing system”) for processing a player identifier associated with the player and the loyalty profile. *Id.* at 13:21–23. The Specification indicates that the “gaming account” can “be any type of financial account (i.e., electronic ledger) that is associated with a player, or collection of financial accounts that are associated with a player, and maintained by a casino, or at least on behalf of a casino.” *Id.* at 8:26–30. As seen in Figure 3, player 314 may be issued a stored value payment vehicle 316 that is associated with a stored value account, and may selectively transfer funds between the gaming account and the stored value payment vehicle. *Id.* at 9:63–10:9. The stored value account is a financial account such as a bank account. *Id.* at 4:55–57, 11:41–43. The stored value payment vehicle can be “any suitable” payment vehicle including a general purpose reloadable prepaid card, debit card, or “other . . . payment vehicle” associated with a stored value account 128. *Id.* at 4:60–64, 11:41–43. Both the stored value payment vehicle and stored value account are maintained by an issuing financial institution, such as a bank, having an issuer processor computing system for maintaining and/or processing transactions associated with the stored value payment vehicle 116 and the stored value account. *Id.* at 4:55–57, 7:39–42, 11:41–43.

Figure 7 of the ’809 Patent, reproduced below, illustrates an embodiment of a fund transfer system having gaming and issuer processor computing systems, and a transaction facilitator for facilitating fund transfers between the player’s gaming account and stored value account.

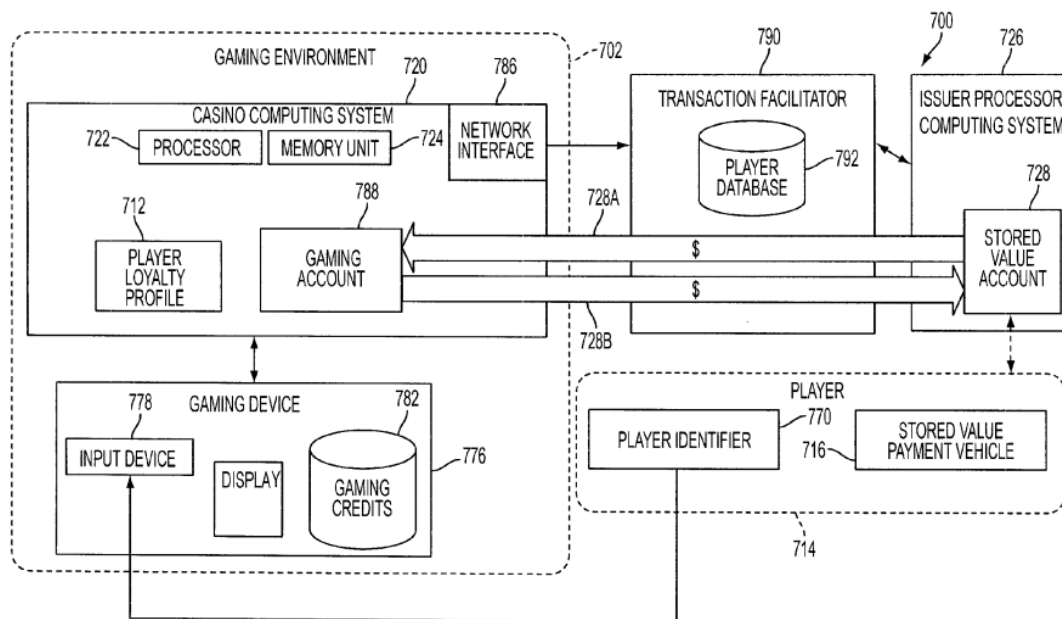


FIG. 7

Figure 7 depicts “an arrangement 700 of a transaction facilitator 790 interacting with both a gaming environment 702 and an issuer processor computing system 726.” Ex. 1002, 12:51–54. As seen in Figure 7, gaming environment 702 includes a casino computing system 720, gaming account 788, and player loyalty profile 712. *Id.* at Figure 7. “The casino computing system 720 can be configured to transmit the player identifier 770, or other player identifying data, to . . . transaction facilitator 790 using a suitable network interface 786.” *Id.* at 13:44–47. Upon receiving the player identifier 770 (or other player identifying data), transaction facilitator 790 matches the player identifying data to a particular stored value account 728 that is also associated with the player’s identifier 770 and stored payment vehicle 716. *Id.* at 13:48–51. After transaction facilitator 790 identifies the stored value account 728, it facilitates the transfers of funds 728A by debiting the stored value account 728 and crediting the gaming account 788 (or vice versa). *Id.* at 13:60–14:3.

In some embodiments, the player can interact with an application executing on a computing device to initiate various balance transfers. For example, player identifier 770 can be provided on gaming device 776 and used to identify the player's loyalty profile 712. *Id.* at 13:40–44. The player loyalty profile may be maintained by a customer relationship management engine, which can be operated by the gaming operator of the gaming environment or a third-party service provider. *Id.* at 10:33–38.

D. Challenged Claims

Petitioner challenges claims 1, 2, 6–11, 14–20, and 22–26 of the '809 Patent.

Challenged claims 1, 10, 17, and 24 are independent. Independent claims 1, 10, and 17 are method claims, and independent claim 24 is a system claim. Claims 2 and 6–9 depend from claim 1, claims 11 and 14–16 depend from claim 10, claims 18–20, 22, and 23 depend from claim 17, and claims 25 and 26 depend from claim 24.

Claim 1 is reproduced below, with Petitioner's bracketed references added.

1.[1.0] A computer-based method of gaming, the method comprising:

[1.1] receiving, by a transaction facilitator, from a gaming computing system affiliated with a gaming environment, a player identifier of a player,

[1.2] wherein the player identifier is associated with a gaming account having a balance, and

[1.3] wherein the transaction facilitator comprises a processor and a memory unit;

[1.4] based at least partially on the player identifier, identifying, by the transaction facilitator, a stored value account,

[1.5] wherein the stored value account is associated with a stored value payment vehicle issued to the player,

[1.6] and wherein a balance of the stored value account is maintained by an issuer processor computing system; and

[1.7] communicating, by the transaction facilitator, with the issuer processor computing system and the gaming computing system to decrease the balance of the stored value account and increase the balance of the gaming account.

Ex. 1002, 21:16–33.

E. Asserted Grounds

Petitioner asserts the following grounds of unpatentability:

Ground	Claims Challenged	35 U.S.C. §	Reference(s)/Basis
1	1, 2, 6–8, 10, 11, 14, 15, 17–20, 22–26	103	Smith ²
2	1, 2, 6–11, 14–19, 22, 23	103	Sommer ³

Pet. 3. Petitioner also relies on the Declarations of Dwight Crevelt (Ex. 1001, Ex. 1039). Patent Owner relies on the Declaration of Michael Shamos (Ex. 2001).

II. ANALYSIS

A. Principles of Law

1. Burden

In an *inter partes* review, the burden of proof is on the petitioner to show that the challenged claims are unpatentable, and that burden never

² U.S. Patent Application Publication No. 2013/0073447 A1, pub. Mar. 21, 2013 (Ex. 1005, “Smith”).

³ U.S. Patent Application Publication No. 2008/0113776 A1, pub. May 15, 2008 (Ex. 1006, “Sommer”).

shifts to the patentee. *See* 35 U.S.C. § 316(e); *In re Magnum Oil Tools Int’l, Ltd.*, 829 F.3d 1364, 1375 (Fed. Cir. 2016) (citing *Dynamic Drinkware, LLC v. Nat’l Graphics, Inc.*, 800 F.3d 1375, 1378 (Fed. Cir. 2015)).

2. *Obviousness under 35 U.S.C. § 103*

A patent claim is unpatentable under 35 U.S.C. § 103 if the differences between the claimed subject matter and the prior art are such that the subject matter, as a whole, would have been obvious at the time the invention was made to a person of ordinary skill in the art to which said subject matter pertains. *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). The question of obviousness is resolved on the basis of underlying factual determinations including: (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of ordinary skill in the art; and (4) when in evidence, objective evidence of nonobviousness.⁴ *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966).

B. *Level of Ordinary Skill in the Art*

The level of skill in the art is “a prism or lens” through which we view the prior art and the claimed invention. *Okajima v. Bourdeau*, 261 F.3d 1350, 1355 (Fed. Cir. 2001). Petitioner contends that a person of ordinary skill in the art (a “POSA”) “would have a Bachelor’s degree in Computer Engineering or Computer Science, or an equivalent degree, with at least two years of experience in casino or gaming transaction facilitation, or related technologies.” Pet. 9 (citing Ex. 1001 ¶ 37). Patent Owner asserts that the level of skill of the ordinary artisan should additionally include “familiarity with gaming and financial regulations.” Resp. 4 (emphasis omitted).

⁴ Patent Owner does not rely on objective evidence of nonobviousness in this case. *See generally* Resp. (not alleging that any such objective evidence is present).

Petitioner responds that Patent Owner's additional qualification to the level of ordinary skill is "implied and unnecessary," because the "agreed-upon level of skill in the art . . . *already includes* familiarity with gaming and financial regulations." Reply 1. According to Petitioner, "a person having at least two years of experience in casino or gaming transaction facilitation necessarily becomes familiar with gaming and financial regulations during implementation of gaming systems into an actual casino environment." *Id.* (citing Ex. 1039 ¶¶ 1–3).

On this record, and given Petitioner's concession that one of ordinary skill in the art would have familiarity with gaming and financial regulations, we adopt and apply Petitioner's definition regarding the level of ordinary skill in the art, with Patent Owner's proposed modification. One of ordinary skill in the art to which the '809 Patent pertains would have a Bachelor's degree in Computer Engineering or Computer Science, or an equivalent degree, with at least two years of experience in casino or gaming transaction facilitation, or related technologies, and familiarity with gaming and financial regulations. We find that this formulation is consistent with the level of skill reflected in the cited prior art references. *See Okajima*, 261 F.3d at 1355.

C. Claim Construction

We generally give the words of a claim their ordinary and customary meaning. *See Phillips v. AWH Corp.*, 415 F.3d 1303, 1312 (Fed. Cir. 2005) (en banc); 37 C.F.R. § 42.100(b). "[T]he ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention." *Phillips*, 415 F.3d at 1313. "[T]he person of ordinary skill in the art is deemed to read the claim term not only in the context of the particular claim in which

the disputed term appears, but in the context of the entire patent, including the specification.” *Id.*

“[W]e need only construe terms ‘that are in controversy, and only to the extent necessary to resolve the controversy.’” *Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017) (quoting *Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999)).

In the Petition, Petitioner does not propose explicit constructions of any claim term. Pet. 9–10.

Patent Owner, however, argues that “the construction of at least a ‘gaming account’ is necessary,” and proposes that “gaming account” should be construed as “a financial account associated with a player and that may be used in a gaming or non-gaming environment of a casino.” Resp. 5, 7. Patent Owner argues that in the ’809 Patent, the “specification also discloses the gaming account is used in non-gaming environments.” Resp. 9 (citing Ex. 1002, 8:5–13, 10:62–67). Relying on Figure 8 and column 14, lines 22–33, Patent Owner asserts that one of the purposes of the ’809 Patent is “***to capture patron spending behavior that occurs in non-gaming environments of a casino***, such as in the restaurants, hotels, retail establishments, ATM’s a[s] well as spending behavior that occurs in non-casino environments, such as in the restaurants, hotels, retail establishments, ATMs.” Resp. 10. Based on this, Patent Owner argues that Petitioner’s proposed construction seeks to “exclude the primary embodiment of using the gaming account in both gaming or non-gaming environment.” *Id.* at 11.

Petitioner responds that the Specification of the ’809 Patent explicitly defines the term “gaming account,” stating, “As used herein, a gaming account can be any type of financial account (i.e., electronic ledger) that is

associated with a player, or collection of financial accounts that are associated with a player, and maintained by a casino, or at least on behalf of a casino.” Reply 2 (citing Ex. 1002, 8:26–30) (emphasis omitted).

Petitioner contends that “Patent Owner’s construction improperly captures financial accounts that have nothing to do with gaming,” such as “[a]ny generic debit card account that could be used to make wagers, buy dinner or stay at a hotel in a casino.” *Id.* at 2. Second, Petitioner contends that even though Patent Owner’s construction uses the disjunctive “or,” Patent Owner asserts that its construction would require that a “gaming account” be usable in both gaming and non-gaming environments. According to Petitioner, Patent Owner’s construction thus improperly limits the claim term “gaming account” to an account having “the capability of being used in **both** a gaming **and** a non-gaming environment of a casino,” and does not include accounts that can be used only in a gaming environment. *Id.* at 3. Third, Petitioner contends “while Patent Owner cites to FIG. 8 as solving a purported problem of ‘capturing patron spending behavior,’ (Response, pp.10–11), FIG. 8 and its description is *completely devoid of using the gaming account to do so.*” *Id.* (citing Ex. 1002, 14:22–16:3).

On this record, we determine that the claim term “gaming account” has the meaning explicitly set forth in the Specification: “any type of financial account (i.e., electronic ledger) that is associated with a player, or collection of financial accounts that are associated with a player, and maintained by a casino, or at least on behalf of a casino.” Ex. 1002, 8:26–30. Patent Owner does not identify any portion of the Specification that evidences an intent to further limit the scope of the claim term “gaming account” to an account that must be usable in both gaming and non-gaming environments, and we decline the invitation to import limits from the

preferred embodiment cited by Patent Owner into the claims. *See Superguide Corp. v. DirecTV Enterprises, Inc.*, 358 F.3d 870, 875 (Fed. Cir. 2004) (“Though understanding the claim language may be aided by explanations contained in the written description, it is important not to import into a claim limitations that are not part of the claim. For example, a particular embodiment appearing in the written description may not be read into a claim when the claim language is broader than the embodiment.”).

D. Overview of the Asserted References

1. Overview of Smith (Ex. 1005)

Smith relates to a system for electronically transferring funds to a verified account using a player card. Ex. 1005 ¶ 2. An exemplary system is depicted in Figure 1, reproduced below.

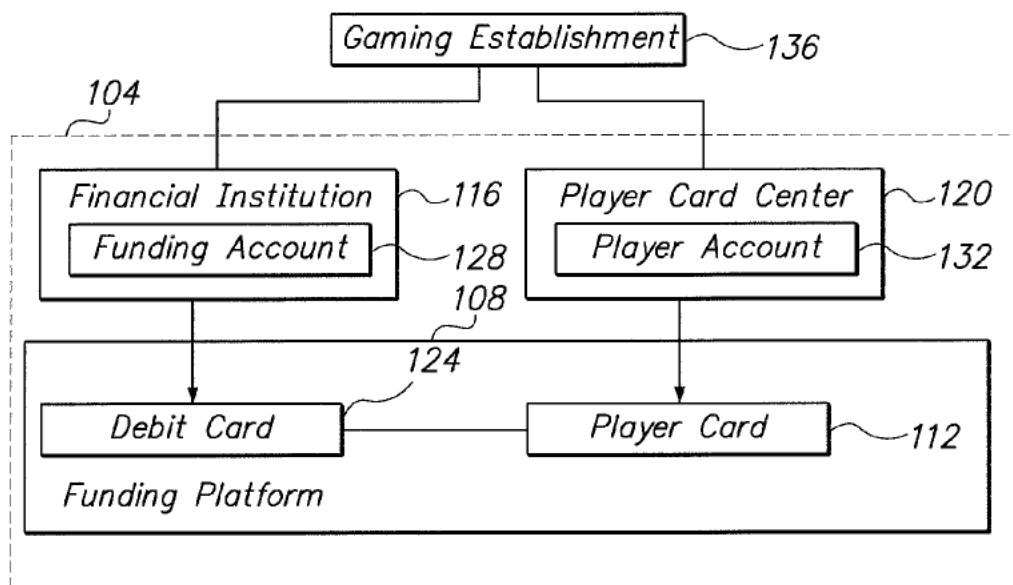


FIG. 1

Figure 1 “is a block diagram illustrating an exemplary funding system.”

Ex. 1005 ¶ 22. Funding system 104 links various financial accounts so that funds may be transferred from a player’s funding account to another

account, such as the player's card account 132 at a gaming establishment 136. *Id.* ¶¶ 32, 36. In particular, "a bank or other financial institution 116 may provide one or more funding accounts 128 (e.g., debit card, checking, savings, or other accounts) for holding and transferring a player's funds." *Id.* ¶ 33. Financial institution 116 "may issue debit card 124 through which funds in funding account 128 and the funding account itself may be accessed." *Id.* Player card center 120 may issue player tracking card 112, and players may access their player accounts 132 and accumulate rewards using their player tracking card 112. *Id.* ¶ 34. Player tracking card 112 and debit card 124 may have information stored thereon that "identifies a player's account at a gaming establishment and/or financial institution 116, respectively." *Id.* ¶ 35. Linking platform 108 (also called "funding platform") associates a player's funding account 128 with his or her player account 132. *Id.* ¶¶ 36, 37.

Figure 3, reproduced below, depicts details of funding platform 108.

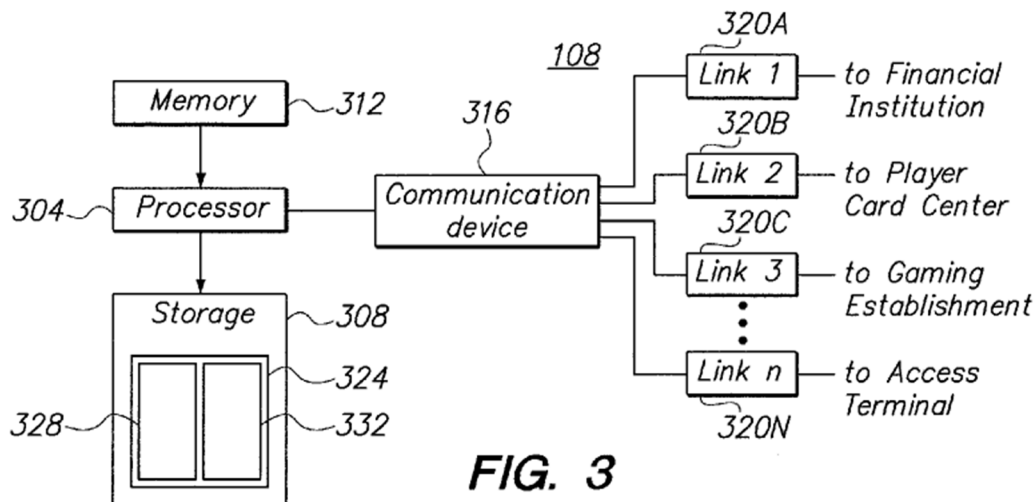


FIG. 3

Figure 3 "is a block diagram illustrating an exemplary funding platform." Ex. 1005 ¶ 24. Funding platform 108 includes communication device 316 that "execute[s] fund transfers, such as by identifying a source account, a

destination account, an amount to be transferred, and/or providing authorization for the transfers.” *Id.* ¶ 45. As depicted in Figure 3, communication device 316 establishes communication links in which “a first communication link 320A may form a connection with a financial institution while a second communication link 320B may form a connection with a gaming establishment.” *Id.* ¶ 46. Account information 324 may include data to associate or link player account information 328 and funding account information 332 so that this information may be linked by storing each with the same unique identifier. *Id.* ¶ 49. In use, “the player may swipe or scan his or her card at a card reader of a gaming machine, which device transmits the player card information to the funding platform.” *Id.* ¶ 77. Once the player card information has been received and access to the player account is verified, funds may then be transferred from the funding account. ¶¶ 78–79.

Figure 6, reproduced below, depicts an example of the flow of funds.

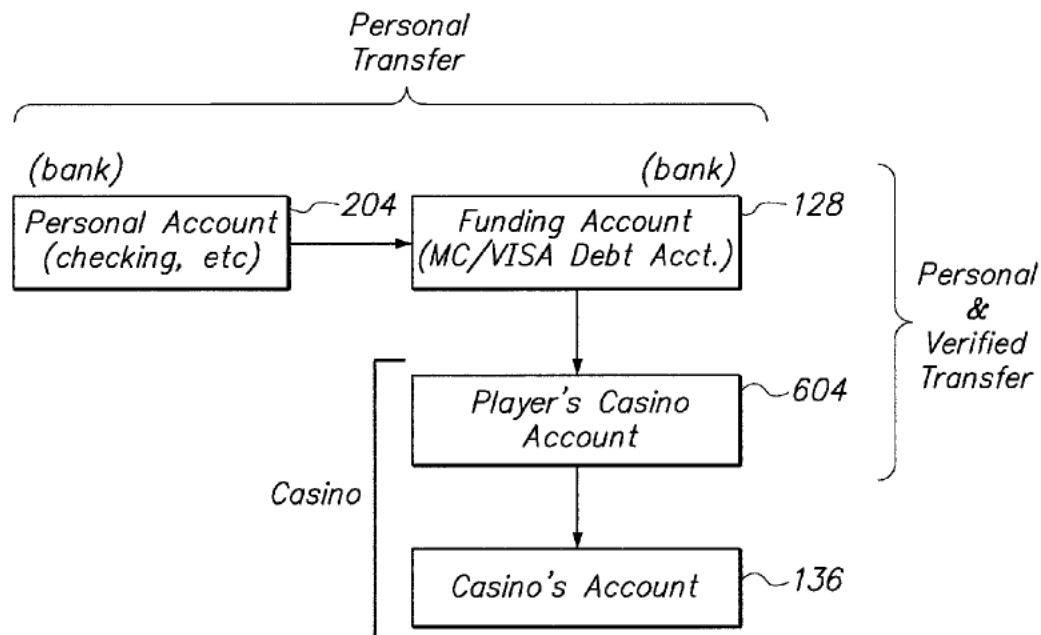


FIG. 6

Figure 6 is a block diagram illustrating an exemplary funds transfer via the funding system. Ex. 1005 ¶ 27. Smith explains that “funds may originate from the player’s personal accounts” such as “bank account(s), credit card(s) or other sources of funding that are held independent of the funding system.” *Id.* ¶ 84. The funds may be transferred to funding account 128 and then from funding account 128 to gaming establishment 136 using a credit card or the like so that the player can use the funds to place wagers. *Id.* ¶¶ 33, 84–85. If a player wins a wager, the player can “transfer the funds from their player account to their debit account.” *Id.* ¶ 93.

2. Overview of Sommer (Ex. 1006)

Sommer relates to “cashless gaming.” Ex. 1006 ¶ 6.

Figure 1A of Sommer, reproduced below, is diagrammatic representation of a gaming server, as part of a casino system.

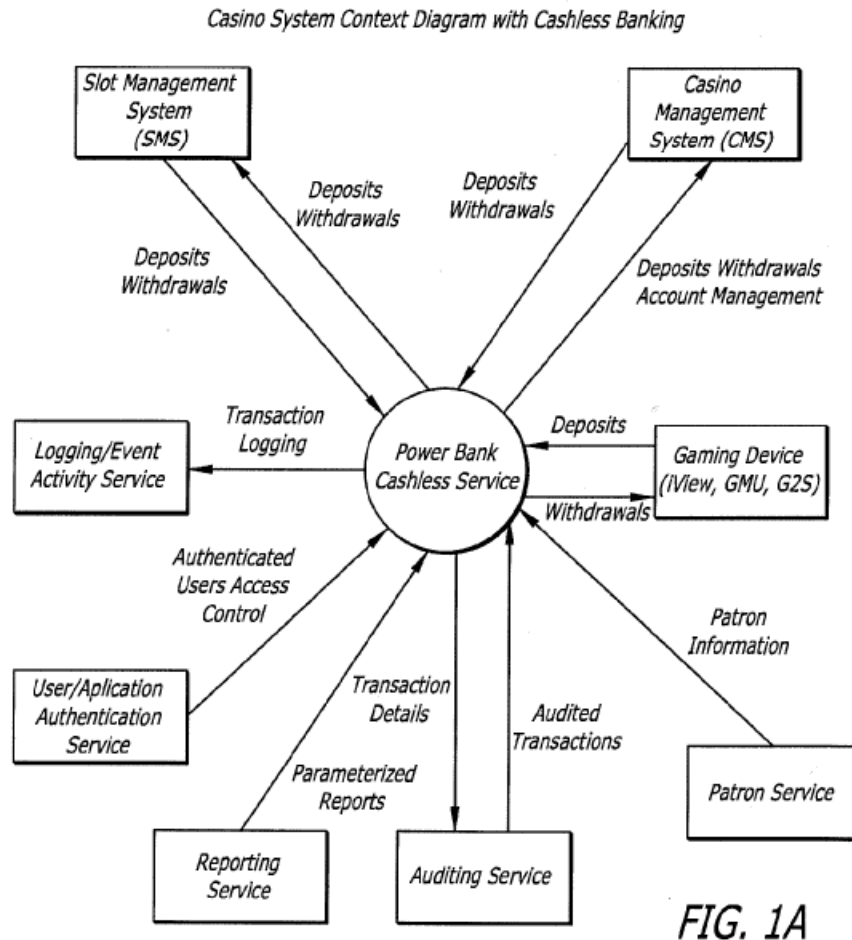


Figure 1A illustrates a casino system which:

includes gaming servers, labeled as Power Bank elements for convenience purposes. The gaming server described herein may store patron (also referred to as player) funds in a secure and reliable fashion. The gaming server may be utilized with various components and services connected with a casino management system (a system for managing accounting of casino operations) and/or a slot management system (a system for managing accounting, vouchering, and player tracking of wagering activity).

Id. ¶ 5.

Sommer discloses that “a player registers demographic information with a gaming establishment and is issued a player identifier.” *Id.* ¶ 21. Then, “a player logs in to an electronic wagering system by presenting a

player identifier a gaming device,” and “the gaming server receives the player identifier from the gaming device.” *Id.* ¶¶ 22, 26. In order to fund their “player account,” the “player may register their accounts with the gaming establishment or an agent of the gaming establishment.” *Id.* ¶¶ 28–29. “[A]t the gaming device, the player can request funds to be transferred from one or more accounts at one or more financial institutions to their player account.” *Id.* ¶ 30. Then, “the gaming server initiates withdrawal transactions with each of the financial institutions, pursuant to the multi-account withdrawal request.” *Id.* ¶ 34.

Alternatively, Sommer discloses “[f]inancial transactions between the gaming establishment and the financial institution may be processed by a third party financial transaction provider, also known as an agent or an intermediary,” where “the intermediary interacts with the financial institution and transfers the funds to the gaming server.” *Id.* ¶¶ 39, 42. In this embodiment, the player “logs-in at a gaming device” and issues a request for funds from multiple accounts, the “gaming server transfers the request to the intermediary,” and the intermediary processes the request, transferring funds to the gaming server, which converts the funds to credits that the player may use at the gaming device. *Id.* ¶¶ 42–55.

In addition, Sommer discloses “transferring funds from a player account at a gaming establishment to multiple accounts at financial institutions.” *Id.* ¶ 69.

E. Patent Owner’s Argument Regarding the Credibility of Petitioner’s Declarant

Patent Owner argues that “Petitioner’s expert declaration is flawed and should be accorded no weight,” because Mr. Crevelt “admits that he did not consider the impact of any regulations when preparing his declaration.”

Resp. 13, 15 (emphasis omitted). Patent Owner also contends the Declaration is “internally inconsistent,” because it identifies the same prior art components to correspond to different claim terms (“gaming computing system” and “casino computing system;” “gaming account” and “loyalty account”). *Id.* at 15. Petitioner responds that “Mr. Crevelt considered regulations in forming his opinions,” providing examples of doing so. Reply 5–6. Petitioner also notes “Patent Owner’s expert did not cite to a single gaming or financial regulation.” *Id.* at 6.

Patent Owner did not file a motion to exclude. Patent Owner also confirmed during the oral hearing that its arguments related to the weight, rather than the admissibility, of Mr. Crevelt’s testimony. *See* Tr. 40:12–41:3. Accordingly, we decline to exclude Mr. Crevelt’s testimony. To the extent Patent Owner has argued in the papers that these alleged deficiencies call into question specific portions of Mr. Crevelt’s testimony, we have considered those arguments in analyzing the persuasiveness of Mr. Crevelt’s testimony when reaching the determinations set forth below. Notably, however, the determinations below are supported by the entirety of the record, including the teachings of the prior art references detailed below.

F. Patent Owner’s “Immediately Envisages” Argument

Patent Owner also argues that “the Petition repeatedly fills in gaps in the prior art teachings with reference to what a person of skill in the art would ‘immediately envisage,’” which is improperly “akin to relying on common sense to fill in missing claim limitations.” Resp. 16–17.

To the extent Patent Owner identified in its papers specific instances where Petitioner allegedly improperly relied on common sense to supply missing claim limitations, we have considered those arguments in reaching

the determinations set forth below. As discussed below, we determine that each of Petitioner's disputed contentions is adequately supported by the evidence of record, including the teachings of the cited prior art references and the testimony of Mr. Crevelt.

G. Ground 1, Obviousness over Smith

1. Claims 1, 2, and 6–8

Petitioner contends that Smith teaches or suggests all limitations of claims 1, 2, and 6–8, and supports its contentions with testimony from Mr. Crevelt. *See* Pet. 10–28; Reply 8–17; Ex. 1001 ¶¶ 89–148; Ex. 1039 ¶¶ 12–19. Patent Owner argues in response that Smith does not teach or suggest the “gaming account” and “gaming computing system” limitations recited in claims 1, 2, and 6–8, a “request from the gaming computing system to transfer funds” and “responding to the gaming computing system with an approval of the request” as recited in claim 2, or “decreasing the balance of the stored value account and increasing the balance of the gaming account” that “occurs in substantially real-time” as recited in claim 7. Resp. 18–35.

Patent Owner does not dispute Petitioner's contentions that Smith teaches or suggests the remaining limitations of claims 1, 2, and 6–8. *See id.* Thus, Petitioner's contentions as to these limitations are undisputed. *See In re NuVasive, Inc.*, 841 F.3d 966, 974 (Fed. Cir. 2016) (“The Board, having found the only disputed limitations together in one reference, was not required to address undisputed matters.”); *see also* Paper 14, 9 (emphasizing that “arguments not raised in the response may be deemed waived”). We also find that Petitioner's contentions regarding the undisputed limitations are fully supported by the record. *See* Pet. 10–28; Reply 8–17; Ex. 1001

¶¶ 89–148; Ex. 1039 ¶¶ 12–19. We now turn to the disputed limitations of claims 1, 2, and 6–8.

a) Claim 1

(1) “gaming account”

Petitioner contends that Smith’s disclosures of player account 132 and player’s casino account 604 teach or suggest a gaming account of the type recited in claims 1, 2, and 6–8. *See* Pet. 10–12, 17–18. In particular, Petitioner asserts that player account 132 (depicted in Figure 1) and player’s casino account 604 (depicted in Figure 6) are the same account. *See id.* at 11 n. 2.

Patent Owner argues in response that Petitioner relied on player account 132 alone (and not the combination of player account 132 and player’s casino account 604) as teaching or suggesting the recited “gaming account” limitation. *See* Resp. 18–19. According to Patent Owner, “player account 132 is not a financial account” of the type required by the claims, but is “rather a tracking account that holds reward points instead of money.” *Id.* at 20. Patent Owner then characterizes the Petition as citing “player’s casino account 604 to support [Petitioner’s] arguments that Smith’s player account 132 is a gaming account,” and asserts that this contention “is premised on the mistaken belief by Petitioner’s expert that Smith’s ‘reference to “player account 132” and “player’s casino account 604” are to the same account.’” *Id.* Patent Owner further contends that Mr. Crevelt provided no explanation for why he believes player’s account 132 and player’s casino account 604 are the same account, and that Petitioner’s contention is inconsistent with Smith’s disclosure. *Id.* at 21.

Petitioner argues in reply that even if player account 132 and player’s casino account 604 were different accounts, there would be no dispute that

player's casino account 604 by itself constitutes a "gaming account."

Reply 8–9. Petitioner also disputes Patent Owner's assertion that "Smith's player account 132 is a tracking account that only holds reward *points*, while its player's casino account 604 holds *money*." *Id.* at 11. Petitioner contends that Smith discloses transferring funds to a "player account" and a "player tracking account." Reply 12 (citing Ex. 1005 ¶¶ 82, 91, 93, 95). Petitioner also reiterates its contention that "Smith's 132 and 604 are the same player account maintained by or on behalf of a casino that holds money for use at the casino." *Id.* at 13 (citing Ex. 1039 ¶ 15).

Patent Owner argues in its Sur-Reply that player account 132 is, in fact, a separate tracking account, and that Petitioner cannot rely solely on Smith's disclosure of player's casino account 604 because "[u]nder Petitioner's theory, two different trust accounts held at two different institutions would incorrectly be considered the same trust account." Sur-Reply 7–10.

For the reasons discussed below, we find Petitioner's contentions more persuasive.

As discussed above, we have construed the claim term "gaming account" as "any type of financial account (i.e., electronic ledger) that is associated with a player, or collection of financial accounts that are associated with a player, and maintained by a casino, or at least on behalf of a casino." Thus, as a preliminary matter, even if player account 132 and player's casino account 604 were implemented as separate financial accounts, this fact would not preclude them from together constituting a "gaming account" of the type required by the challenged claims.

Moving on to Smith's disclosures, Figure 1 of Smith depicts an example of a funding system, which includes a funding account 128

provided by a financial institution, and player account 132. Ex. 1005 ¶¶ 22, 33, Fig. 1. The depicted player card center 120 (which maintains player account 132) “may be its own entity or may be part of a gaming establishment.” *Id.* ¶ 34.

Figure 6 of Smith depicts an example of a funds transfer via a funding system (such as the funding system depicted in Figure 1). *See* Ex. 1005 ¶ 27. In this example, player’s casino account 604 (also referred to as trust account 604) is within the gaming establishment, and where “the transfer of funds would typically occur between a player’s funding account 128 and a player’s casino or trust account 604.” *Id.* ¶ 85.

Smith makes clear that player account 132 may be a financial account. For example, Smith teaches that funding account 128 (at the financial institution) and player account 132 (also referred to as “player card account 132”) are associated via respective associated debit card 124 and player tracking card 112. *Id.* ¶ 36. Smith also teaches that “funds may be transferred to a gambling establishment from a player’s funding account 128 via a player tracking card 112” associated with player account 132. *Id.* ¶ 37; *see also id.* ¶¶ 34–35, Fig. 1. The only account depicted as connected to player tracking account 112 is player account 132. *See id.* at Fig. 1. Thus, the natural inference is that player account 132 is the account at the gaming establishment that receives the described monetary transfer. These disclosures of Smith are consistent with the testimony of Petitioner’s declarant, Mr. Crevelt, that player card account 132 is a financial account. *See, e.g.*, Ex. 1001 ¶¶ 111–112. They are inconsistent with the testimony of Patent Owner’s declarant, Dr. Shamos, that player card account 132 is merely a non-financial tracking account. *See, e.g.*, Ex. 2001 ¶¶ 32–33.

Smith describes player's casino account 604 in a manner similar to how it describes player account 132. For example, Smith teaches that "casino or trust account 604" is within the gaming establishment, and "the transfer of funds would typically occur between a player's funding account 128 and a player's casino or trust account 604." *Id.* ¶ 85. "[T]he player may utilize the funds associated with their casino account 604 to place wagers. At the time wagers are placed, funds are transferred from the player's casino account 604 to the casino or other gaming establishment (such as a bank account belonging to the gaming establishment)." *Id.* Thus, Smith describes both player account 132 (which may be inside of a casino) and player's casino account 604 as being accounts into which funds are transferred, and from which wagers may be placed at a casino. In addition, as Mr. Crevelt points out, certain disclosures of Smith refer to the player card account (i.e., player account 132) and the player's casino account 604, in a manner that suggests they are interchangeable. *See* Ex. 1039 ¶ 15; *compare* Ex. 1005 ¶ 32 ("funds may be transferred from a funding account via another account, such as a *player card account* or trust account") (emphasis added), *with* Ex. 1005 ¶ 85 ("the transfer of funds would typically occur between a player's funding account 128 and the *player's casino* or trust account") (emphasis added).

Nothing prohibits a prior art reference from "be[ing] considered for everything it teaches by way of technology," rather than being limited to a particular embodiment or invention. *Belden Inc. v. Berk-Tek LLC*, 805 F.3d 1064, 1076 (Fed. Cir. 2015); *see also Hayward Industries, Inc. v. Pentair Water Pool and Spa, Inc.*, 814 Fed. Appx. 592, 596 (Fed. Cir. 2020) (essentially same). Thus, we reject the notion that player account 132 in Figure 1 cannot be a casino-level account in the same manner as the player

casino account 604 in Figure 6. The above-cited portions of Smith teach that player account 128 may be located within the gaming environment (and thus constitute the player's *casino* account), and may also perform the same functions that Smith attributes to player's casino account 604. Thus, this evidence supports the testimony of Mr. Crevelt that player account 132 and player's casino account 604 can be the same account (*see, e.g.*, Ex. 1001 ¶¶ 93, 111–112), and is inconsistent with the testimony of Dr. Shamos that these accounts must necessarily be separate and that player account 132 cannot be a financial account (*see, e.g.*, Ex. 2001 ¶¶ 32–33).

On the entirety of the record before us, and for the specific reasons discussed above, we find Mr. Crevelt's testimony on the "gaming account" limitation to be more consistent with the disclosures of Smith, and more persuasive than the testimony of Dr. Shamos. *See* Ex. 1001 ¶¶ 93, 111–112; Ex. 1039 ¶¶ 14–16. We, thus, credit Mr. Crevelt's testimony, and are persuaded that Smith teaches, or at least suggests, that player account 132 (which may be located within a casino) and player's casino account 604 may be the same account. We are persuaded on this record that player account 132/player's casino account 604 would constitute a "financial account (i.e., electronic ledger) that is associated with a player, or collection of financial accounts that are associated with a player, and maintained by a casino, or at least on behalf of a casino," i.e., a "gaming account" of the type recited in the claims.

(2) *"gaming account" under Patent Owner's proposed construction*

Patent Owner contends "Smith does not disclose either the 'player account 132' or 'player's casino account 604' are used in a non-gaming environment." Resp. 24. However, we have concluded that "gaming

account” does not refer to accounts that are “used in a gaming or non-gaming environment of a casino” as argued by Patent Owner. *See supra* § II.C. Rather, we conclude that Petitioner’s proposed interpretation of “gaming account” is more persuasive. *Id.* Based on the proper interpretation of “gaming account,” Petitioner persuades us that Smith describes the claimed “gaming account.”

(3) “*gaming computing system*”

Petitioner contends that “Smith’s gaming environment includes the player card center, gaming establishment and access terminals,” and that the ordinary artisan would recognize that Smith’s gaming environment would “necessarily include a ***gaming computing system*** . . . to monitor and manage gaming machines, player accounts and player wagering activities.” Pet. 14 (citing Ex. 1001 ¶ 104) (footnote omitted). Petitioner relies upon annotated Figure 3 of Smith, with a yellow box drawn around the player card center, gaming establishment, and access terminal, labeled “Gaming computing system.” *Id.* at 15. Alternatively, Petitioner contends that it would have been obvious “that the player card center, gaming establishment and access terminals include a gaming computing system in view of the state of the art, and particularly the use of computer games such as slot machines or video poker tracked closely by casino computer systems, at the time of filing of the ’809 Patent.” *Id.* at 14.

Patent Owner argues in response that “there is no evidence that it would have been obvious for Smith’s player card center, gaming establishment, and access terminal to collectively be a gaming computer system.” Resp. 29. Patent Owner also argues “[t]here is a possibility that Smith utilizes a ‘smart-card’ tracking system and thus a centralized player tracking system is not inherent.” *Id.* at 27.

Petitioner relies on Smith's Figure 3, which illustrates Smith's player card center, gaming establishment, and access terminal as being connected via communication links to communication device 316, which is part of Smith's funding platform 108. Ex. 1005, Fig. 3. Funding platform 108 includes memory 312, processor 304, and storage 308, and is thus clearly implemented via one or more computers. *See id.* ¶ 44. Smith further discloses that communication device 316 "may be capable of establishing one or more independent communication links 320," which "may be used to communicate with a particular element of the funding system." *Id.* ¶ 46. For example, "communication link 320B may form a connection with a gaming establishment. The player card center and banks or other financial institutions may be connected to the funding platform 108 in this manner as well." *Id.*

Because we find that Smith's player card center, gaming establishment, and access terminals can communicate via links 320 with Smith's computerized funding platform, we are persuaded that Smith's gaming establishment, access terminal, and player card center would necessarily include one or more "gaming computing systems affiliated with a gaming environment" of the type recited in claim 1. *See* Ex. 1001 ¶¶ 103–104. At the very least, one of ordinary skill in the art, having knowledge of how gaming systems operate, would have understood these disclosures of Smith to teach, or at least suggest, the presence of one or more gaming computing systems. *See* Ex. 1001 ¶ 105.

- b) *Claim 2: “a request from the gaming computing system to transfer . . . funds . . . responding to the gaming computing system with an approval”*

Dependent claim 2 recites “receiving, by the transaction facilitator, a request from the gaming computing system to transfer a first amount of funds,” and “responding to the gaming computing system with an approval of the request.” Petitioner contends that “[b]y transferring funds after verification, Smith thus teaches responding to the gaming computing system with an approval of the request.” Pet. 26.

Patent Owner argues in response that:

claims 1 and 2 separately recite “decrease the balance of the stored value account and increase the balance of the gaming account” (limitation 1.7) and “transfer a first amount of funds” (limitation 2.1), so the claimed “approval” in limitation 2.3 is presumed to be something other than a change in balance or a transfer of funds.

Resp. 30. Patent Owner also argues that “one of skill in the art would not consider the transfer of funds itself to be a response approving a transfer of funds,” because the ’809 Patent describes that “the transaction facilitator 1090 *can* provide an approval number and other transaction information for display on a transaction approval screen.” Resp. 30–31 (citing Ex. 1002, 17:58–62) (emphasis added).

Patent Owner’s first argument is not persuasive because it is based on a mischaracterization of Petitioner’s contentions. Petitioner does not contend that Smith’s transfer of funds satisfies both the “approval” limitation of claim 2 and the “decrease the balance of the stored value account and increase the balance of the gaming account” limitation of claim 1. Petitioner instead merely contends that the transfer of funds (the “approval”) “*causes* a decrease in the balance of the stored value

account 128, and a corresponding increase in the balance of the player's casino/gaming account 604.” Pet. 24 (emphasis added).

Patent Owner's second argument is not persuasive because claim 2 does not require an approval number or the display of an approval message. The Specification discloses an embodiment that includes these features, but Patent Owner has neither asked us to construe “approval” to require an approval number or approval message, nor cited a disclaimer or lexicographic definition that would limit the claim in this manner. On this record, we are persuaded by Mr. Crevelt's testimony that the “act of transferring funds after verification is clearly an approval of the request to transfer the funds.” *See* Ex. 1001 ¶ 138.

On this record, we credit Mr. Crevelt's testimony and find that Smith teaches or suggests this disputed claim limitation. *See id.* ¶¶ 132–138.

c) Claim 7: “decreasing” and “increasing” balances in “real-time”

Dependent claim 7 recites “decreasing the balance of the stored value account and increasing the balance of the gaming account occurs in substantially real-time.” Although neither party has asked us to construe the claim term “substantially real-time,” the '809 Patent provides that “[a]s used herein, substantially real-time means generally less than about 20 minutes” Ex. 1002, 6:45–47. Patent Owner also concedes in its Response that this claim term encompasses transfers taking “less than about 20 minutes.” *See* Resp. 45.

Petitioner contends that the following passage from Smith discloses real-time transfers:

if a player requests that funds be transferred from their funds account to their player tracking account, the funds platform may send a confirmation of the transaction by email, text message or

the like, to the player's cell phone, PDA [(personal digital assistant)], computer or the like. This confirmation may be sent when a transaction request is received and/or completed, whereby the player is provided real-time confirmation information.

Pet. 27 (citing Ex. 1005 ¶ 95). Mr. Crevelt testifies that an ordinarily skilled artisan would understand “that the balance of the gaming account is increased and the balance of the stored value account is decreased in substantially real-time” in order to “make funds immediately available to a player for gaming.” Ex. 1001 ¶ 143. Mr. Crevelt further explains:

electronic fund transfers in the gaming industry at the time of filing the '809 Patent were well known to be done in substantially real-time given the advances in cashless gaming, the ease of electronic fund transfers performed by banking systems, and the desire to make transferred funds available immediately to a player for spending.

Ex. 1001 ¶ 144.⁵

Patent Owner argues that “Smith provides no details on how quickly funds are transferred.” Resp. 32. Patent Owner also contends the Petition “ignor[es] the motivation of the casino and gaming regulations to provide responsible gaming environments,” and real-time transfer “is contrary to core teaching in Smith where the ‘verified transfer involves one or more verification steps or processes whereby a fund transfer is verified and confirmed before it is effectuated.’” *Id.* (citing Ex. 1005 ¶ 87). These arguments are not persuasive. Patent Owner does not adequately explain

⁵ Mr. Crevelt indicates he “considered gaming and financial regulations when giving [his] opinions in [his] Declaration.” Ex. 1039 ¶ 3. His experience with regulations includes “involvement in gaming regulations with the Nevada Gaming Control Board . . . and [his] independent analyses of games for regulators in New South Wales, Australia, and the state of Mississippi.” *Id.* (citing Ex. 1001 ¶¶ 9, 15).

why Smith’s verification steps—steps that would presumably be performed *before* Smith’s funding platform (i.e., the claimed “transaction facilitator”) issued an instruction to transfer funds—would somehow prevent a *subsequent* transfer from being executed in substantially real time. Patent Owner also identifies no regulation that would be violated by a real-time transfer of funds, and offers no persuasive explanation of how a real-time transfer would conflict with the vague notion of “responsible gaming.”

As Petitioner points out, Smith teaches providing players with “real-time confirmation information” via “email, text message or the like, to the player’s cell phone, PDA, computer or the like.” Ex. 1005 ¶ 95. We also find persuasive the testimony of Mr. Crevelt that it was well known in the gaming industry that electronic fund transfers could be conducted in substantially real time, and that a casino would desire to make transferred funds immediately available for gaming. Ex. 1001 ¶¶ 142–144. On this record, we are persuaded that Smith teaches or suggests decreasing the balance of a stored value account, and increasing the balance of a gaming account, in substantially real time, i.e., in less than about 20 minutes. *See id.* ¶¶ 141–144.

d) Conclusion

For the reasons discussed above, Petitioner has shown persuasively that Smith teaches or suggests all limitations of claims 1, 2, and 6–8. *See* Pet. 10–28; Reply 8–17; Ex. 1001 ¶¶ 89–148; Ex. 1039 ¶¶ 12–19. Weighing all of the evidence and arguments offered by the parties, we determine that Petitioner has demonstrated by a preponderance of the evidence that claims 1, 2, and 6–8 are unpatentable as obvious over Smith pursuant to 35 U.S.C. § 103(a).

2. *Claims 10, 11, 14, and 15*

Petitioner contends that Smith teaches or suggests all limitations of claims 10, 11, 14, and 15, and supports its contentions with declaration testimony. *See* Pet. 29–38; Reply 18–23; Ex. 1001 ¶¶ 149–179; Ex. 1039 ¶¶ 20–26.

Patent Owner argues in response that Smith does not teach or suggest five separate limitations of claim 10, which we address separately below. *See* Resp. 35–47. Patent Owner does not contest Petitioner’s contentions that Smith teaches or suggests the remaining limitations of claims 10, 11, 14, and 15. *See id.*; *NuVasive*, 841 F.3d at 974; Paper 14, 9. Petitioner’s contentions regarding these claim limitations are also fully supported by the record. *See* Pet. 29–38; Reply 18–23; Ex. 1001 ¶¶ 149–179; Ex. 1039 ¶¶ 20–26. We now turn to the disputed limitations of claims 10, 11, 14, and 15.

a) *Patent Owner’s argument that Smith’s access terminal is not part of a “casino computing system”*

Claim 10 recites the step of “receiving, by a transaction facilitator computing system, a load request from a casino computing system that is associated with a casino.” Petitioner contends that in Smith, “a player initiates a load request to transfer a player’s funds by swiping or scanning his or her card at a card reader of an access terminal, which can be a kiosk or gaming device.” Pet. 32 (emphasis omitted). Petitioner also contends that one of ordinary skill in the art would “understand and immediately envisage that the access terminal is part of the casino computing system.” *Id.* Thus, one of ordinary skill would understand that “the load request necessarily comes from the casino computing system.” *Id.* (citing Ex. 1001 ¶ 157).

Patent Owner argues in response that Smith's access terminal (which can be within a gaming device) cannot be considered to be part of a "casino computing system" because the Specification of the '809 Patent only describes embodiments in which the casino computing system is separate from gaming devices. Resp. 37 (citing Ex. 2001 ¶¶ 47–49; Ex. 1002, 6:10–36, 11:3–58, 13:21–47, Fig. 7).

Petitioner argues in reply that Patent Owner's characterization of the Specification is incorrect because "Fig. 9 of the '809 Patent . . . shows the kiosk and slot machines as part of the computing system 920," and the '809 Patent discloses that "computing system 920 of the casino environment," which Petitioner equates with the claimed "casino computing system," may be "part of a gaming device." Reply 18 (citing Ex. 1002, 16:4–38) (emphasis omitted).

Patent Owner responds by arguing that "'computing system 920' is not the claimed casino computing system," but instead "is used to run various gaming modules which are references to the 'casino gaming pit computing system, sports book computing system, and so forth.'" Sur-Reply 16 (citing Ex. 1002, 16:16–38).

We note first that the '809 Patent does not define or limit the scope of "casino computing system." The term appears numerous times in the Specification. For example, the Specification discloses "a casino computing system that is associated with a casino" (Ex. 1002, 2:27–33); "casino management system, which generally may be referred to as a casino computing system" (*id.* at 6:10–15); "casino computing system 720" (*id.* at 13:21–23), which "can execute the slot management system and the casino management system" (*id.* at 13:36–38); "casino computing system 820" (*id.* at 14:61–64); and "computing system 1012 can query the

appropriate casino computing systems to verify the validity of the jackpot” (*id.* at 18:14–17). The Specification also discloses “computing system 920 of the casino environment,” which “may be, for example, an attended computing system (such as a casino cage) or an unattended computing system (such as at a kiosk)” (*id.* at 16:14–18), and which “can communicate with a transaction facilitator 990 through network communications” (*id.* at 16:39–41).

Given the breadth of the Specification, and Patent Owner’s failure to identify any disclaimer or lexicographic definition that limits the scope of the relevant claim limitation to a particular embodiment disclosed in the Specification, we do not agree that the claimed “casino computing system” cannot include gaming devices. On this record, we credit Mr. Crevelt’s testimony, which we find to be consistent with Smith’s disclosure, and are persuaded that Smith teaches or suggests receiving a load request from a kiosk or gaming device that is part of a casino computing system. *See* Pet. 32; Reply 18–19; Ex. 1001 ¶¶ 154–157, Ex. 1039 ¶¶ 20–23.

b) Patent Owner’s “impermissible hindsight” argument

Patent Owner next argues that Petitioner’s argument that Smith discloses a “casino computing system” is motivated by impermissible hindsight, and that Petitioner has failed to adequately explain the difference between the “casino computing system” of claim 10, and the “gaming computing system” of claim 1. *See* Resp. 39–42. This argument is not persuasive.

The claims themselves spell out the difference between a “casino computing system” and a “gaming computing system.” Claim 1 recites a “gaming computing system affiliated with a gaming environment,” and claim 10 recites a “casino computing system that is associated with a

casino.” Thus, a “gaming computing system” is a computing system affiliated with a gaming environment, and a “casino computing system” is a computing system associated with a casino. Patent Owner has not identified anything in the ’809 Patent that states or implies that a casino may not be a gaming environment, or that a gaming environment may not be a casino. Thus, we are not persuaded that Petitioner erred in relying on the same portions of Smith with respect to claim 10’s “casino computing system” and claim 1’s “gaming computing system.”

The remainder of Patent Owner’s “impermissible hindsight” argument is a confusing mix of assertions that repeat arguments that Patent Owner made with respect to the “gaming computing system” limitation of claim 1. Patent Owner, however, has not identified any persuasive evidence of impermissible hindsight. And Patent Owner’s other attacks on Petitioner’s contentions with respect to the “casino computing system” of claim 10 are unpersuasive for materially the same reasons discussed above with respect to the “gaming computing system” limitation of claim 1. *See supra* § II.G.1.a)(3).

On this record, we credit Mr. Crevelt’s testimony, which we find is consistent with the disclosure of Smith, and are persuaded that Smith teaches or suggests the “casino computing system” of claim 10. *See* Pet. 29–33; Reply 19–20; Ex. 1001 ¶¶ 151–155.

c) *“receiving . . . a load request from a casino computing system”*

Petitioner contends that Smith discloses “loading player funds from the player’s casino/gaming account 604 (green) into his/her stored value account 128.” Pet. 29 (emphasis omitted). In support of this contention, Petitioner cites Smith’s disclosure that if a player is awarded winnings,

“[t]he casino may deposit a player’s winnings into player/gaming account,” and “the player might transfer the funds from their player account . . . to their debit account.” *Id.* (citing Ex. 1005 ¶ 93) (emphasis omitted).

Patent Owner argues that “Smith is almost entirely silent on the flow of funds from a player’s casino account to a funding account,” and “does not provide any details of how the player would transfer funds from their player account to their debit account.” Resp. 43–44.

Petitioner argues in reply that “Smith teaches using funding platform 108 to perform the transfer,” where “a player initiates a load request to transfer funds into his/her funding account by swiping or scanning his or her card at a card reader of an access device.” Reply 20 (citing Ex. 1005 ¶¶ 77, 78, 88; Ex. 1039 ¶¶ 20, 24).

Patent Owner responds that nothing in Smith links the two disclosures that an “access terminal is used to transfer funds from a stored value account” and “a player can transfer funds into a stored value account.” Sur-Reply 17.

Having reviewed the evidence cited by the parties, we are persuaded by Petitioner’s contentions. Smith discloses its system “may be used to transfer funds from a casino to a player’s account,” and alternatively, “the player might transfer the funds from their player account to their debit account.” Ex. 1005 ¶ 93. We credit Mr. Crevelt’s testimony that “[w]hatever the type of access terminal, the player is able to perform fund transfers at it,” and to do so, “the player may swipe or scan his or her card at a card reader of a gaming machine, which devices transmits the player card information to the funding platform.” Ex. 1001 ¶ 154. Smith explicitly discloses that a player can request to transfer funds from a funding account by swiping a card at the card reader of an access device. *See* Ex. 1005

¶¶ 77–79. We agree with Mr. Crevelt that the most natural reading of Smith is that a transfer of funds back to the player’s debit (i.e., funding) account would be accomplished in the same manner. *See id.* ¶ 93.

We are persuaded that Smith teaches or suggests “receiving . . . a load request from a casino computing system.” *See id.* ¶¶ 150–159.

d) “total value of the player funds”

Claim 10 recites “receiving, by the transaction facilitator computing system, player funds information from the casino computing system, wherein the player funds information comprises at least a total value of the player funds.” Ex. 1002, 22:47–50.

Petitioner contends Smith discloses that “when a player transfers winnings from their player casino/gaming account 604/132 to their stored value account 128, the player can transfer all of those winnings.” Pet. 33 (emphasis omitted). Using an example at paragraphs 93–94 of Smith, Petitioner contends the “amount to be transferred (\$1000 in this example) is player funds information, including the total value of the player funds to be transferred.” *Id.* at 34 (citing Ex. 1001 ¶ 163) (emphasis omitted).

Patent Owner argues that “the funds to be transferred are different from a total value of the player funds,” because the “total value of player funds could be much greater than the amount of funds being transferred.” Resp. 45 (citing Ex. 2001 ¶¶ 57–58).

Petitioner argues in reply that the “‘total value of player funds’ refers to the total of the amount of funds being loaded, not the total amount of funds in a player’s account.” Reply 22 (citing Ex. 1002, 17:54–58; Ex. 1039 ¶ 26) (emphasis omitted). For the reasons below, we agree with Petitioner.

The first step of claim 10 recites a “load request comprises a request to load player funds to a stored value account.” The second step of claim 10

recites “receiving . . . player funds information from the casino computing system, wherein the player funds information comprises at least a total value of the player funds.” The recitation of “player funds” in the first step of claim 10 provides the antecedent basis for the subsequent recitation of “the player funds.” Thus, the “total value of the player funds” in the second step of claim 10 necessarily refers to the total amount of player funds that are specified in the load request recited in the first step of claim 10. In other words, the claim limitation “total value of the player funds” *does not* refer to the total balance of the player’s available funds. Rather, “total value of the player funds” refers to the value of the funds that are to be loaded to the stored value account. Because a player need not transfer all available funds, the “total value of the player funds” recited in claim 10 (i.e., the total value of funds to be loaded) may well be less than the value of all of the player’s funds.

We are not persuaded by Patent Owner’s arguments because they wrongly equate the claimed “total value of the player funds” with the value of all of a player’s funds. *See* Resp. 45 (citing Ex. 2001 ¶¶ 57–58). On this record, we are persuaded that Smith teaches or suggests receiving player funds information that “comprises at least a total value of the player funds” (i.e., at least the total amount of player funds to be loaded to a stored value account). *See* Pet. 33–34; Reply 22; Ex. 1001 ¶ 163, Ex. 1039 ¶ 26.

e) “balance amount is available . . . in substantially real-time”

Petitioner contends that Smith discloses this claim limitation for the same reasons it discloses the “substantially real-time” limitation of claim 7. Pet. 36. In particular, Petitioner asserts that one of ordinary skill in the art would “would understand and immediately envisage that the new increase in balance of the stored value account 128 is available for access by the

corresponding stored value payment vehicle 124 in substantially real-time in order to make funds immediately available to a player for use anywhere that the stored value account normally allows.” *Id.* (citing Ex. 1001 ¶ 170).

Alternatively, Petitioner contends that it would have been obvious “to make funds transferred into the stored value account from the player’s casino/gaming account available in substantially real-time” because “electronic fund transfers in the gaming industry at the time of filing the ’809 Patent were well-known to be done in substantially real-time.” Pet. 36 (citing Ex. 1001 ¶ 171).

Patent Owner responds by asserting that as “discussed above with respect to claim 7, Smith provides no disclosure to suggest that the transferred funds are available in substantially real-time (e.g., less than about 20 minutes). Resp. 45. In particular, Patent Owner argues there “is no evidence in the record that transferring funds electronically from a casino account to a debit account would allow access to those transferred funds in substantially real-time,” “in light of the fact that banks can deny access to electronically transferred funds until the business day after they are received.” Resp. 46 (citing 12 C.F.R. § 299.10).

Petitioner argues in reply that “Patent Owner cites to nothing that would require a bank to hold money for a minimum amount of time (e.g., 20 minutes),” and that Mr. Crevelt “explained in detail why a POSA would understand, or deem it obvious, for a stored value account to allow the funds to be accessible in real-time.” Reply 23 (citing Ex. 1001 ¶¶ 169–171).

We agree with Petitioner, for reasons similar to those set forth above with respect to claim 7. Though regulations may not require banks to make funds available in substantially real time, we agree with Mr. Crevelt that Smith teaches or suggests a system that would do so. For example, Smith

teaches that “a player might win \$1000 at a casino and transfer those funds to their debit account” and “then use that card to buy \$1000 in clothing at a retail store.” Ex. 1005 ¶ 94. This would not be possible if the issuing bank denied access to transferred funds until the following business day, as Patent Owner suggests. We also agree with Mr. Crevelt that one of ordinary skill in the art would have understood Smith to teach, or at least suggest, that funds would be made available in substantially real time because any substantial delay would be unacceptable to a player and would negatively impact casino income. *See* Ex. 1001 ¶ 171.

For the foregoing reasons, and for the similar reasons discussed above with respect to claim 7 (*see supra* § II.G.1.c)), we are persuaded on this record that Smith teaches or suggests that the balance of the stored value account “is available . . . in substantially real-time.”

f) Conclusion

For the reasons discussed above, Petitioner has shown persuasively that Smith teaches or suggests all limitations of claims 10, 11, 14, and 15. *See* Pet. 29–38; Reply 18–23; Ex. 1001 ¶¶ 149–179; Ex. 1039 ¶¶ 20–26. Weighing all the evidence and the parties’ arguments, we determine that Petitioner has demonstrated by a preponderance of the evidence that claims 10, 11, 14, and 15 are unpatentable as obvious over Smith pursuant to 35 U.S.C. § 103(a).

3. Claims 17–20, 22, and 23

Petitioner contends that Smith teaches or suggests all limitations of claims 17–20, 22, and 23, and supports its contentions with declaration testimony. *See* Pet. 38–46; Reply 23–24; Ex. 1001 ¶¶ 180–200.

Patent Owner argues in response that Smith does not teach or suggest two limitations of claim 17, and an additional limitation recited in claims 22

and 23. *See* Resp. 35–49. Patent Owner does not contest Petitioner’s contentions that Smith teaches or suggests the remaining limitations of claims 17–20, 22, and 23. *See id.*; *NuVasive*, 841 F.3d at 974; Paper 14, 9. Petitioner’s contentions regarding these claim limitations are also fully supported by the record. Pet. 38–46; Reply 23–24; Ex. 1001 ¶¶ 180–200. We now turn to the disputed limitations.

a) *Claim 17: “receiving, by a casino computing system, a load request initiated by a player”*

Patent Owner contends that “[a]s discussed above with respect to claim limitation 10.1, the claimed ‘casino computing system’ does not encompass Smith’s access terminal.” Resp. 48. Patent Owner’s argument is unpersuasive for the same reasons we set forth above for claim 10. *See supra* § II.G.2.a)

For the same reasons discussed above with respect to claim 10, we are persuaded that Smith teaches or suggests “receiving, by a casino computing system, a load request initiated by a player.” *See id.*; Pet. 39; Ex. 1001 ¶ 182.

b) *Claim 17: “communicating, by the casino computing system, with an issuer processor computing system to increase the first available balance”*

Patent Owner also relies on arguments it previously raised with respect to claim 10 with respect to the “communicating, by the casino computing system, with an issuer processor computing system to increase the first available balance” limitation of claim 17. In particular, Patent Owner argues “there is no evidence that Smith teaches the casino computing system, rather than the player, communicates with the issue processor to transfer funds to the stored value account.” Resp. 48–49. Patent Owner also argues that Smith “does not disclose communicating the total value of a

player's funds but only communicates the value of funds that the player desires to transfer.” *Id.* at 49.

Patent Owner's arguments are unpersuasive for the same reasons discussed above with respect to claim 10. *See supra* §§ II.G.2.c)II.G.2.d) We are persuaded that Smith teaches or suggests this claim limitation. *See* Ex. 1001 ¶¶ 184–186.

c) Claims 22 and 23: “gaming account”

With respect to claims 22 and 23, Patent Owner reiterates its argument that the “purported gaming account described in the preferred embodiment of Smith does not teach a gaming account as claimed.” Resp. 49. However, we have concluded that “gaming account” does not refer to accounts that are “used in a gaming or non-gaming environment of a casino” as argued by Patent Owner. *See supra* § II.C. Rather, we conclude that Petitioner's proposed interpretation of “gaming account” is more persuasive. *Id.* Based on the proper interpretation of “gaming account,” Petitioner persuades us that Smith describes the claimed “gaming account.” *See supra* § II.G.1.a.1.

d) Conclusion

For the reasons discussed above, Petitioner has shown persuasively that Smith teaches or suggests all limitations of claims 17–20, 22, and 23. *See* Pet. 38–46; Reply 23–24; Ex. 1001 ¶¶ 180–200. Weighing all of the evidence and arguments offered by the parties, we determine that Petitioner has demonstrated by a preponderance of the evidence that claims 17–20, 22, and 23 are unpatentable over Smith pursuant to 35 U.S.C. § 103(a).

4. Claims 24–26

Petitioner contends that Smith teaches or suggests all limitations of claims 24–26 and supports its contentions with declaration testimony. *See* Pet. 48–56; Reply 23–24; Ex. 1001 ¶¶ 201–226.

Patent Owner argues in response that Smith does not teach or suggest two limitations of claim 24, and a third limitation recited in claims 24–26. *See* Resp. 49–51. Patent Owner does not contest Petitioner’s contentions that Smith teaches or suggests the remaining limitations of claims 17–20, 22, and 23. *See id.*; *NuVasive*, 841 F.3d at 974; Paper 14, 9. Petitioner’s contentions regarding these claim limitations are also fully supported by the record. Pet. 48–56; Reply 23–24; Ex. 1001 ¶¶ 201–226. We now turn to the disputed limitations.

a) “gaming account”

With respect to claims 24–26, Patent Owner again reiterates its argument that the “purported gaming account described in the preferred embodiment of Smith does not teach a gaming account as claimed.” Resp. 49. However, we have concluded that “gaming account” does not refer to accounts that are “used in a gaming or non-gaming environment of a casino” as argued by Patent Owner. *See supra* § II.C. Rather, we conclude that Petitioner’s proposed interpretation of “gaming account” is more persuasive. *Id.* Based on the proper interpretation of “gaming account,” Petitioner persuades us that Smith describes the claimed “gaming account.” *See supra* § II.G.1.a.1.

b) “a loyalty account”

Petitioner contends that Smith discloses a “loyalty account” for “the same reasons as Claim 8.” Pet. 50. In particular, Petitioner contends that Smith’s disclosure that player tracking card 112 allow players to “accumulate rewards such as player points and redeem such points” for “prizes” would teach or suggest the existence of a loyalty account. Pet. 28 (citing Ex. 1001 ¶¶ 147–148; Ex. 1005 ¶ 34).

Patent Owner does not dispute that Smith teaches or suggests a “loyalty program” of the type recited in claim 8, but Patent Owner does dispute that Smith teaches or suggests a “loyalty account” that is separate from the “gaming account” also required by claim 24. Resp. 49. In particular, Patent Owner argues that Petitioner improperly relies on the same account in Smith with respect to both the “gaming account” and “loyalty account” limitations of claim 24. *Id.* Patent Owner further argues that Petitioner has not “provided any arguments attempting to overcome the presumption that gaming account and loyalty account are distinct, and separate accounts.” *Id.* at 50.

In its Reply, Petitioner argues that it has not cited the same account with respect to those limitations. Reply 23. Petitioner argues that “Smith’s system allows players to use their player tracking card 112 to ‘accumulate rewards such as player points and redeem such points’ for ‘prizes,’” and that Smith thus teaches a “‘loyalty account’ [that] stores points” in addition to “Smith’s player account 132/604 [that] stores funds (*i.e.*, money).” Reply 23–24.

Having reviewed the Petition and supporting testimony from Mr. Crevelt’s declaration, we determine that Patent Owner’s argument mischaracterizes the nature of Petitioner’s contentions, and is thus unpersuasive. *See* Pet. 28; Ex. 1001 ¶¶ 147–148. Petitioner does not contend that “Smith’s player account 132/604” is the recited loyalty account. Petitioner instead contends that one of ordinary skill in the art would have understood player tracking card 112 to be part of a casino loyalty program (*i.e.*, account) that would allow a player to accumulate and redeem reward points. *See* Ex. 1001 ¶ 148. Petitioner further contends that, because Smith describes tracking card 112, which allows tracking of points earned and

redeemed by a specific player, Smith describes a loyalty account. *See* Pet. 50 (citing Ex. 1001 ¶ 208 and cross-referencing showing for claim 8 (citing Ex. 1001 ¶¶ 147–148)).

On this record, and based on the arguments and evidence before us, we are persuaded that Smith teaches or suggests a “loyalty account” of the type recited by claim 24. *See* Pet. 28, 50; Reply 23–24; Ex. 1001 ¶¶ 147–148, 208; Ex. 1005 ¶ 34.

c) “increase and decrease the balances”

Patent Owner argues with respect to this claim limitation that, “[a]s discussed above with respect to claim 10, Smith only discloses that ‘the player might transfer funds from their player account to their debit account’” and that there is thus “no evidence that Smith teaches the transaction facilitator, rather than the player, selectively increase the balance of the stored value account.” Resp. 50–51. This argument is not persuasive for the reasons discussed above with respect to claim 10. *See supra* § II.G.2.c) We are persuaded that Smith teaches or suggests this claim limitation. *See* Ex. 1001 ¶¶ 216–217.

d) Conclusion

For the reasons discussed above, Petitioner has shown persuasively that Smith teaches or suggests all limitations of claims 24–26. *See* Pet. 48–56; Reply 23–24; Ex. 1001 ¶¶ 201–226. Weighing all of the evidence and arguments offered by the parties, we determine that Petitioner has demonstrated by a preponderance of the evidence that claims 24–26 are unpatentable over Smith pursuant to 35 U.S.C. § 103(a).

H. Ground 2, Obviousness over Sommer

1. Claims 1, 2, and 6–9

Petitioner also advances a ground of unpatentability based on Sommer. *See* Pet. 3, 56–91. Petitioner contends that Sommer teaches or suggests all limitations of claims 1, 2, and 6–9, and supports its contentions with declaration testimony. Pet. 56–75; Reply 24–27; Ex. 1001 ¶¶ 227–277; Ex. 1039 ¶¶ 27–31.

Patent Owner argues in response that Sommer does not teach the “gaming account” limitation of claims 1, 2, and 6–9, the “communicating, by the transaction facilitator, with . . . the gaming computing system” limitation of claim 1, the “responding to the gaming computing system with an approval of the request” limitation of claim 2, or the “decreasing the balance of the stored value account and increasing the balance of the gaming account occurs in substantially real-time” limitation of claim 7. Resp. 52–60. Patent Owner does not contest Petitioner’s contentions that Sommer teaches or suggests the remaining limitations of claims 1, 2, and 6–9. *See id.*; *NuVasive*, 841 F.3d at 974; Paper 14, 9. Petitioner’s contentions regarding these claim limitations are also fully supported by the record. *See* Pet. 56–75; Reply 24–27; Ex. 1001 ¶¶ 227–277; Ex. 1039 ¶¶ 27–31. We now turn to the disputed limitations of claims 1, 2, and 6–9.

a) Claim 1: “gaming account”

Petitioner contends that Sommer discloses a “gaming account” as the “player account” of claim 1. Pet. 63. Patent Owner argues in response that there is “no disclosure in Sommer stating the alleged gaming account could be used in a non-gaming environment of a casino.” Resp. 54. However, we have concluded that “gaming account” does not refer to accounts that are “used in a gaming or non-gaming environment of a casino” as argued by

Patent Owner. *See supra* § II.C. Rather, we conclude that Petitioner’s proposed interpretation of “gaming account” is more persuasive. *Id.* Patent Owner does not dispute that Sommer discloses a “gaming account” under the construction we have adopted, and we are persuaded that Sommer discloses a “gaming account” of the type recited in claim 1. *See* Pet. 63–64, Ex. 1001 ¶¶ 242–243.

b) *Claim 1: “communicating, by the transaction facilitator, with the issuer processor computing system and the gaming computing system to decrease the balance of the stored value account and increase the balance of the gaming account”*

Petitioner contends that in Sommer’s system, a player provides their player identifier at a gaming device to request that funds be transferred from one or more stored value accounts to a player’s gaming account. Pet. 66 (citing Ex. 1006 ¶ 30). According to Petitioner, Sommer’s gaming device (i.e., the “gaming computing system”) then communicates via the Power Bank Cashless Service / gaming server (i.e., the “transaction facilitator”) with the financial institution’s issuer processor computing system. *Id.* (citing Ex. 1006 ¶¶ 34–35; Ex. 1001 ¶ 255). Funds are then transferred from the stored value account to the gaming account. *Id.* at 67 (citing Ex. 1006 ¶ 35; Ex. 1001 ¶ 256).

Patent Owner argues in response that “in Sommer, the alleged transaction facilitator only communicates with the financial institution (and not the alleged gaming computing system) to decrease the balance of stored account and increase the balance of the gaming account.” Resp. 54 (citing Ex. 2001 ¶ 70). Patent Owner further contends that “since the gaming account is stored at the gaming server and not the alleged gaming computing system, the gaming server does not communicate with the alleged gaming

computing system,” instead communicating “only between the financial institution and the gaming server.” *Id.* at 55.

Petitioner argues in its Reply that a “player originates a fund transfer when he/she provides his/her player identifier at the gaming device . . . , which is part of the gaming computing system,” and therefore the “gaming computing system communicates with the PowerBank transaction facilitator to cause the fund transfer.” Reply 26.

Patent Owner responds in its Sur-Reply that “Sommer’s structure differs from the ’809 Patent, where the gaming account resides in a gaming system separate from the transaction facilitator requiring the transaction facilitator to communicate with the gaming system to increase the gaming account balance,” and “there is no need or reason, for communication by the gaming server with the gaming device to increase the balance of the gaming account.” Sur-Reply 21.

On this record, we are persuaded by Petitioner’s contentions. Sommer discloses that “at the gaming device, the player can request funds to be transferred from one or more accounts at one or more financial institutions to their player account.” Ex. 1006 ¶ 30. Then, “the gaming server initiates withdrawal transactions with each of the financial institutions, pursuant to the multi-account withdrawal request.” *Id.* ¶ 34. In an alternative embodiment, Sommer discloses a “player logs-in at a gaming device” (*id.* ¶ 45) and requests funds (*id.* ¶ 46), and “the gaming server transfers the request to the intermediary” (*id.* ¶ 49). These portions of Sommer, which disclose that when a player makes a request on a gaming device, the “gaming server” initiates transfers with financial institutions, directly contradict Patent Owner’s argument that Sommer’s gaming device does not

communicate with its gaming server. We are persuaded that Sommer teaches or suggests this claim limitation. *See* Ex. 1001 ¶¶ 254–257.

c) Claim 2: “responding to the gaming computing system with an approval”

Moving on to claim 2, Petitioner contends that Sommer teaches that when financial institutions approve a transaction, “‘funds are transferred . . . into the player/[gaming] account (step 114)’, whereupon they can be wagered at the gaming device.” Pet. 71 (citing Ex. 1005 ¶ 35). Petitioner contends that this disclosure of transferring funds after approval teaches “responding to the gaming computing system with an approval of the request,” as recited in claim 2. *Id.* (citing Ex. 1001 ¶¶ 263–264).

Patent Owner argues that Petitioner’s contention is incorrect because the Specification describes an optional “approval number” and exemplary option for display of an approval message. Resp. 56–57. Based on this, Patent Owner contends “one of skill in the art would not consider the transfer of funds itself to be a response approving a transfer of funds.” *Id.* at 57 (citing Ex. 2001 ¶ 76).

This argument is materially identical to the argument that Patent Owner made with respect to Petitioner’s contention that Smith teaches or suggests this limitation, and fails for the same reasons. *See supra* § II.G.1.b) Claim 2 does not require an approval number or the display of an approval message. Patent Owner has neither asked us to construe the claim term “approval” so as to require an approval number or approval message, nor cited a lexicographic definition or disclaimer that would be sufficient to limit the claim to the specific embodiments from the Specification that Patent Owner cites. On this record, we agree with Mr. Crevelt that an “act of

transferring funds after verification is clearly an approval of the request to transfer the funds.” Ex. 1001 ¶ 138.

d) Claim 7: decreasing and increasing balances in “real-time”

Petitioner contends that Sommer teaches the transfer of funds from a player’s stored value account to a gaming account, and “defines ‘funds’ as ‘money and other assets that are electronically traded for *in real time*.’” Pet. 73 (citing Ex. 1006 ¶ 20; Ex. 1001 ¶¶ 267–268) (emphasis omitted).

Patent Owner argues in response that in Sommer there is “no disclosure to suggest that the transferred funds are available in substantially real-time.” Resp. 57–58.

On this record, we agree with Petitioner that one of ordinary skill in the art would understand Sommer to teach, or at least suggest, “decreasing the balance of the stored value account and increasing the balance of the gaming account occurs in substantially real-time.” See Pet. 73 (citing Ex. 1001 ¶¶ 267–271). As Mr. Crevelt points out, a player who swipes a card at a gaming machine to initiate a transfer would expect that the transferred funds would be available to be used at that gaming machine, and any delay would negatively impact the casino’s profits. Ex. 1001 ¶ 270. We also agree that one of ordinary skill in the art would understand that delays in fund transfers would potentially cause a player to stop gambling, resulting in revenue loss to the casino. *Id.* ¶ 271.

e) Conclusion

For the reasons discussed above, Petitioner persuades us that Sommer teaches or suggests all limitations of claims 1, 2, and 6–9. See Pet. 56–75; Reply 24–27; Ex. 1001 ¶¶ 227–277; Ex. 1039 ¶¶ 27–31. Weighing all of the evidence and arguments offered by the parties, we determine that Petitioner has demonstrated by a preponderance of the evidence that claims 1, 2, and

6–9 are unpatentable as obvious over Sommer pursuant to 35 U.S.C. § 103(a).

2. *Claims 10, 11, and 14–16*

Petitioner contends that Sommer teaches or suggests all limitations of claims 10, 11, and 14–16, and supports its contentions with declaration testimony. Pet. 75–85; Reply 27–28; Ex. 1001 ¶¶ 278–308; Ex. 1039 ¶¶ 32–34.

Patent Owner argues in response that Sommer does not teach: (1) “receiving, by a transaction facilitator computing system, a load request from a casino computing system” or (2) that a “balance amount is available for access by the stored value payment vehicle in substantially real-time” as recited in claim 10. Resp. 61–66. Patent Owner does not contest Petitioner’s contentions that Sommer teaches or suggests the remaining limitations of claim 10 or any limitation introduced in dependent claims 11, and 14–16. *See id.*; *NuVasive*, 841 F.3d at 974; Paper 14, 9. Petitioner’s contentions regarding these claim limitations are also fully supported by the record. *See* Pet. 75–85; Reply 27–28; Ex. 1001 ¶¶ 278–308; Ex. 1039 ¶¶ 32–34. We now turn to the disputed limitations recited in claim 10.

a) *“receiving, by a transaction facilitator computing system, a load request from a casino computing system”*

Petitioner contends that one of ordinary skill in the art would understand that Sommer’s “casino system,” which includes components such as a gaming device, slot management system, and casino management system, is a casino computing system. Pet. 70 (citing Ex. 1006 ¶¶ 5, 69, 72, Ex. 1001 ¶¶ 285–287). Petitioner further contends that Sommer’s casino computing system receives a load request from a gaming device. Pet. 77–78 (citing Ex. 1001 ¶¶ 283, 287).

Patent Owner argues in response that Sommer does not disclose receipt of a load request “from” a casino computing system because in Sommer, “the load request from the gaming device to the gaming server occurs within the alleged casino computing system.” Resp. 61. Patent Owner also argues that Sommer’s “gaming device” cannot be part of the “casino computing system,” because in Figures 6 and 7 of the ’809 Patent the “gaming device” is illustrated as being outside the “casino computing system.” *Id.* at 62.

Patent Owner’s first argument is not persuasive because claim 10 merely requires that the load request be from the casino computing system and be received by the transaction facilitator. Claim 10 does not require that the transaction facilitator be external to the recited casino computing system, or exclude embodiments in which a load request is transmitted by a component of the casino computing system.

Patent Owner’s second argument is not persuasive because Patent Owner is comparing Sommer to the Specification of the ’809 Patent instead of the asserted claims. Patent Owner has identified no lexicographic definition or disclaimer sufficient to limit the scope of claim 10 to the embodiments from the Specification that it cites.

On this record, we credit Mr. Crevelt’s testimony, which is consistent with the disclosure of Sommer, and are persuaded that Sommer teaches or suggests this claim limitation. *See* Ex. 1001 ¶¶ 279–287.

b) “*balance amount is available . . . in substantially real-time*”

With respect to this limitation of claim 10, Patent Owner reiterates the assertions it previously raised when discussing claims 7 and 10. *See* Resp. 64–65. In particular, Patent Owner asserts that there “is no evidence in the record that transferring funds electronically from a casino account to a

debit account would allow access to those transferred funds in substantially real-time,” “in light of the fact that banks can deny access to electronically transferred funds until the business day after they are received.” Resp. 65 (citing 12 C.F.R. § 299.10).

We are unpersuaded by Patent Owner’s arguments for substantially similar reasons set forth above in our discussion of ground 1, claim 10, and our discussion of ground 2, claim 7. *See supra* §§ II.G.2.e, II.H.1.d. We are persuaded that Sommer would have taught or suggested this claim limitation to one of ordinary skill in the art. *See* Ex. 1001 ¶¶ 294–297.

c) Conclusion

For the reasons discussed above, Petitioner has shown persuasively that Sommer teaches or suggests all limitations of claims 10, 11, and 14–16. *See* Pet. 75–85; Reply 27–28; Ex. 1001 ¶¶ 278–308; Ex. 1039 ¶¶ 32–34. Weighing all of the evidence and arguments offered by the parties, we determine that Petitioner has demonstrated by a preponderance of the evidence that claims 10, 11, and 14–16 are unpatentable as obvious over Sommer pursuant to 35 U.S.C. § 103(a).

3. Claims 17–19, 22, and 23

Petitioner contends that Sommer teaches or suggests all limitations of claims 17–19, 22, and 23, and supports its contentions with declaration testimony. Pet. 85–91; Reply 29; Ex. 1001 ¶¶ 308–327; Ex. 1039 ¶ 35.

Patent Owner argues in response that Sommer does not teach the “receiving, by a casino computing system, a load request initiated by a player” limitation of claim 17, or the “gaming account” limitation of claims 22 and 23. Resp. 66–69. Patent Owner does not contest Petitioner’s contentions that Sommer teaches or suggests the remaining limitations of claims 17–19, 22, and 23. *See id.*; *NuVasive*, 841 F.3d at 974; Paper 14, 9.

Petitioner's contentions regarding these claim limitations are also fully supported by the record. Pet. 85–91; Reply 29; Ex. 1001 ¶¶ 308–327; Ex. 1039 ¶ 35. We now turn to the disputed limitations of claims 17–19, 22, and 23.

a) *Claim 17: “receiving, by a casino computing system, a load request initiated by a player”*

Petitioner contends that Sommer's casino computing system receives a load request initiated by a player when “a player swipes his/her player card at the gaming device within the casino computing system.” Pet. 85 (citing Ex. 1006 ¶¶ 22, 69, Ex. 1001 ¶ 309).

Patent Owner argues that “Sommer does not teach ‘receiving, by a casino computing system, a load request initiated by a player’” by attempting to contrast Sommer's disclosure with the specification of the '809 Patent. *See* Resp. 66. In particular, Patent Owner argues that “[w]hile the '809 Patent discloses the transaction facilitator ‘can reside within gaming environment 702,’ the transaction would still be separate from the casino computing system.” *Id.* at 68.

Patent Owner's argument is not persuasive because Patent Owner is comparing Sommer to the Specification of the '809 Patent instead of the asserted claims, and Patent Owner has identified no lexicographic definition or disclaimer sufficient to limit the scope of claim 17 to the embodiments from the Specification that it cites.

On this record, we credit Mr. Crevelt's testimony, which is consistent with Sommer's disclosure, and are persuaded that Sommer teaches or suggests this claim limitation. *See* Ex. 1001 ¶ 309.

b) Claims 22 and 23: “gaming account”

Turning to claims 22 and 23, Patent Owner once again repeats its prior argument that “Sommer does not teach a gaming account” because there is “no disclosure in Sommer stating the alleged gaming account could be used in a non-gaming environment of a casino.” Resp. 54, 69. However, we have concluded that “gaming account” does not refer to accounts that are “used in a gaming or non-gaming environment of a casino” as argued by Patent Owner. *See supra* § II.C. Rather, we conclude that Petitioner’s proposed interpretation of “gaming account” is more persuasive. *Id.* Based on the proper interpretation of “gaming account,” Petitioner persuades us that Sommer describes the claimed “gaming account.” *See supra* § II.H.1.a.

c) Conclusion

For the reasons discussed above, Petitioner has shown persuasively that Sommer teaches or suggests all limitations of claims 17–19, 22, and 23. *See* Pet. 75–85; Reply 27–28; Ex. 1001 ¶¶ 278–308; Ex. 1039 ¶¶ 32–34. Weighing all of the evidence and arguments offered by the parties, we determine that Petitioner has demonstrated by a preponderance of the evidence that claims 17–19, 22, and 23 are unpatentable as obvious over Sommer pursuant to 35 U.S.C. § 103(a).

III. CONCLUSION⁶

For the foregoing reasons, Petitioner has shown by a preponderance of the evidence that claims 1, 2, 6–11, 14–20, and 22–26 of U.S. Patent No. 8,708,809 B2 are unpatentable.

In summary:

Claim(s) Challenged	35 U.S.C. §	Reference(s)	Claims Shown Unpatentable	Claims Not Shown Unpatentable
1, 2, 6–8, 10, 11, 14, 15, 17–20, 22–26	103	Smith	1, 2, 6–8, 10, 11, 14, 15, 17–20, 22–26	
1, 2, 6–11, 14–19, 22, 23	103	Sommer	1, 2, 6–11, 14–19, 22, 23	
Overall Outcome			1, 2, 6–11, 14–20, 22–26	

IV. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that claims 1, 2, 6–11, 14–20, and 22–26 of U.S. Patent 8,708,809 B2 have been shown to be unpatentable; and

FURTHER ORDERED that because this is a final written decision, parties to the proceeding seeking judicial review of this decision must comply with the notice and service requirements of 37 C.F.R. § 90.2.

⁶ Should Patent Owner wish to pursue amendment of the challenged claims in a reissue or reexamination proceeding subsequent to the issuance of this Final Decision, we draw Patent Owner's attention to the April 2019 Notice Regarding Options for Amendments by Patent Owner Through Reissue or Reexamination During a Pending AIA Trial Proceeding. *See* 84 Fed. Reg. 16,654 (Apr. 22, 2019). If Patent Owner chooses to file a reissue application or a request for reexamination of the challenged patent, we remind Patent Owner of its continuing obligation to notify the Board of any such related matters in updated mandatory notices. *See* 37 C.F.R. § 42.8(a)(3), (b)(2).

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Patent 8,708,809 B2

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