Trials@uspto.gov
571-272-7822

Paper No. 28
Date: May 6, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ENTAIN CORPORATE SERVICES LTD., BETMGM, LLC,
POINTSBET USA, INC., DRAFTKINGS INC.,
HILLSIDE NEW JERSEY, LLC, BETFAIR INTERACTIVE US LLC,
TSG INTERACTIVE US SERVICES LTD. CORP., and
ODS TECHNOLOGY LP,
Petitioner,

v.

BETEIRO, LLC,
Patent Owner.

IPR2023-00094
Patent 10,147,266 B2

Before NEIL T. POWELL, JAMES A. TARTAL, and AMEE A. SHAH,
Administrative Patent Judges.

POWELL, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining No Challenged Claims Unpatentable
35 U.S.C. § 318(a)

I. INTRODUCTION

Entain Corporate Services Ltd., BetMGM, LLC, PointsBet USA, Inc., DraftKings Inc., Hillside New Jersey, LLC, Betfair Interactive US LLC, TSG Interactive Services Ltd. Corp., and ODS Technology LP ("Petitioner") filed a Petition pursuant to 35 U.S.C. §§ 311–319 requesting an *inter partes* review of claims 1–22 and 24–40 ("the Challenged Claims") of U.S. Patent No. 10,147,266 B2 (Ex. 1001, "the '266 patent"). Paper 1 ("Pet."). We instituted this *inter partes* review as to all Challenged Claims and all grounds presented in the Petition. Paper 14 ("Institution Decision" or "Inst. Dec.").

After institution, Patent Owner filed a Response to the Petition. Paper 18 ("PO Resp."). Petitioner filed a Reply. Paper 20 ("Pet. Reply"). An oral hearing was held on February 13, 2024 and the transcript is entered into the record. Paper 27.

We have jurisdiction under 35 U.S.C. § 6. This is a Final Written Decision under 35 U.S.C. § 318(a) as to the patentability of the Challenged Claims of the '266 patent. For the reasons discussed below, we determine Petitioner has not established by a preponderance of the evidence that any of the Challenged Claims are unpatentable.

II. BACKGROUND

A. Related Proceedings

The Parties identify the '266 patent as the subject of the following United States District Court cases: *Beteiro, LLC v. Betfair Interactive US LLC et al.*, No. 1:22-cv-00577 (D.N.J.); *Beteiro, LLC v. DraftKings, Inc.*, No. 1:21-cv-20148 (D.N.J); *Beteiro, LLC v. PointsBet USA, Inc.*, No. 1:21-cv-20155 (D.N.J.); *Beteiro, LLC v. BetMGM, LLC et al.*, No. 1:21-cv-20156 (D.N.J.); *Beteiro, LLC v. Hard Rock Tristate AC, LLC et al.*, No. 1:21-cv-

20157 (D.N.J.); *Beteiro, LLC v. Hillside New Jersey, LLC*, No. 1:21-cv-20158 (D.N.J.); *Beteiro, LLC v. Kindred Group, PLC et al.*, No. 1:22-cv-01536 (D.N.J.); *Beteiro, LLC v. Elys Game Technology Corporation*, No. 6:21-cv-01147 (W.D.TX); *Beteiro, LLC v. Morris Mohawk Gaming Group*, No. 6:21-cv-01149 (W.D.TX); and *Beteiro, LLC v. PlayUp Limited*, No. 6:21-cv-01150 (W.D.TX). Pet. 70–71[1]; Paper 12, 2.

Petitioner further identifies three other petitions challenging patents related to the '266 patent in IPR2023-00092, IPR2023-00093, and IPR2023-00095. Pet. 71.

B. The '266 Patent

The '266 patent is titled "Apparatus and Method for Facilitating Gaming Activity and/or Gambling Activity." Ex. 1001, code (54). The '266 patent summarizes its disclosure as follows:

> The present invention pertains to an apparatus and method for facilitating gaming activity and/or gambling activity via a user communication device. The present invention can be utilized in order to allow a user to engage in gaming activity and/or gambling activity via a user communication device. The present invention can also be utilized in order to facilitate gaming activity and/or gaming activity in a network environment

Id. at 2:12–20.

Figure 1 of the '266 patent is reproduced below.

[1] Petitioner's mandatory notices appear on unnumbered pages beginning after page 69 of the Petition. We consider the page beginning with the section titled "IX. MANDATORY NOTICES UNDER 37 C.F.R. §42.8" as page 70 and proceed from there in numerical order.

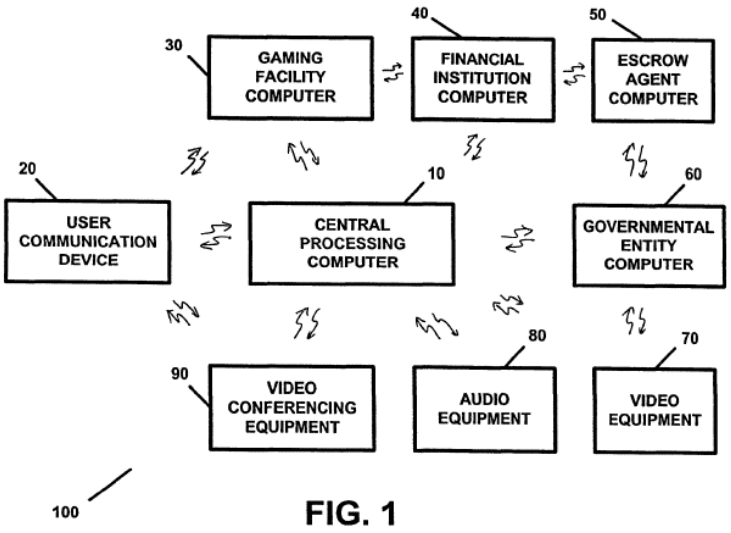


FIG. 1

Figure 1 of the '266 patent above provides a block diagram view of an apparatus according to the preferred embodiment of the '266 patent. *Id.* at 27:14–15, 35:53–55. Apparatus 100 includes central processing computer 10 and user communication device 20 that interfaces with the central processing computer 10. *Id.* at 35:55–58, 36:8–13. User communication device 20 may be a computer, telephone, interactive television, cellular telephone, or any other communication device. *Id.* at 36:19–28.

The claimed methods of the '266 patent are shown in flowcharts of the steps in Figures 9A, 9B, 10A, and 10B. Ex. 1001, 57:4–59:62. Figures 9A and 9B are reproduced below.

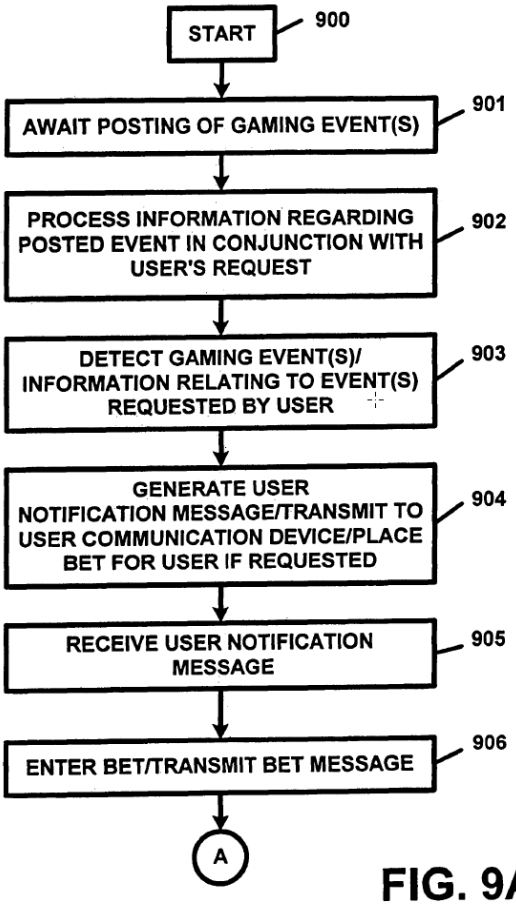


FIG. 9A

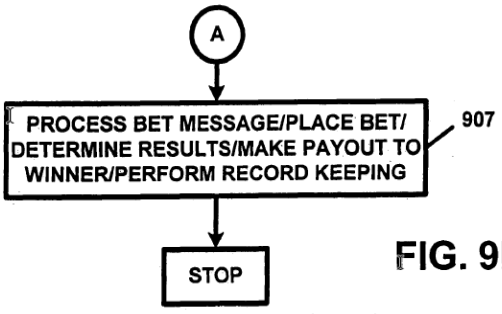


FIG. 9B

Figures 9A and 9B "illustrate another preferred embodiment method for utilizing the apparatus and method of the present invention, in flow diagram form." Ex. 1001, 27:32–34. Figures 10A and 10B are reproduced below.

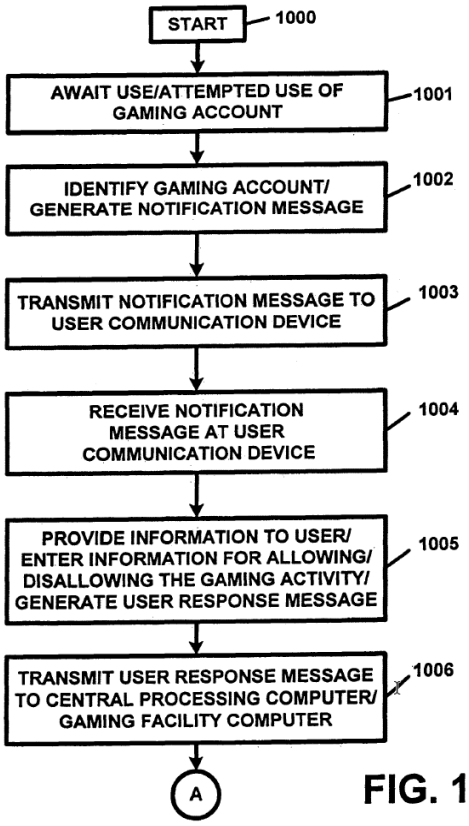


FIG. 10A

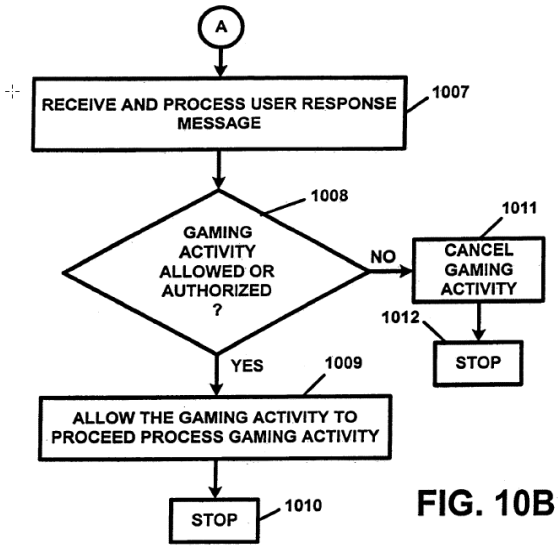


FIG. 10B

Figures 10A and 10B "illustrate still another preferred embodiment method for utilizing the apparatus and method of the present invention, in flow diagram form." Ex. 1001, 27:35–37. Figures 9A and 9B provide for the steps of "await[ing] a posting regarding a gaming event or gaming events" (step 901), and "[u]pon the detection of a posting of a gaming event or gaming events, the central processing computer 10 and/or the gaming facility computer 30 will process the information regarding the posting of the gaming event or gaming events" (step 902). Ex. 1001, 57:4–15, 23–29. At step 903, the computer "detect[s] a gaming event or gaming events for which the user has desired to be notified" and "can also search for and detect a change of odds for a gaming event for which the user desired to be notified." *Id.* at 57:29–35. Upon detecting at least one gaming event "for which the user desires to be notified," at step 904, the computer "generate[s] a user notification message and transmit[s] same to the user communication device 20" and can also place a user's bet. *Id.* at 57:36–50. At step 905, the user receives and reviews the user notification message and if the user decides to place a bet, at step 906, the entered user's information is transmitted to the computer where it is processed and placed (step 907). *Id.* at 58:4–28.

Figures 10A and 10B provide steps of "await[ing] use or attempted use of the gaming account" in step 1001, and upon detection of the use or attempted use, the computer "identif[ies] the gaming account being utilized and generate[s] a notification message containing information regarding the use of the gaming account" in step 1002. The computer then, in step 1003, transmits that message to the user communication device, and in step 1004, the user receives that message. *Id.* at 58:58–59:26. After receiving a user-generated message containing information entered by the user for allowing,

authorizing, or disallowing gaming activity in steps 1005 and 1006, the computer processes the information to determine if the gaming activity is allowed or authorized in steps 1007 and 1008. *Id.* at 59:27–39. If the gaming is allowed or authorized, the process continues to step 1009 where the computer will allow the gaming to proceed and would continue processing the information and cease operations at step 1010. *Id.* at 59:39–51. If the gaming is determined to be disallowed, the process proceeds from step 1008 to step 1011 where the computer cancels the gaming activity and then ceases operation at step 1012. *Id.* at 59:52–56.

C. Illustrative Claim

Petitioner challenges claims 1–22 and 24–40 of the '266 patent. Pet. 1. Claims 1, 28, and 36 are independent. Claim 1 is illustrative of the claimed subject matter and is reproduced below with certain reformatting:[2]

> 1. [1(pre)] An apparatus, comprising:
> [1(a)(i)] a computer, wherein the computer is specially programmed for processing information for providing for a placement of a bet on or regarding a gaming activity, a gambling activity, or a sporting event,
> [1(a)(ii)] wherein the computer is specially programmed to detect a posting of information regarding the gaming activity, the gambling activity, or the sporting event, and to generate a notification message regarding the gaming activity, the gambling activity, or the sporting event,
> [1(a)(iii)]wherein the computer detects the posting of the information regarding the gaming activity, the gambling activity, or the sporting event, and further wherein the computer generates the notification

[2] We have added the same labels that Petitioner applies to particular portions of claim 1, as well as the same carriage returns Petitioner has added to claim 1. *See* Pet. 75–76.

message regarding the gaming activity, the gambling activity, or the sporting event,

[1(b)] wherein, in response to a generating of the notification message, the computer initiates a communication link with a first communication device and transmits the notification message to the first communication device as an electronic transmission, or the computer transmits the notification message as an electronic mail message, wherein the electronic mail message is received by or received at a first communication device, wherein the first communication device is associated with an individual,

[1(c)(i)] wherein the computer receives a bet message transmitted from the first communication device or from a second communication device, wherein the second communication device is associated with the individual, and

[1(c)(ii)] further wherein the first communication device or the second communication device comprises a global positioning device, wherein the global positioning device determines a position or location of the first communication device or the second communication device,

[1(d)] wherein the bet message contains information regarding a bet to be placed on or regarding the gaming activity, the gambling activity, or the sporting event, and information regarding the position or location of the first communication device or the second communication device,

[1(e)] wherein the computer determines if the bet is allowed or disallowed using the information regarding the position or location of the first communication device or the second communication device and, if the bet is allowed, the computer processes information for placing the bet for or on behalf of the individual, or, if the bet is disallowed, the computer processes information for disallowing the bet.

Ex. 1001, 94:23–2:3.

D. Asserted Grounds of Unpatentability

Petitioner asserts that the Challenged Claims are unpatentable based on the following grounds:

Claim(s) Challenged	35 U.S.C. §	References/Basis
1, 4, 5, 7, 10–13, 16, 20, 21, 24, 25, 27–29, 31–36, 38–40	103	Garahi,[3] McNutt[4]
2	103	Garahi, McNutt, Walker[5]
6, 14, 15, 22, 30, 37	103	Garahi, McNutt, Rowe[6]
3, 8, 17, 19	103	Garahi, McNutt, Thomas[7]
9, 32, 38	103	Garahi, McNutt, Monical[8]
26	103	Garahi, McNutt, Paul[9]
18	103	Garahi, McNutt, Alcorn[10]

Pet. 5.

[3] U.S. Pat. App. Pub. No. 2001/0047291 A1, published Nov. 29, 2001 (Ex. 1004, "Garahi").
[4] U.S. Pat. App. Pub. No. 2001/0037211 A1, published Nov. 1, 2001 (Ex. 1005, "McNutt").
[5] U.S. Pat. No. 5,779,549, issued July 14, 1998 (Ex. 1006, "Walker").
[6] U.S. Pat. App. Pub. No. 2002/003992 A1, published Apr. 4, 2001 (Ex. 1007, "Rowe").
[7] U.S. Pat. App. Pub. No. 2001/0036853 A1, published Nov. 1, 2001 (Ex. 1008, "Thomas").
[8] International Pub. No. WO 01/55941 A2, published Aug. 2, 2001 (Ex. 1009, "Monical"). In this decision, citations to Monical refer to the original page numbers of the reference, not the page numbers that Petitioner added to the exhibit.
[9] U.S. Pat. App. Pub. No. US 2002/0169835 A1, published Nov. 14, 2002 (Ex. 1010, "Paul").
[10] U.S. Pat. 6,104,815, issued Aug 15, 2000 (Ex. 1011, "Alcorn").

E. Testimony

Petitioner relies on the testimony of Mr. Garry Kitchen in support of its contentions. Ex. 1003. Patent Owner did not provide expert testimony. Below is an abbreviated summary of the qualifications of Mr. Kitchen.

Mr. Kitchen received a Bachelor of Science degree in Electric Engineering in 1980. Ex. 1003 ¶ 2. Mr. Kitchen has over 35 years of experience in the "electronic entertainment/video game" industry. *Id.* ¶ 3. In 1982, he "designed and programmed the Atari 2600 adaptation of the hit arcade game Donkey Kong." *Id.* ¶ 6. Throughout his career, Mr. Kitchen had held the roles of Senior Designer for Activision, Inc., co-founder, Chairman, President, and CEO of Absolute Entertainment, Inc., co-founder, Chairman, President, CEO, and COO of Skyworks Technologies, Inc., and Vice President of Game Publishing for Viacom Media Network. *Id.* ¶¶ 7–11.

Mr. Kitchen has received numerous accolades in the areas of video games and entrepreneurship, and software. Ex. 1003 ¶¶ 8, 13. Mr. Kitchen has "served numerous times as a technical expert in matters regarding patent issues in video games and electronic entertainment products," for such clients as "Nintendo, Hasbro, Konami Digital Entertainment, Ubisoft, Apple and Zynga," and "as an expert in the areas of video game development, online and mobile gaming and interactive advertising at many industry events." *Id.* ¶¶ 12, 14.

Mr. Kitchen has "worked on numerous entertainment software titles designed to simulate real-money wagering (for amusement purposes only), including video poker, slot machine software and multiplayer online poker." Ex. 1003 ¶ 16. Mr. Kitchen also states that he has "extensive experience designing entertainment software on portable devices with GPS capability,

such as the iPhone and iPad platforms" and has "recently served as a technical consultant for a leading supplier of location-based, real-money wagering machines related to historical horseracing." *Id.*

III. ANALYSIS

A. Level of Ordinary Skill in the Art

In determining the level of ordinary skill in the art, various factors may be considered, including the "type of problems encountered in the art; prior art solutions to those problems; rapidity with which innovations are made; sophistication of the technology; and educational level of active workers in the field." *In re GPAC Inc.*, 57 F.3d 1573, 1579 (Fed. Cir. 1995) (citation omitted).

Petitioner contends a person of ordinary skill in the art would have had "a Bachelor of Science Degree in Electrical Engineering or Computer Engineering or equivalent, and at least two years of experience in the design and development of video game-related hardware and software." Pet. 4 (citing Ex. 1003 ¶¶ 43–44). Patent Owner, as noted above, did not file a Preliminary Response in this proceeding and, therefore, has not contested Petitioner's proposed definition.

For purposes of this Decision, we find that the '266 patent and the cited prior art references reflect the appropriate level of skill at the time of the claimed invention and that the level of appropriate skill reflected in these references and in the '266 patent is consistent with the level of skill proposed by Petitioner. *See Okajima v. Bourdeau*, 261 F.3d 1350, 1355 (Fed. Cir. 2001). Accordingly, we adopt Petitioner's proposed definition for a person of ordinary skill in the art.

B. Claim Construction

"In an *inter partes* review proceeding, a claim of a patent . . . shall be construed using the same claim construction standard that would be used to construe the claim in a civil action under 35 U.S.C. 282(b)." 37 C.F.R. § 42.100(b). That standard "includ[es] construing the claim in accordance with the ordinary and customary meaning of such claim as understood by one of ordinary skill in the art and the prosecution history pertaining to the patent." *Id.*; *see also Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005) (en banc). "When a patentee explicitly defines a claim term in the patent specification, the patentee's definition controls." *Martek Biosciences Corp. v. Nutrinova, Inc.*, 579 F.3d 1363, 1380 (Fed. Cir. 2009).

The Parties construe certain claim language. Pet. 6–7; PO Resp. 12–16; Pet. Reply 1–5. We only address the term "initiates a communication link." We find no additional claim term requires express construction. *See Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017) ("[W]e need only construe terms 'that are in controversy, and only to the extent necessary to resolve the controversy.'" (quoting *Vivid Techs., Inc. v. Am. Sci. & Eng'g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999))).

Patent Owner asserts that "the phrase 'initiates a communication link' should be given its plain and ordinary meaning, which includes a construction of 'initiates' to mean simply: 'to cause a process or action to begin.'" PO Resp. 13–14. Patent Owner disagrees with the construction provided by Petitioner "which would suggest 'initiates a communication link' is satisfied by the mere joining of a communication network." *Id.* at 14 (citing Ex. 2001, 115:15–23).

Petitioner disagrees with Patent Owner and asserts that the '266 patent "is silent as to this phrase, disclosing only the word 'initiative' with respect to a user's actions at the user communication device, not the sports betting computer as claimed." Pet. Reply 3 (citing Ex. 1001, 85:59–62, 86:46–50, 87:14–18, 91:42–46). According to Petitioner, the '266 patent does not "suggest that a step to 'join' cannot be an initiating step." *Id.* Thus, Petitioner argues that "[Patent Owner]'s attempted narrowing of the term 'initiates a communication link' should be rejected as solely attorney argument and instead be understood under its plain and ordinary meaning." *Id.* at 3–4. Petitioner does not specify what it believes to be the "plain and ordinary meaning" of "initiat[ing] a communication link." *See* Pet. Reply 3–4.

The '266 patent only uses the terms "initiates" and "initiate" in the Abstract and the claims. The Abstract discloses that "the computer initiates a communication link with, and transmits the notification message to," a communication device. Ex. 1001, code (57). In describing the methods depicted in Figures 9 and 10, the '266 patent provides that after detecting a posting for which the user would like to be notified, in step 904 gaming facility computer 30 generates a user notification message and transmits that message to user communication device 20, in real-time or otherwise, as a pager, beeper, pre-recorded, instant, facsimile, and/or email message and/or a telephone call. Ex. 1001, 57:29–35, 58:62–59:15. A general dictionary definition of "initiate" is "to cause or facilitate the beginning of: set going." Merriam-Webster On-line Dictionary, available at https://www.merriam-webster.com/dictionary/initiate (last visited April 3, 2024).

Thus, after evaluating the Parties' claim construction arguments regarding the term, we agree with Patent Owner and construe the term

"initiates a communication link" by its plain and ordinary meaning of causing or facilitating the beginning of a communication link.

C. Alleged Obviousness of Claims 1, 4, 5, 7, 10–13, 16, 20, 21, 24, 25, 27–29, 31–36, and 38–40 over Garahi and McNutt

In asserting obviousness of claims 1, 4, 5, 7, 10–13, 16, 20, 21, 24, 25, 27–29, 31–36, and 38–40 over Garahi and McNutt, Petitioner relies on Garahi when addressing most of the challenged claims' limitations. Pet. 8–43. Petitioner cites McNutt, for instance, when addressing certain limitations related to a "bet message" with "information regarding the position or location of the first communication device or the second communication device," as well as certain limitations regarding "the computer determin[ing] if the bet is allowed or disallowed using the information regarding the position or location of the first communication device or the second communication device." Ex. 1001, 94:57–62, 94:63–66; Pet. 23–30.

The Parties' arguments raise a number of different disputes regarding Petitioner's contention that claims 1, 4, 5, 7, 10–13, 16, 20, 21, 24, 25, 27–29, 31–36, and 38–40 would have been obvious over Garahi and McNutt. These arguments relate to whether Petitioner has adequately shown that: (1) Garahi renders obvious the computer detects a posting of information regarding the activity or event; (2) Garahi renders obvious the computer generating a notification message regarding the activity or event; (3) Garahi renders obvious the computer initiating a communication link with a first communication device; and (4) the combination of Garahi and McNutt renders obvious the bet message containing information regarding the position or location of the communication device. PO Resp. 20–39.

Below, we first briefly summarize the relevant teachings of Garahi and McNutt relied upon by Petitioner. Then, we focus our discussion on the disputes regarding Petitioner's contentions that Garahi renders obvious the computer initiating a communication link with a first communication device and that the combination of Garahi and McNutt renders obvious the bet message containing information regarding the position or location of the communication device. For the reasons that follow, we determine Petitioner has not shown by a preponderance of the evidence that the subject matter of any of claims 1, 4, 5, 7, 10–13, 16, 20, 21, 24, 25, 27–29, 31–36, and 38–40 would have been obvious over the asserted combination of Garahi and McNutt.

1. Overview of Garahi

Garahi, titled "Systems and Methods for Placing Parimutuel Wagers on Future Events," is directed to "an interactive wagering system in which an interactive wagering application allows a user to place parimutuel wagers on future events." Ex. 1004, code (54), ¶ 9. Figure 1 of Garahi is reproduced below.

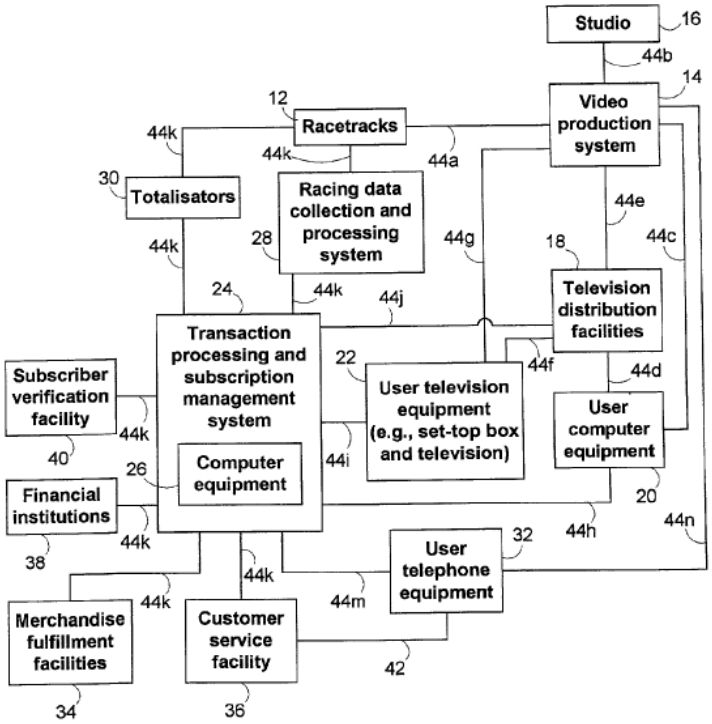


FIG. 1

Figure 1 of Garahi above depicts a schematic diagram of an interactive wagering system according to one embodiment. *Id.* ¶¶ 15, 28. In particular, interactive wagering system 10 provides interactive wagering services to users operating user equipment via an interactive wagering application. *Id.* ¶ 30.

> The interactive wagering application may run locally on the user equipment (e.g., on a set-top box, personal computer, cellular telephone, handheld computing device, etc.) or may run using a client-server or distributed architecture where some of the application is implemented locally on the user equipment in the form of a client process and some of the application is implemented at a remote location (e.g., on a server computer or other such equipment in the system) as a server process.

Id. Transaction processing and subscription management system 24 may include computer equipment 26 for supporting system functions (e.g., transaction processing, data distribution, and subscriber management). *Id.*

¶ 37. Interactive wagering system 10 also includes totalisators 30, which are computer systems that handle wagers and generate odds in real-time. *Id.* ¶ 41.

Users may interact with transaction processing and subscription management system 24 to place wagers via user equipment (i.e., user television equipment 22, user computer equipment 20, and user telephone equipment 32). *Id.* ¶ 55; *see also id.* ¶ 49 ("Users who wish to place wagers may establish an account at transaction processing and subscription management system 24."). The user equipment displays interactive screens with menus and selectable options, the user specifies a type of wager and amount for a race, and data for the wager is transmitted to transaction processing and subscription management system 24. *Id.* ¶ 56. The interactive wagering system may also notify users of future races that may be of interest based on user profiles. *Id.* ¶ 107.

Figure 13 of Garahi is reproduced below.

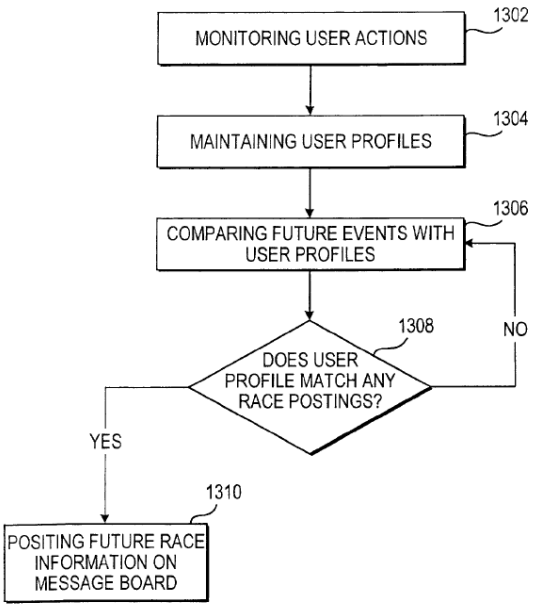


FIG. 13

Figure 13 of Garahi above depicts a flowchart of steps involved in matching future race information with a user in order to provide interest-based notifications. *Id.* ¶¶ 27, 110. The interactive wagering application may monitor user activity (step 1302), such as the user's past wagers, to create a store a user profile (step 1304) for comparing with future events (step 1306). *Id.* ¶ 110. Garahi further explains as follows:

> When a future race becomes available for wagering, the interactive wagering application may check the user profile to determine whether a match exists with the available race at step 1308. If no match exists, then the interactive wagering application may not post the future race information to the user and continue to monitor and compare the future events with the user profile. If future races match interests or prior actions stored in the user profile, the interactive wagering application may post the future races to the user, for example, on the user's message board (as shown in display screen 1200 of FIG. 12) at step 1310. The user may access his or her message board to retrieve future race information and determine whether he or she is interested in participating in the future race wagering pool.

Id.

2. Overview of McNutt

McNutt "provide[s] for an interactive wagering application that restricts wagering access," the restrictions "based on user-defined restrictions on the location of the user equipment or any other suitable criterion." Ex. 1005, code (57). The application compares blackout and user equipment information and when they match, wagering access is restricted. *Id.* An objective of McNutt's invention is "to provide an interactive wagering application that restricts wagering access based on particular criteria." *Id.* ¶ 5.

McNutt's wagering system 10 "may be used to provide an interactive wagering service to users of various user equipment" via an interactive

wagering application (*id.* ¶ 33) and is shown in Figure 1, which is reproduced below.

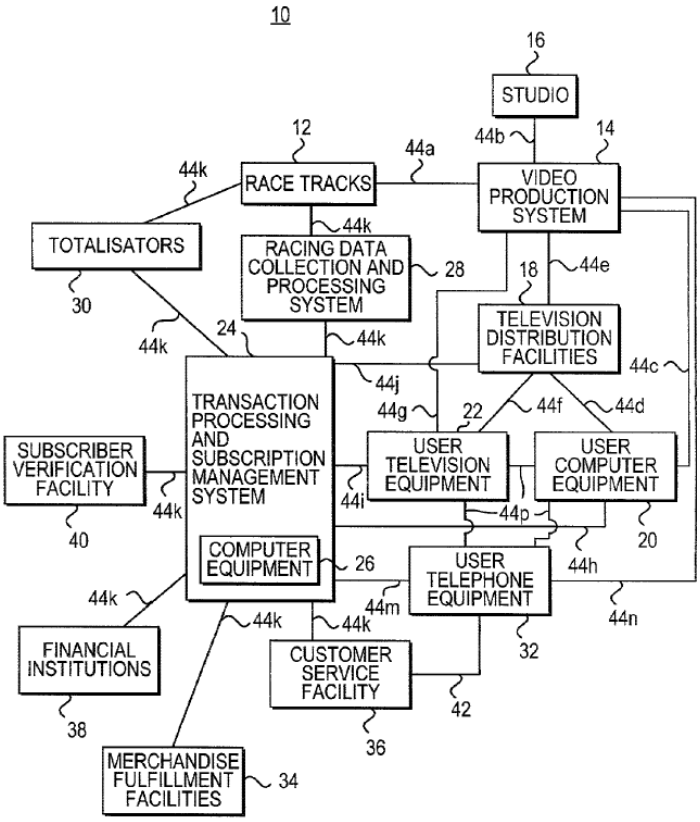


FIG. 1

Figure 1 "is a schematic diagram of an illustrative interactive wagering system in accordance with one embodiment of the present invention" (*id.* ¶ 13) and depicts, in relevant part, transaction processing and subscription management system 24 that includes computer equipment 26, racing data collection and processing system 28, user television, telephone, and computer equipment 22, 32, and 20, respectively, and subscriber verification facility 40.

"Transaction processing and subscription management system 24 [("TPSMS")] may contain computer equipment 26 and other equipment for supporting system functions such as transaction processing" (such as

"handling tasks related to wagers" and "adjusting the amount of funds in user accounts based on the outcomes of wagers"), data distribution, and subscriber management (such as opening and closing accounts, allowing users to add or withdraw funds or change their address or personal identification number). *Id.* ¶ 48. "Databases within transaction processing and subscription management system 24 or associated with system 24 may be used to store racing data, wagering data and other transaction data, and subscriber data." *Id.* Videos and other services such as interactive advertisements that provide information to the user upon being selected by the user may be provided "using services and other equipment located at" the TPSMS. *Id.* ¶ 49. Information including "[a]ny suitable data related to racing" may be provided to the TPSMS by racing data collection and processing system 28 or by totalisators 30. *Id.* ¶¶ 51–52, 55. The TPSMS provides the racing data and other information to users via any communication link such as a modem, network or Internet path, telephone lines, or wireless data paths, in a continuous stream, periodically, or as requested. *Id.* ¶¶ 70, 76.

User television equipment 22 may include a television or other monitor and a set-top box used to receive the television wagering service, to provide wagering data to place wager, and to interact with the wagering service through interactive screens provides by the service. *Id.* ¶¶ 37, 44, 62. "User computer equipment 77 may be based on a personal computer 80 or any other suitable computing device." *Id.* ¶ 45. User telephone equipment 32 may be any telephone such as a conventional, cordless, cellular, portable wireless, "or any other suitable telephone equipment." *Id.* ¶ 57.

Subscriber verification facility 40 checks the user's identity and "may be . . . used to ensure that the user lives in a geographic area in which

wagering is legal, that the user is of a legal age, and that the identification information (e.g., the user's social security number) matches the name provided by the user." *Id.* ¶ 63. The user's physical location may be determined by using a global positioning system (GPS) (*id.*) or "in any suitable way" (*id.* ¶ 119).

"[T]he interactive wagering application may restrict wagering access based on the geographical location of the user equipment" or "based on blackout information and location information." *Id.* ¶ 111. The process of restricting access in this way is shown in Figure 12, reproduced below.

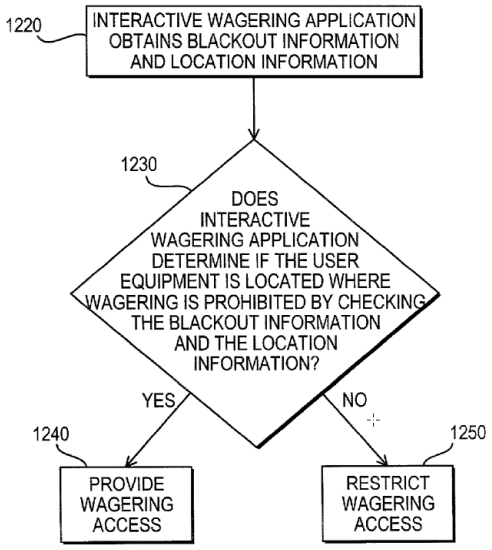


FIG. 12

Figure 12 "is a flow chart of illustrative steps involved in restricting wagering access based on the user equipment location." *Id.* ¶ 113.

"At step 1220, the interactive wagering application may obtain blackout information and location information," the information indicating, for example, that certain states prohibit wagering and in what state the user equipment is located. *Id.* ¶ 114. At step 1230, the application checks the blackout and location information to determine the locations where wagering

is prohibited and determine if the user is in one of those locations. *Id.* ¶ 115. If the blackout and location information do match, wagering access is restricted (step 1250). *Id.* ¶ 117. "[M]essages (e.g., in the form of overlays) may be displayed by the interactive wagering application to indicate to the user that wagering access is restricted." *Id.* ¶ 142. If the locations do not match, the wagering access is allowed (step 1240) (*id.* ¶ 116) and the system directs the application to store on the user equipment a location verification token, such as "a signature, a key, or any other suitable element that provides the interactive wagering application with verification that the user is located in an area where wagering is legal" (*id.* ¶ 126).

McNutt discloses in claim 1 a method of restricting wagering access, including "determining a geographic location of the user equipment; checking whether wagering is allowed in the geographic location of the user equipment; and restricting wagering access when wagering is not allowed in the geographic location of the user equipment."

3. Independent Claim 1

a) Limitation 1(b) – "wherein, in response to a generating of the notification message, the computer initiates a communication link with a first communication device and transmits the notification message to the first communication device as an electronic transmission, or the computer transmits the notification message as an electronic mail message, wherein the electronic mail message is received by or received at a first communication device, wherein the first communication device is associated with an individual"

Petitioner alleges that Garahi's communication link 44i and user television equipment 22 meet the claimed communication link with a first communication device associated with an individual, as recited in limitation 1(b). Pet. 14–15. Petitioner contends as follows:

> [I]t would have further been obvious and a PHOSITA would have been motivated to configure the TPSMS to initiate a communication link via communication path 44i with the user television equipment 22 according to known techniques and transmit messages to the user television equipment 22 for display on message board screen 1200. . . . Communication path 44i is a medium that passes electrical signals, such as "a telephone line, digital subscriber line, ISDN line." . . . Thus, any message transmitted from the TPSMS to user television equipment 32 would at least qualify as an *electronic transmission* because it is transmitted as an electrical signal.

Id. at 19–20 (quoting Ex. 1004 ¶ 70; citing Ex. 1003 ¶¶ 138–139).

Further, Petitioner alleges that "[i]nitiating communication links and transmitting messages via telephone, digital subscriber, and ISDN lines was routine and well understood for many years prior to the '266 Patent" and "would have predictably resulted in the transmission of the notification message to the user television equipment 32." Pet. 20 (citing Ex. 1003 ¶ 140). Petitioner argues "[t]herefore, it would have been within the skill of a PHOSITA to initiate a communication link over communication path 44i with the user television equipment 22 and transmit the notification message as an electronic transmission so that it can be displayed on the user's message board screen 1200" and "a PHOSITA would have had a reasonable expectation of success configuring Garahi's processing system to operate in this manner." *Id.* (citing Ex. 1003 ¶ 140). Petitioner also argues that Patent Owner "does not address—much less refute—the reasons Petitioners and Mr. Kitchen give for modifying Garahi's system, which embodies well-known and understood cellular communications technologies that initiate communication links for transmitting messages." Pet. Reply 9 (citing Pet. 18–21; Ex. 1003 ¶¶ 164–170).

Patent Owner asserts that "Petitioner first confirms the fact that Garahi fails to disclose the initiation of a communication link in accordance with [this limitation]." PO Resp. 25 (citing Pet. 19). Patent Owner argues that Petitioner's "claim[] that 'a PHOSITA would have been motivated to configure the TPSMS to initiate a communication link via communication path 44i with the user television equipment 22 according to known techniques'" is incorrect. *Id.* (quoting Pet. 19). Rather, Patent Owner argues, "the approach contemplated in Garahi has no use for the step of initiating a communication link for the purpose of transmitting a notification message," because "unless and until the user logs into the server, he will never see the new posting" on Garahi's message board having an icon alerting the user of new information. *Id.* at 25–26 (citing Ex. 1004 ¶¶ 89, 107, 110). Further, Patent Owner contends that "[n]othing in Garahi suggests a need to initiate any communication with the user device directly, and certainly not over TPSMS, given the fact that Garahi is premised on an application-based model" such that "there is no communication outside the context of a user log-in." *Id.* at 26.

We agree with Patent Owner that Garahi's posting of the message board does not meet the claimed "computer initiat[ing] a communication link with a first communication device." As discussed above in Section II.B, the initiating of a communication link requires causing or facilitating the beginning of a communication link.

Mr. Kitchen testifies, in regard to this limitation, that Garahi teaches: (1) the user's device "displays messages specific to the user/individual" in posting to the user's message board the future races determined to match the user's profile (Ex. 1003 ¶ 137); (2) "Garahi's TPSMS (i.e., 'the computer') communicates with user television equipment 22 (i.e., 'a first

communication device') via communications link 44i" (*id.* ¶ 138); and (3) "Garahi's interactive wagering application 'notif[ies] the user of new information postings by displaying an indication icon such as icon 318 on message board option 328 of FIG. 3'" (*id.* (quoting Ex. 1004 ¶ 107)). Mr. Kitchen reasons that it would have been obvious to a person of ordinary skill the art "to configure the TPSMS (i.e., 'computer') to perform Figure 13 including generating a notification message regarding the sporting event." *Id.* Mr. Kitchen further testifies as follows:

> Because these notification messages are displayed on the user television equipment 22, it would have been obvious and a person having ordinary skill in the art would have been motivated to configure TPSMS to initiate a communication link via communication path 44i with the user television equipment 22 according to known techniques and transmit messages to the user television equipment 22 for display on message board screen 1200.

Id.

Mr. Kitchen appears to acknowledge that Garahi does not specifically teach the computer initiating the communication link with the user device and testifies as follows:

> To the extent that patent owner argues that Garahi does not disclose the TPSMS initiating communication link 44i, it would have at the very least been obvious to a person having ordinary skill in the art to program the TPSMS to initiate communication link 44i according to known techniques and transmit messages to the user television equipment 22 for display on message board screen 1200. Having the TPSMS establish the communication link would have been obvious because doing so would allow the sending of wagering information to a user. A person having ordinary skill in the art would have readily understood that any message transmitted from the TPSMS to user television equipment 22 via the message board display would at least qualify as an "electronic transmission" because it is transmitted

> through one of the exemplary mediums that passes data as electrical signals, such as "a telephone line, digital subscriber line, ISDN line."

Ex. 1003 ¶ 139. Mr. Kitchen further testifies that "[t]he known technique of initiating a communication link and transmitting electronic transmissions would have predictable resulted [sic] in the transmission of the notification message to the user television equipment 22." *Id.* ¶ 140 Also, Mr. Kitchen testifies as follow:

> since initiating communication links and transmitting messages via telephone, digital subscriber, and ISDN lines was routine and well understood for many years prior to the '266 Patent, a person having ordinary skill in the art would have had a reasonable expectation of success configuring Garahi's processing system to operate in this manner.

Id.

Petitioner's position, as supported by Mr. Kitchen, suggests that posting the notice to the interface via communications link 44i is initiating transmission to the user device, i.e., the TV associated with the individual. However, Garahi's communication link to the TV exists prior to its "new information postings," and Petitioner fails to show how Garahi teaches that "the computer initiates a communication link," which is "in response to a generating of the notification message," as required by claim 1. We agree with Patent Owner that "initiating" a communication link in Garahi only occurs when the user using the equipment logs into the system. *See* PO Resp. 26.

To the extent Petitioner argues it would have been obvious to modify Garahi's system to initiate a communication link (Pet. 19–20; Pet. Reply 9), Petitioner does not provide adequate evidence or reasoning to establish how or why a skilled artisan would have modified Garahi's system to initiate a

communication link and transmit the message to the user's device. Although Mr. Kitchen testified that it was old and well known as the time of the '266 patent to initiate a communication link and that there would have been a reasonable expectation of success to configure Garahi's system to do so, Mr. Kitchen does not explain why one of ordinary skill in the art would have been motivated to or would have benefited from such a modification of Garahi's system.

Mr. Kitchen testifies that "[h]aving the TPSMS establish the communication link would have been obvious because doing so would allow the sending of wagering information to a user." Ex. 1003 ¶ 139. Yet, Garahi's system already allows for the sending of wagering information to the user in posting the generated notification message to a "Message Board." Ex. 1004 ¶¶ 89, 107, 110. The existence of a new message is indicated by a display icon 318 next to the option "Message Board" in an interface 300 having multiple options. Ex. 1004 ¶¶ 89, 107, 110, Figs. 3, 12, 13. In order to receive the message, the user must first access the Message Board by selecting the related option, after which the information is displayed to the user. *Id.* That it was well-known in the art to have initiated a communication link does not explain how or why a skilled artisan would have modified Garahi's system that notifies a user of wagering information by posting on a message board to notify a user by initiating a communication to the user. Simply because a skilled artisan could have modified Garahi's system to incorporate initiating the communication link does not explain why they would have had reason to do so. *See In re NuVasive,* 842 F.3d 1376, 1382 (Fed. Cir. 2016); *Belden Inc. v. Berk-Tek LLC*, 805 F.3d 1064, 1073 (Fed. Cir. 2015).

Thus, the preponderance of evidence does not show that Garahi's posting or transmitting race information to the user's Message Board, alone or in combination with the well-known technique of initiating a communication link, would have made it obvious to have the claimed computer initiate a communication link with a first communication device in response to generating the notification message.

> *b) Limitation 1(d) – "wherein the bet message contains information regarding a bet to be placed on or regarding the gaming activity, the gambling activity, or the sporting event, and information regarding the position or location of the first communication device or the second communication device"*

Petitioner asserts that Garahi teaches wagering data containing information regarding a sporting event that meets the claimed bet message containing information regarding a bet on or regarding a gaming or gambling activity or sporting event. Pet. 23 (citing Ex. 1004 ¶¶ 56, 94–101, Figs. 6a–d, 7, 8, 9).

With regards to the bet message containing information regarding the position or location of the communication device, Petitioner acknowledges that "Garahi does not specify exactly how or when this verification [that the user is located in a geographic area where wagering is legal] occurs or whether the location information is transmitted to the TPSMS with the wagering data." Pet. 23–24. Petitioner asserts that "it would have been obvious to a PHOSITA to configure Garahi to include the second communication device's location information in the wagering data (i.e., *the bet message*) as taught by McNutt." *Id.* at 24 (citing Ex. 1003 ¶ 155).

Petitioner directs attention to the allegedly identical nature of Garahi's and McNutt's systems and asserts that "McNutt teaches restricting wagering

access based on the user's location" by determining the user's location based on a location device such as a global positioning satellite receiver in a cellular phone, transmitting that location data to the TPSMS with the bet message, and determining, by the TPSMS, whether the user equipment is located in an area where wagering is prohibited. Pet. 24–26 (citing Ex. 1004, Fig. 1; Ex. 1005, Abstr., ¶¶ 57, 63, 111, 114, 119, 129, Fig. 1). Petitioner asserts that "[b]ased on McNutt's teachings, it would have been obvious to a PHOSITA to similarly configure Garahi to transmit the location information of the user telephone equipment 32 (i.e., *information regarding the position or location of . . . the second communication device*) to the TPSMS with the wagering data (i.e., *the bet message*)." *Id.* at 25 (citing Ex. 1003 ¶¶ 156–160). Petitioner alleges a PHOSITA would have been motivated to modify Garahi with McNutt "to include the user's location information with the wagering data transmitted to the TPSMS" because "[v]erifying the user's location when the user attempts to create a new wager was a well-known and predictable way to ensure that the wagering system is complying with local gaming regulations." *Id.* at 26 (citing Ex. 1003 ¶ 160).

As such, Petitioner contends "any software modifications needed to accommodate sending the user device's location information with a bet message in Garahi's system would have been easy for a PHOSITA to understand and configure." Pet. Reply 10. And, Petitioner contends "that a PHOSITA would have been motivated to make the modification because such a modification would have predictably improved the Garahi system to be able to discern the legality of a placed bet as McNutt discloses if a user of Garahi's system moves to a wager-prohibitive location." *Id.* (citing Pet. 25–26; Ex. 1003 ¶¶ 156–160).

Patent Owner asserts that Petitioner "confirms the fact that Garahi fails to disclose the transmission of a bet message which contains *both* bet information *and* location information of the user device" as recited in claim 1. PO Resp. 29 (citing Pet. 25; Ex. 2001, 124:3–7). Patent Owner contends that "neither Garahi nor McNutt discloses a 'bet message' as claimed." *Id.* at 30. Asserting that any location verification in Garahi is from the perspective of the system "obtaining such information from the cellular network or the device as part of the subscriber verification process," Patent Owner argues that "[i]n this regard, Garahi plainly does not contemplate a scenario where the user communication device transmits location information as part of a bet message." *Id.* (citing Ex. 1004 ¶ 50).

Turning to McNutt, Patent Owner argues that McNutt teaches that its objective of "an interactive wagering application that may restrict wagering access based on particular criteria . . . is achieved through the use of 'location verification tokens' which are exchanged *prior to allowing the user to access the wagering platform.*" PO Resp. 30–31 (citing Ex. 1005 ¶¶ 6, 8, 137, Fig. 16). Patent Owner also asserts that McNutt teaches the location information being "'obtained' by the wagering system 'when the user initiates the wager creation process,'" that is "'initiated' . . . when the user selects the 'CREATE WAGER' option from the selection menu." *Id.* at 32 (quoting and citing Ex. 1005 ¶ 129, Fig. 6; Ex. 2001, 135:22–25). As such, Patent Owner argues, the evidence does not support Petitioner's contention that "McNutt teaches the transmission of location information as part of a bet message, given the fact that the betting platform is not even available to the user at the time any location verification token is obtained," and that "no 'token' accompanies an actual wager in McNutt." *Id.* at 31–33 (citing Ex. 1005 ¶ 97, Figs. 6, 9, 18).

Both Garahi and McNutt teach determining the user's location information, such as by using a global position receiver and using that information to "verify that the user is located in a geographic area where wagering is legal." Ex. 1004 ¶ 50; Ex. 1005 ¶ 63. As Mr. Kitchen testified, "McNutt teaches when the location information is obtained and is essentially a similar or the same system as Garahi." Ex. 2001, 138:19–21; *see also id.* at 125:8–16 (Mr. Kitchen stating that "it's important to note that McNutt and Garahi share the same inventors, and disclose a somewhat similar system").

McNutt further describes, in the embodiment described in Figure 12, a process of "restricting wagering access based on the user equipment location." Ex. 1005 ¶ 113. In this embodiment, McNutt's application obtains blackout and location information, such as that "the state of Oklahoma prohibits wagering" and "the user equipment is located in Oklahoma." *Id.* ¶ 114. If the blackout and determined location information match, the application may restrict wagering access. *Id.* ¶ 116; *see also id.* ¶ 126. McNutt discloses that the location information can be obtained "at any suitable time," such as "when the user initiates the wager creation process, interactive wagering system 10 may obtain the location information to determine whether the user equipment location permits wagering," or automatically at regular periods (daily, weekly, etc.). *Id.* ¶ 129.

Neither Garahi nor McNutt teaches including the location information in the bet/wagering message. Mr. Kitchen testifies that "Garahi certainly doesn't" disclose a bet message having location information. Ex. 2001, 140:19–141:8. Further, Mr. Kitchen testifies that "McNutt does not disclose a bet message," and therefore does not alone teach including location information in a bet message. *Id.* at 136:8–24. Petitioner's argument, as Mr. Kitchen explains, is premised on combining "location which is obtained by

McNutt at the institution of the bet," not at the placement of the bet, with the wagering data transmitted by Garahi. *See* Ex. 2001, 136:8–137:7. Both Garahi and McNutt describe systems that first determine whether a bet may be placed from a location before allowing a user to transmit wagering data corresponding to "information regarding a bet to be place." *See*, *e.g.*, Ex. 1004 ¶ 50; Ex. 1005 ¶ 111, Fig. 12; Ex. 2001, 135:3–25, 137:11–22 (Mr. Kitchen testifying that in McNutt, the location information is obtained at the creation of the bet, i.e., when the user initiates the wager creation process, and allows or prevents access to the gambling apparatus).

Petitioner contends it would have been obvious to include McNutt's location data "with" Garahi's bet message, i.e., wagering data comprising the type and desired amount of wager. Pet. 25. However, Petitioner has not explained how or why a skilled artisan would modify Garahi's bet message to include the location data of McNutt. Petitioner contends that a skilled artisan would do so "to be able to discern the legality of a placed bet as McNutt discloses if a user of Garahi's system moves to a wager-prohibitive location." Pet. Reply 10 (citing Pet. 25–26; Ex. 1003 ¶¶ 156–160).

We agree with Patent Owner that Petitioner fails to persuasively identify any "deficiency in Garahi which McNutt purportedly solves, inasmuch as Garahi already discloses obtaining" and using the location of the user to discern the legality of a placed bet at the user's location. PO Resp. 33–34; Ex. 1004 ¶ 50. Petitioner has not provided any further benefit to add location information into Garahi's bet message having wagering data. Further, Petitioner has not shown a reason to modify Garahi based on the teachings of McNutt outside of hindsight. The '266 patent specifically provides that "position or location information" is for "determin[ing] if the bet is allowed or disallowed using the position or location information." Ex.

1001 code (57), 16:33–42, 80:19–67. To the extent that Garahi teaches transmitting a message with wagering data, and McNutt teaches location information may be obtained "when the user initiates the wager," Petitioner has shown no persuasive reason why a person of ordinary skill in the art would have had reason to include the location information of McNutt with the wagering data of Garahi in a single bet message, as required by the claim 1.

Thus, the preponderance of evidence does not show that the combination of Garahi and McNutt would have made it obvious to have the bet message comprise the location information.

c) Conclusion for Claim 1

Based on our review and consideration of Petitioner's arguments and evidence, we find that based on the record, Petitioner has not established by a preponderance of the evidence that the asserted combination of Garahi and McNutt teaches every limitation of claim 1 and why one of ordinary skill in the art would have had sufficient reason to combine Garahi and McNutt, with a reasonable expectation of success in doing so.

4. Independent Claims 28 and 36

Each of independent claims 28 and 36 is directed to an apparatus and recites limitations similar to those recited in independent claim 1. Ex. 1001, 97:28–98:3, 98:60–99:40. When addressing the limitations of claims 28 and 36, Petitioner generally relies on the arguments and evidence it advances in the challenge of claim 1 as allegedly obvious over Garahi and McNutt. Pet. 40, 42. With respect to independent claims 28 and 36, the Parties' arguments raise the same substantive issues as with independent claim 1. Pet. 40, 42; PO Resp. 20–39; Pet. Reply 1–14.

For substantially the same reasons discussed above in Section III.C.3, Petitioner fails to support its challenge of independent claims 28 and 36 over Garahi and McNutt. Specifically, when challenging claims 28 and 36, Petitioner does not support the contention that Garahi renders obvious the computer initiating a communication link with a first communication device or the contention that the combination of Garahi and McNutt renders obvious the bet message containing information regarding the position or location of the communication device. Accordingly, Petitioner does not demonstrate by a preponderance of the evidence that either of claims 28 or 36 would have been obvious over Garahi and McNutt.

5. Dependent Claims 4, 5, 7, 10–13, 16, 20, 21, 24, 25, 27, 29, 31–35, and 38–40

When addressing dependent claims 4, 5, 7, 10–13, 16, 20, 21, 24, 25, 27, 29, 31–35, and 38–40, Petitioner does not cure the deficiencies, discussed above in Sections III.C.3–4, in its challenge of independent claims 1, 28, and 36 as allegedly obvious over Garahi and McNutt. Pet. 30–43; Pet. Reply 1–14. Accordingly, Petitioner does not demonstrate by a preponderance of the evidence that any of claims 4, 5, 7, 10–13, 16, 20, 21, 24, 25, 27, 29, 31–35, and 38–40 would have been obvious over Garahi and McNutt.

D. Alleged Obviousness of Claims 2, 3, 6, 8, 9, 14, 15, 17–19, 22, 26, 30, 32, 37, and 38 over Garahi, McNutt and Other Prior Art

When addressing dependent claims 2, 3, 6, 8, 9, 14, 15, 17–19, 22, 26, 30, 32, 37, and 38, Petitioner does not cure the deficiencies, discussed above in Sections III.C.3–4, in its challenge of independent claims 1, 28, and 36 as allegedly obvious over Garahi and McNutt. Pet. 43–63; Pet. Reply 14–17. Accordingly, Petitioner does not demonstrate by a preponderance of the

evidence that any of claims 2, 3, 6, 8, 9, 14, 15, 17–19, 22, 26, 30, 32, 37, and 38 would have been obvious.

IV. CONCLUSION

In summary:

Claim(s)	35 U.S.C. §	References/Basis	Claim(s) Shown Unpatentable	Claim(s) Not Shown Unpatentable
1, 4, 5, 7, 10–13, 16, 20, 21, 24, 25, 27–29, 31–36, 38–40	103	Garahi, McNutt		1, 4, 5, 7, 10–13, 16, 20, 21, 24, 25, 27–29, 31–36, 38–40
2	103	Garahi, McNutt, Walker		2
6, 14, 15, 22, 30, 37	103	Garahi, McNutt, Rowe		6, 14, 15, 22, 30, 37
3, 8, 17, 19	103	Garahi, McNutt, Thomas		3, 8, 17, 19
9, 32, 38	103	Garahi, McNutt, Monical		9, 32, 38
26	103	Garahi, McNutt, Paul		26
18	103	Garahi, McNutt, Alcorn		18
Overall Outcome				1–22 and 24–40

IV. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Petitioner has not shown by a preponderance of the evidence that any of claims 1–22 and 24–40 is unpatentable; and

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

FOR PETITIONER:

Jennifer Bailey
Eric Buresh
Callie Pendergrass
Tyler Knox
Nathan Byers
ERISE IP, P.A.
jennifer.bailey@eriseip.com
eric.buresh@eriseip.com
callie.pendergrass@eriseip.com
tyler.knox@eriseip.com
nathan.byers@eriseip.com

Elizabeth Long
Jessica Kaiser
Philip Marsh
ARNOLD & PORTER KAYE SCHOLER LLP
elizabeth.long@arnoldporter.com
jessica.kaiser@arnoldporter.com
philip.marsh@apks.com

Jared Newton
QUINN EMANUEL URQUHART & SULLIVAN LLP
jarednewton@quinnemanuel.com

Eliot Williams
George Guy
Jamie Lynn
Andrew Wilson
BAKER BOTTS L.L.L.P.
eliot.williams@bakerbotts.com
hop.guy@bakerbotts.com
jamie.lynn@bakerbotts.com
andrew.wilson@bakerbotts.com

Stephen Hemenway
BROWNSTEIN HYAT FARBER SCHRECK, LLC
chemenway@bhfs.com

FOR PATENT OWNER:

Rene Vazquez
SINERGIA TECHNOLOGY LAW GROUP, PLLC
rvazquez@sinergialaw.com

Michael Fuller
GARTEISER HONEA PLLC
sfuller@ghiplaw.com