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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/099,778	11/27/2012	8317602	867	4813

43536 7590 11/07/2012
MUSKIN & CUSICK LLC
100 West Main Street
SUITE 205
Lansdale, PA 19446

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 1028 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

David Schugar, Henderson, NV;
Jon Muskin, Philadelphia, PA;

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage and facilitate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax **(571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block I, by (a) specifying a new correspondence address; and/or (b) indicating a separate "TEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block I for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

43536 7590 07/19/2012
MUSKIN & CUSICK LLC
 100 West Main Street
 SUITE 205
 Lansdale, PA 19446

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAME(S) INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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12/099,778 04/08/2008 David Schugar 867 4813

TITLE OF INVENTION: WAGERING GAME THAT ALLOWS PLAYER TO ALTER PAYOUTS BASED ON EQUITY POSITION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$870	\$300	\$0	\$1170	10/19/2012

EXAMINER	ART UNIT	CLASS-SUBCLASS
PANDYA, SUNIT	3718	463-025000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. Muskin & Cusick LLC

2. _____

3. _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☒ Issue Fee
☒ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature /Jon H. Muskin #43,824/

Date 10/18/2012

Typed or printed name Jon H. Muskin

Registration No. 43,824

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 12/099,778 Confirmation No. 4813
Applicant : Schugar
Filed : 04/08/2008
Title : Wagering Game That Allows Player...
TC/A.U. : 3718
Examiner : Pandya
Docket No. : 867
Customer No. : 43,536

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

COMMENT ON STATEMENT OF REASONS FOR ALLOWANCE

Page 2 of the Notice of Allowability provides an Examiner's Statement of Reason's for Allowance.

The Applicant respectfully disagrees with the Statement, as it does not include all of the features of the claims and it leaves out valid reasons why the application is allowable.

Respectfully submitted,
Muskin & Cusick
By /Jon H. Muskin #43824/
Jon. H. Muskin
Reg. No. 43,824
Customer # 43,536
Tel (215) 853-8257

Electronic Patent Application Fee Transmittal

Application Number:	12099778			
Filing Date:	08-Apr-2008			
Title of Invention:	WAGERING GAME THAT ALLOWS PLAYER TO ALTER PAYOUTS BASED ON EQUITY POSITION			
First Named Inventor/Applicant Name:	David Schugar			
Filer:	Jon H. Muskin			
Attorney Docket Number:	867			
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Utility Appl issue fee	2501	1	885	885
Publ. Fee- early, voluntary, or normal	1504	1	300	300

IPR2023-00266 - Diogenes

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				1185

Electronic Acknowledgement Receipt

EFS ID:	14024449
Application Number:	12099778
International Application Number:	
Confirmation Number:	4813
Title of Invention:	WAGERING GAME THAT ALLOWS PLAYER TO ALTER PAYOUTS BASED ON EQUITY POSITION
First Named Inventor/Applicant Name:	David Schugar
Customer Number:	43536
Filer:	Jon H. Muskin
Filer Authorized By:	
Attorney Docket Number:	867
Receipt Date:	18-OCT-2012
Filing Date:	08-APR-2008
Time Stamp:	23:43:50
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$1185
RAM confirmation Number	7682
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part (if appl.)	Pages (if appl.)
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1	Issue Fee Payment (PTO-85B)	PTOL-85-12099778.pdf	190512 5e1933f29c671bf3bf3ce6cb162fd5120ac1419c	no	1
Warnings:					
Information:					
2	Miscellaneous Incoming Letter	COMMENT-12099778.pdf	135314 ebdd21e61400efe41eb2ef35119975eb6b323798	no	1
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	32251 1540eda1295eb4dfe3f20a5fd017fd3a985e11b1	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			358077		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

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100 West Main Street
SUITE 205
Lansdale, PA 19446



**Courtesy Reminder for
Application Serial No: 12/099,778**

Attorney Docket No: 867
Customer Number: 43536
Date of Electronic Notification: 07/19/2012

This is a courtesy reminder that new correspondence is available for this application. The official date of notification of the outgoing correspondence will be indicated on the form PTOL-90 accompanying the correspondence.

An email notification regarding the correspondence was sent to the following email address(es) associated with your customer number:

jmuskin@patentstrademarks.com
ccusick@patentstrademarks.com
sfarmer@patentstrademarks.com

Please verify that these email addresses are correct.

To view your correspondence online or update your email addresses, please visit us anytime at <https://sportal.uspto.gov/secure/myportal/privatepair>. If you have any questions, please email the Electronic Business Center (EBC) at EBC@uspto.gov or call 1-866-217-9197.



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NOTICE OF ALLOWANCE AND FEE(S) DUE

43536 7590 07/19/2012
MUSKIN & CUSICK LLC
100 West Main Street
SUITE 205
Lansdale, PA 19446

EXAMINER

PANDYA, SUNIT

ART UNIT

PAPER NUMBER

3718

DATE MAILED: 07/19/2012

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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12/099,778

04/08/2008

David Schugar

867

4813

TITLE OF INVENTION: WAGERING GAME THAT ALLOWS PLAYER TO ALTER PAYOUTS BASED ON EQUITY POSITION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$870	\$300	\$0	\$1170	10/19/2012

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

43536 7590 07/19/2012
MUSKIN & CUSICK LLC
 100 West Main Street
 SUITE 205
 Lansdale, PA 19446

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

12/099,778 04/08/2008 David Schugar 867 4813

TITLE OF INVENTION: WAGERING GAME THAT ALLOWS PLAYER TO ALTER PAYOUTS BASED ON EQUITY POSITION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$870	\$300	\$0	\$1170	10/19/2012

EXAMINER	ART UNIT	CLASS-SUBCLASS
PANDYA, SUNIT	3718	463-025000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/099,778	04/08/2008	David Schugar	867	4813

43536 7590 07/19/2012
MUSKIN & CUSICK LLC
100 West Main Street
SUITE 205
Lansdale, PA 19446

EXAMINER

PANDYA, SUNIT

ART UNIT PAPER NUMBER

3718

DATE MAILED: 07/19/2012

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 708 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 708 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability	Application No.	Applicant(s)	
	12/099,778	SCHUGAR ET AL.	
	Examiner	Art Unit	
	SUNIT PANDYA	3718	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed on 7/3/2012.
2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
3. ☒ The allowed claim(s) is/are 17-42.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. ☒ Notice of References Cited (PTO-892) | 5. ☐ Notice of Informal Patent Application |
| 2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date ____. |
| 3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____ | 7. ☐ Examiner's Amendment/Comment |
| 4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. ☒ Examiner's Statement of Reasons for Allowance |
| | 9. ☐ Other ____. |

DETAILED ACTION

Examiner's Reason for Allowance

In response to the RCE amendments filed by the applicant on 7/3/2012, claims 17-42 are allowed. The following is the examiner's statement of reasons for allowance:

Claims as currently presented are allowed because no reference, or reasonable combination thereof could be found, which disclose, teach or suggest, all of the claimed limitation of independent claims 17, 34 & 39. The prior art fails to disclose an apparatus to play a gambling game between a player and a house, the apparatus comprising: an input device and an output device; a processing unit connected to the input device and the output device, configured to perform: beginning a wagering game from an initial position; receiving a first wager from the player on a first outcome of the game; changing a game state from the initial position to an advanced position based on a first random outcome; allowing the player to make a second wager on a second outcome of the game using borrowed funds provided by the house if the advanced position is determined to be such that the first wager and the second wager cannot result in a net loss for the player in the game and receiving the second wager from the player using borrowed funds; completing the game and determining payouts on the first wager and the second wager based on further random outcome of the game; and paying the payouts to the player, as required by the claims.

The closest prior art appears to be Woodbury et al. (US Patent 7,731,195). Woodbury et al. discloses a video poker game with an additional option to draw cards, if

Art Unit: 3718

the player's hand meets certain pre-established conditions. However, Woodbury et al., fails to disclose beginning a wagering game from an initial position; receiving a first wager from the player on a first outcome of the game; changing a game state from the initial position to an advanced position based on a first random outcome; allowing the player to make a second wager on a second outcome of the game using borrowed funds provided by the house if the advanced position is determined to be such that the first wager and the second wager cannot result in a net loss for the player in the game and receiving the second wager from the player using borrowed funds; completing the game and determining payouts on the first wager and the second wager based on further random outcome of the game; and paying the payouts to the player, as required by the independent claims. Consequently, as the totality of the claimed invention is not taught by the prior art, claims 17-42 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUNIT PANDYA whose telephone number is (571)272-2823. The examiner can normally be reached on M-F 9 - 5:30.

Art Unit: 3718

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SUNIT PANDYA/
Primary Examiner, Art Unit 3718

SP
7/12/12

Notice of References Cited	Application/Control No. 12/099,778	Applicant(s)/Patent Under Reexamination SCHUGAR ET AL.	
	Examiner SUNIT PANDYA	Art Unit 3718	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-7,731,195	06-2010	Woodbury et al.	273/292
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Search Notes 	Application/Control No. 12099778	Applicant(s)/Patent Under Reexamination SCHUGAR, DAVID
	Examiner SUNIT PANDYA	Art Unit 3718

SEARCHED			
Class	Subclass	Date	Examiner
463	13-20	8/10/2011	SP
463	10, 13-20, 21, 25	3/15/2012	SP
463	10, 13-20, 21, 25-26	7/12/2012	SP

SEARCH NOTES		
Search Notes	Date	Examiner
Inventor name search in EAST & PALM	8/10/2011	SP
Text search in EAST	8/1/2011	SP
Updated prior searches	3/22/2012	SP
Prior searches updated	7/12/2012	SP

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner
463	10, 13-20, 21, 25	3/22/2012	SP
463	10, 13-20, 21, 25-26	7/12/2012	SP

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REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL (Submitted Only via EFS-Web)

Application Number	12099778	Filing Date	2008-04-08	Docket Number (if applicable)	867	Art Unit	3718
First Named Inventor	Schugar			Examiner Name	Pandya		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

☐ Other _____

☒ Enclosed

☒ Amendment/Reply

☐ Information Disclosure Statement (IDS)

☐ Affidavit(s)/ Declaration(s)

☐ Other _____

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____
(Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

☒ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No _____

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

☐ Applicant Signature

Signature of Registered U.S. Patent Practitioner			
Signature	/Jon H. Muskin #43,824/	Date (YYYY-MM-DD)	2012-07-03
Name	Jon H. Muskin	Registration Number	43824

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Patent Application Fee Transmittal

Application Number:	12099778			
Filing Date:	08-Apr-2008			
Title of Invention:	WAGERING GAME THAT ALLOWS PLAYER TO ALTER PAYOUTS BASED ON EQUITY POSITION			
First Named Inventor/Applicant Name:	David Schugar			
Filer:	Jon H. Muskin			
Attorney Docket Number:	867			
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Request for continued examination	2801	1	465	465
Total in USD (\$)				465

Electronic Acknowledgement Receipt

EFS ID:	13176312
Application Number:	12099778
International Application Number:	
Confirmation Number:	4813
Title of Invention:	WAGERING GAME THAT ALLOWS PLAYER TO ALTER PAYOUTS BASED ON EQUITY POSITION
First Named Inventor/Applicant Name:	David Schugar
Customer Number:	43536
Filer:	Jon H. Muskin
Filer Authorized By:	
Attorney Docket Number:	867
Receipt Date:	03-JUL-2012
Filing Date:	08-APR-2008
Time Stamp:	22:40:08
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$465
RAM confirmation Number	9837
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part (if appl.)	Pages (if appl.)
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1	Amendment Submitted/Entered with Filing of CPA/RCE	AMEND-12099778-WITHRCE.pdf	157469 ab6447b11b6c2d2f03087b8a01d320d785e b2880	no	8
Warnings:					
Information:					
2	Request for Continued Examination (RCE)	RCE-12099778-fill1.pdf	697878 e508628d9506e61b17f7beab2ed12fd49fe1 6b8e0	no	3
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	30760 04adf1b3ee55fdeb11d545be811443fd9b1 0bcc	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			886107		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	:	12/099,778	Confirmation No. 3718
Applicant	:	Schugar	
Filed	:	04/08/2008	
TC/A.U.	:	3718	
Examiner	:	Pandya	
Docket No.	:	867	
Customer No.	:	43,536	

Mail Stop AMENDMENT
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

AMENDMENT AFTER ALLOWANCE
SUBMITTED WITH RCE

This Amendment comes in response to the Notice of Allowance dated April 3, 2012 and is submitted concurrently with a Request for Continued Examination. No new matter has been added.

Amendments to the Claims are reflected in the listing of claims which begins on page 2.

Remarks begin on page 8 of this paper.

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1-16 (canceled)

17. (currently amended) An apparatus to play a gambling game between a player and a house, the apparatus comprising:

an input device and an output device;
a processing unit connected to ~~the~~ an input device and ~~the~~ an output device,
configured to perform:

beginning a wagering game from an initial position;
receiving a first wager from the player on a first outcome of the game;
changing a game state from the initial position to an advanced position based on a first random outcome;
allowing the player to make a second wager on a second outcome of the game using borrowed funds provided by the house if the advanced position is determined to be such that the first wager and the second wager cannot result in a net loss for the player in the game and receiving the second wager from the player using borrowed funds;
completing the game and determining payouts on the first wager and the second wager based on further random outcome(s) of the game; and

paying the payouts to the player.

18. (previously presented) An apparatus as recited in claim 17, wherein the wagering game comprises a plurality of game states.

19. (previously presented) An apparatus as recited in claim 17, wherein each respective game state comprises a positive or negative expectation depending on wagers made.

20. (previously presented) An apparatus as recited in claim 17, wherein the game is a bidirectional linear progression.

21. (previously presented) An apparatus as recited in claim 17, wherein the game is craps.

22. (previously presented) An apparatus as recited in claim 17, wherein the game is a best of series game.

23. (previously presented) An apparatus as recited in claim 17, wherein the game is a race game.

24. (previously presented) An apparatus as recited in claim 17, wherein the game is a hunt game.

25. (previously presented) An apparatus as recited in claim 17, wherein the game is a

chase game.

26. (previously presented) An apparatus as recited in claim 17, wherein placing the second wager by the player puts the player into a guaranteed winning situation.

27. (previously presented) An apparatus as recited in claim 17, further comprising automatically computing a second wager amount for the second wager such that the player will be in a guaranteed winning position.

28. (previously presented) An apparatus as recited in claim 27, further comprising outputting the computed second wager amount to the player.

29. (previously presented) An apparatus as recited in claim 17, further comprising automatically computing a second wager amount for the second wager such that the player will be in a guaranteed break even position.

30. (previously presented) An apparatus as recited in claim 29, further comprising outputting the computed second wager amount to the player.

31. (previously presented) An apparatus as recited in claim 17, wherein if the player borrows money for the second wager, then a payout is paid on the second wager at a lower rate to the player than if non-borrowed funds were used for the second wager.

32. (previously presented) An apparatus as recited in claim 17, wherein the paying repays the borrowed funds before paying winnings to the player.

33. (previously presented) An apparatus as recited in claim 17, wherein upon completing the game, both the first wager and the second wager cannot both be winners.

34. (currently amended) An apparatus to play a gambling game between a player and a house, the method comprising:

~~an input device and an output device;~~
a processing unit connected to ~~the~~ an input device and ~~the~~ an output device,
configured to perform:

- beginning a wagering game from an initial position;
- receiving a first wager from the player on a first outcome of the game;
- changing a game state from the initial position to an advanced position based on a first random outcome;
- allowing the player to make a second wager on a second outcome of the game using borrowed funds provided by the house if the advanced position is determined to be such that the advanced position reflects a positive expectation for the player on the first wager in the game and receiving the second wager from the player using borrowed funds;
- completing the game and determining payouts on the first wager and the second wager based on further random outcome(s) of the game; and
- paying the payouts to the player.

35. (previously presented) An apparatus as recited in claim 34, further comprising charging the player a commission by the house to compensate for the borrowed funds used for the second wager.

36. (previously presented) An apparatus as recited in claim 34, wherein the player is not required to pay back money for the second wager depending on an outcome of the game.

37. (previously presented) An apparatus as recited in claim 34, wherein if the player borrows money for the second wager, then a payout is paid on the second wager at a lower rate to the player than if non-borrowed funds were used for the second wager.

38. (previously presented) An apparatus as recited in claim 34, wherein the paying repays the borrowed funds before paying winnings to the player.

39. (currently amended) ~~An apparatus~~ method to play a gambling game between a player and a house, the method comprising:

executing computer readable instructions on a processing unit, the instructions performing:

beginning a wagering game from an initial position;
receiving a first wager from the player on a first outcome of the game;
changing a game state from the initial position to an advanced position based on a first random outcome;

allowing the player to make a second wager on a second outcome of the game using borrowed funds provided by the house if the advanced position is determined to be such that the advanced position reflects a guaranteed winning situation for the player in the game if the second wager is placed and receiving the second wager from the player using borrowed funds;

completing the game and determining payouts on the first wager and the second wager based on further random outcome(s) of the game; and

paying the payouts to the player.

40. (currently amended) ~~An apparatus~~ The method as recited in claim 39, wherein if the player borrows money for the second wager, then a payout is paid on the second wager at a lower rate to the player than if non-borrowed funds were used for the second wager.

41. (currently amended) ~~An apparatus~~ The method as recited in claim 39, wherein the paying repays the borrowed funds before paying winnings to the player.

42. (currently amended) ~~An apparatus~~ The method as recited in claim 39, wherein upon completing the game, both the first wager and the second wager cannot both be winners.

REMARKS

Claims 17-42 are pending and were previously allowed. A Notice of Allowance was mailed on April 3, 2012.

This Amendment with RCE is filed in place of paying the issue fee in order to correct an omission in claim 39.

Therefore, all claims are in condition for allowance and an early Notice of Allowance is earnestly solicited.

If the Examiner has any issues he would like to discuss, he is invited to contact the undersigned attorney via telephone.

Recognizing that Internet communications are not secure, I hereby give the USPTO and the Examiner a general authorization to communicate with me via email regarding this application for any purpose, and I understand that a copy of email communications may be made of record in the application file.

Respectfully submitted,
Muskin & Cusick
By /Jon H. Muskin #43824/
Jon. H. Muskin
Reg. No. 43,824
Customer # 43,536
Tel (215) 853-8257

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR PATENTS
P.O.BOX 1450
ALEXANDRIA VA 22313-1451

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MUSKIN & CUSICK LLC
100 West Main Street
SUITE 205
Lansdale, PA 19446



**Courtesy Reminder for
Application Serial No: 12/099,778**

Attorney Docket No: 867
Customer Number: 43536
Date of Electronic Notification: 04/03/2012

This is a courtesy reminder that new correspondence is available for this application. The official date of notification of the outgoing correspondence will be indicated on the form PTOL-90 accompanying the correspondence.

An email notification regarding the correspondence was sent to the following email address(es) associated with your customer number:

jmuskin@patentstrademarks.com
ccusick@patentstrademarks.com
sfarmer@patentstrademarks.com

Please verify that these email addresses are correct.

To view your correspondence online or update your email addresses, please visit us anytime at <https://sportal.uspto.gov/secure/myportal/privatepair>. If you have any questions, please email the Electronic Business Center (EBC) at EBC@uspto.gov or call 1-866-217-9197.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

43536 7590 04/03/2012
MUSKIN & CUSICK LLC
100 West Main Street
SUITE 205
Lansdale, PA 19446

EXAMINER

PANDYA, SUNIT

ART UNIT

PAPER NUMBER

3718

DATE MAILED: 04/03/2012

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

12/099,778

04/08/2008

David Schugar

867

4813

TITLE OF INVENTION: WAGERING GAME THAT ALLOWS PLAYER TO ALTER PAYOUTS BASED ON EQUITY POSITION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$870	\$300	\$0	\$1170	07/03/2012

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

43536 7590 04/03/2012
MUSKIN & CUSICK LLC
 100 West Main Street
 SUITE 205
 Lansdale, PA 19446

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

12/099,778

04/08/2008

David Schugar

867

4813

TITLE OF INVENTION: WAGERING GAME THAT ALLOWS PLAYER TO ALTER PAYOUTS BASED ON EQUITY POSITION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$870	\$300	\$0	\$1170	07/03/2012

EXAMINER	ART UNIT	CLASS-SUBCLASS
PANDYA, SUNIT	3718	463-025000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

1 _____

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

☐ Issue Fee

☐ Publication Fee (No small entity discount permitted)

☐ Advance Order - # of Copies _____

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

☐ A check is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/099,778	04/08/2008	David Schugar	867	4813

43536 7590 04/03/2012
MUSKIN & CUSICK LLC
100 West Main Street
SUITE 205
Lansdale, PA 19446

EXAMINER

PANDYA, SUNIT

ART UNIT PAPER NUMBER

3718

DATE MAILED: 04/03/2012

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 708 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 708 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability	Application No.	Applicant(s)	
	12/099,778	SCHUGAR, DAVID	
	Examiner	Art Unit	
	SUNIT PANDYA	3718	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendments filed on 2/17/12.
2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
3. ☒ The allowed claim(s) is/are 17-42.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. ☐ Notice of References Cited (PTO-892) 2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____ 4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. ☐ Notice of Informal Patent Application 6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date ____. 7. ☐ Examiner's Amendment/Comment 8. ☒ Examiner's Statement of Reasons for Allowance 9. ☐ Other ____. |
|--|--|

DETAILED ACTION

Terminal Disclaimer

The terminal disclaimer filed on 2/17/12 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of patent No. 7,354,343 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Examiner's Reason for Allowance

In response to the amendments filed by the applicant on 2/17/2012, claims 17-42 are allowed. The following is the examiner's statement of reasons for allowance:

Claims as currently presented are allowed because no reference, or reasonable combination thereof could be found, which disclose, teach or suggest, all of the claimed limitation of independent claims 17, 34 & 39. The prior art fails to disclose an apparatus to play a gambling game between a player and a house, the apparatus comprising: an input device and an output device; a processing unit connected to the input device and the output device, configured to perform: beginning a wagering game from an initial position; receiving a first wager from the player on a first outcome of the game; changing a game state from the initial position to an advanced position based on a first random outcome; allowing the player to make a second wager on a second outcome of the game using borrowed funds provided by the house if the advanced position is determined to be such that the first wager and the second wager cannot result in a net loss for the player in the game and receiving the second wager from the player using

Art Unit: 3718

borrowed funds; completing the game and determining payouts on the first wager and the second wager based on further random outcome of the game; and paying the payouts to the player, as required by the claims.

The closest prior art appears to be Woodbury et al. (US Patent 7,731,195). Woodbury et al. discloses a video poker game with an additional option to draw cards, if the player's hand meets certain pre-established conditions. However, Woodbury et al., fails to disclose beginning a wagering game from an initial position; receiving a first wager from the player on a first outcome of the game; changing a game state from the initial position to an advanced position based on a first random outcome; allowing the player to make a second wager on a second outcome of the game using borrowed funds provided by the house if the advanced position is determined to be such that the first wager and the second wager cannot result in a net loss for the player in the game and receiving the second wager from the player using borrowed funds; completing the game and determining payouts on the first wager and the second wager based on further random outcome of the game; and paying the payouts to the player, as required by the independent claims. Consequently, as the totality of the claimed invention is not taught by the prior art, claims 17-42 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 3718

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUNIT PANDYA whose telephone number is (571)272-2823. The examiner can normally be reached on M-F 9 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SUNIT PANDYA/
Primary Examiner, Art Unit 3718

SP



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

BIB DATA SHEET

CONFIRMATION NO. 4813

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.		
12/099,778	04/08/2008	463	3718	867		
RULE						
APPLICANTS David Schugar, Gary, IN; ** CONTINUING DATA ***** This application is a CIP of 10/874,558 06/24/2004 PAT 7,354,343 which claims benefit of 60/548,481 02/26/2004 This application 12/099,778 04/08/2008 is a CIP of 10/688,898 10/21/2003 PAT 7,163,458 and is a CIP of 11/158,919 06/22/2005 PAT 7,909,694 ** FOREIGN APPLICATIONS ***** ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED *** SMALL ENTITY ** 04/25/2008						
Foreign Priority claimed ☐ Yes ☒ No 35 USC 119(a-d) conditions met ☐ Yes ☒ No Verified and /SUNIT PANDYA/ Acknowledged Examiner's Signature		☐ Met after Allowance Initials	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
			IN	7	16	2
ADDRESS MUSKIN & CUSICK LLC 100 West Main Street SUITE 205 Lansdale, PA 19446 UNITED STATES						
TITLE Wagering Game That Allows Player to Alter Payouts Based on Equity Position						
FILING FEE RECEIVED 680	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:			☐ All Fees		
				☐ 1.16 Fees (Filing)		
				☐ 1.17 Fees (Processing Ext. of time)		
				☐ 1.18 Fees (Issue)		
				☐ Other _____		
				☐ Credit		

Search Notes 	Application/Control No. 12099778	Applicant(s)/Patent Under Reexamination SCHUGAR, DAVID
	Examiner SUNIT PANDYA	Art Unit 3718

SEARCHED			
Class	Subclass	Date	Examiner
463	13-20	8/10/2011	SP
463	10, 13-20, 21, 25	3/15/2012	SP

SEARCH NOTES		
Search Notes	Date	Examiner
Inventor name search in EAST & PALM	8/10/2011	SP
Text search in EAST	8/1/2011	SP
Updated prior searches	3/22/2012	SP

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner
463	10, 13-20, 21, 25	3/22/2012	SP

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/099,778	04/08/2008	David Schugar	867	4813

43536 7590 03/12/2012
MUSKIN & CUSICK LLC
100 West Main Street
SUITE 205
Lansdale, PA 19446

EXAMINER

PANDYA, SUNIT

ART UNIT	PAPER NUMBER
----------	--------------

3718

NOTIFICATION DATE	DELIVERY MODE
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03/12/2012

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jmuskin@patentstrademarks.com
ccusick@patentstrademarks.com
sfarmer@patentstrademarks.com



UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

Address : COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
12/099,778	08 April, 2008	SCHUGAR, DAVID	867

MUSKIN & CUSICK LLC 100 West Main Street SUITE 205 Lansdale, PA 19446		EXAMINER	
		SUNIT PANDYA	
		ART UNIT	PAPER
		3718	03062012

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

In view of the papers filed 2/18/2012, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by adding additional inventorship of Jon Muskin.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

/SUNIT PANDYA/
Primary Examiner, Art Unit 3718

Application Number 	Application/Control No. 12/099,778	Applicant(s)/Patent under Reexamination SCHUGAR, DAVID	
Document Code - DISQ		Internal Document – DO NOT MAIL	

TERMINAL DISCLAIMER	☒ APPROVED	☐ DISAPPROVED
Date Filed : 02/17/12	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:

Lawana Hixon

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	:	12/099,778	Confirmation No. 3718
Applicant	:	Schugar	
Filed	:	04/08/2008	
TC/A.U.	:	3718	
Examiner	:	Pandya	
Docket No.	:	867	
Customer No.	:	43,536	

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

REQUEST FOR INVENTORSHIP CHANGE UNDER 37 CFR 1.48(c)

A request is hereby made to change the inventorship of the above referenced application from the sole inventorship of David Schugar to the joint inventorship of David Schugar and Jon Muskin. This change is a result of amendments to the claims of previously unclaimed subject matter.

Enclosed please find (1) s statement by the inventor being added (Jon Muskin) that the inventor addition is necessitated by amendment of the claims and that the inventorship error arose without deceptive intention; (2) a new declaration signed by both inventors; (3) the processing fee set forth in 1.17(i); (4) a statement of the written consent of the assignee.

If the Examiner has any issues he would like to discuss, he is encouraged to contact the undersigned attorney by telephone

Respectfully submitted,
Muskin & Cusick
By /Jon H. Muskin #43824/
Jon. H. Muskin
Reg. No. 43,824
Customer # 43,536
Tel (215) 853-8257

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	:	12/099,778	Confirmation No.	3718
Applicant	:	Schugar		
Filed	:	04/08/2008		
TC/A.U.	:	3718		
Examiner	:	Pandya		
Docket No.	:	867		
Customer No.	:	43,536		

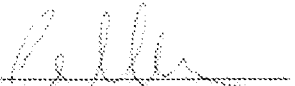
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

STATEMENT OF NONDECEPTIVE INTENT

I, Jon Muskin, hereby state the following:

- 1) That my addition as an inventor in the above-referenced application is necessitated by amendments to the claims of previously unclaimed subject matter;
- 2) That the inventorship error occurred without deceptive intention on my part.

Respectfully submitted,



Jon H. Muskin

2/18/12

date

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; and that:

I verily believe that the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled Wagering Game That Allows Player to Alter Payouts Based on Equity Position, the application of which is was filed in the USPTO on 4/8/2008, and assigned serial number 12/099,778.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. § 1.63(e).

I hereby appoint to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith: All attorneys/agents associated with customer number 43,536.

Please recognize the correspondence address for the above-identified application as: the address associated with customer number 43,536.

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct them otherwise.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name first inventor: David R Schugar
Citizenship: US
Residence city: Henderson, NV
Post Office Address: 2748 Josephine Drive, Henderson NV 89044

Signature: _____ Date: _____

Full Name second inventor: Jon Muskin
Citizenship: US
Residence city: Philadelphia, PA
Post Office Address: 1835 Arch Street, Philadelphia, PA 19103

Signature:  _____ Date: 2/17/12

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; and that:

I verily believe that the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled Wagering Game That Allows Player to Alter Payouts Based on Equity Position, the application of which is was filed in the USPTO on 4/8/2008, and assigned serial number 12/099,778.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. § 1.63(e).

I hereby appoint to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith: All attorneys/agents associated with customer number 43,536.

Please recognize the correspondence address for the above-identified application as: the address associated with customer number 43,536.

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct them otherwise.

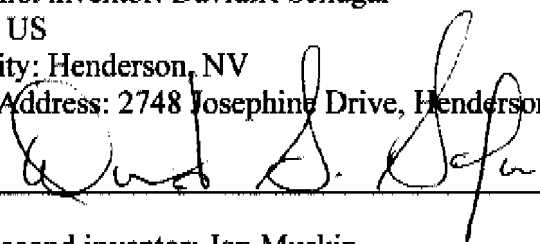
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name first inventor: David⁵ R Schugar

Citizenship: US

Residence city: Henderson, NV

Post Office Address: 2748 Josephine Drive, Henderson NV 89044

Signature: 

Date: Feb 18, 2012

Full Name second inventor: Jon Muskin

Citizenship: US

Residence city: Philadelphia, PA

Post Office Address: 1835 Arch Street, Philadelphia, PA 19103

Signature: _____

ID# 2023-00266 - Diogenes

Exhibit 2015 - Page 53

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

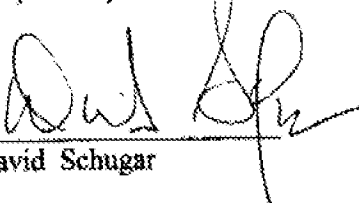
Application No.	:	12/099,778	Confirmation No. 3718
Applicant	:	Schugar	
Filed	:	04/08/2008	
TC/A.U.	:	3718	
Examiner	:	Pandya	
Docket No.	:	867	
Customer No.	:	43,536	

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

CONSENT OF ASSIGNEE FOR INVENTORSHIP CHANGE

I, David Schugar, am the assignee of the above-referenced patent application. I consent to the inventorship change of adding Jon Muskin as an inventor, thereby resulting in the following two inventors: David Schugar and Jon Muskin.

Respectfully submitted,


David Schugar

Feb 18, 2012
date

Electronic Patent Application Fee Transmittal

Application Number:	12099778			
Filing Date:	08-Apr-2008			
Title of Invention:	Wagering Game That Allows Player to Alter Payouts Based on Equity Position			
First Named Inventor/Applicant Name:	David Schugar			
Filer:	Jon H. Muskin			
Attorney Docket Number:	867			
Filed as Large Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Processing Fee, except for Provis. apps	1808	1	130	130
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

IPR2023-00266 - Diogenes

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				130

Electronic Acknowledgement Receipt

EFS ID:	12110085
Application Number:	12099778
International Application Number:	
Confirmation Number:	4813
Title of Invention:	Wagering Game That Allows Player to Alter Payouts Based on Equity Position
First Named Inventor/Applicant Name:	David Schugar
Customer Number:	43536
Filer:	Jon H. Muskin
Filer Authorized By:	
Attorney Docket Number:	867
Receipt Date:	18-FEB-2012
Filing Date:	08-APR-2008
Time Stamp:	17:38:09
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$130
RAM confirmation Number	7745
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part (if appl.)	Pages (if appl.)
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Information:					
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Information:					
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Information:					
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Warnings:					
Information:					
Total Files Size (in bytes):			1259376		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	:	12/099,778	Confirmation No. 3718
Applicant	:	Schugar	
Filed	:	04/08/2008	
TC/A.U.	:	3718	
Examiner	:	Pandya	
Docket No.	:	867	
Customer No.	:	43,536	

Mail Stop AMENDMENT
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

AMENDMENT AFTER NON-FINAL REJECTION

This Amendment comes in response to the office action dated August 17, 2011, with a period for response set to expire on November 17, 2011. A petition for a three-month extension of time is submitted herewith, extending the period for response to February 17, 2012.

Reconsideration of the claims is respectfully requested. No new matter has been added.

Amendments to the Claims are reflected in the listing of claims which begins on page 2.

Remarks begin on page 8 of this paper.

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1-16 (canceled)

17. (new) An apparatus to play a gambling game between a player and a house, the apparatus comprising:

an input device and an output device;

a processing unit connected to the input device and the output device, configured to perform:

beginning a wagering game from an initial position;

receiving a first wager from the player on a first outcome of the game;

changing a game state from the initial position to an advanced position based on a first random outcome;

allowing the player to make a second wager on a second outcome of the game using borrowed funds provided by the house if the advanced position is determined to be such that the first wager and the second wager cannot result in a net loss for the player in the game and receiving the second wager from the player using borrowed funds;

completing the game and determining payouts on the first wager and the second wager based on further random outcome(s) of the game; and

paying the payouts to the player.

18. (new) An apparatus as recited in claim 17, wherein the wagering game comprises a plurality of game states.

19. (new) An apparatus as recited in claim 17, wherein each respective game state comprises a positive or negative expectation depending on wagers made.

20. (new) An apparatus as recited in claim 17, wherein the game is a bidirectional linear progression.

21. (new) An apparatus as recited in claim 17, wherein the game is craps.

22. (new) An apparatus as recited in claim 17, wherein the game is a best of series game.

23. (new) An apparatus as recited in claim 17, wherein the game is a race game.

24. (new) An apparatus as recited in claim 17, wherein the game is a hunt game.

25. (new) An apparatus as recited in claim 17, wherein the game is a chase game.

26. (new) An apparatus as recited in claim 17, wherein placing the second wager by the player puts the player into a guaranteed winning situation.

27. (new) An apparatus as recited in claim 17, further comprising automatically computing a second wager amount for the second wager such that the player will be in a guaranteed winning position.

28. (new) An apparatus as recited in claim 27, further comprising outputting the computed second wager amount to the player.

29. (new) An apparatus as recited in claim 17, further comprising automatically computing a second wager amount for the second wager such that the player will be in a guaranteed break even position.

30. (new) An apparatus as recited in claim 29, further comprising outputting the computed second wager amount to the player.

31. (new) An apparatus as recited in claim 17, wherein if the player borrows money for the second wager, then a payout is paid on the second wager at a lower rate to the player than if non-borrowed funds were used for the second wager.

32. (new) An apparatus as recited in claim 17, wherein the paying repays the borrowed funds before paying winnings to the player.

33. (new) An apparatus as recited in claim 17, wherein upon completing the game, both

the first wager and the second wager cannot both be winners.

34. (new) An apparatus to play a gambling game between a player and a house, the method comprising:

- an input device and an output device;

- a processing unit connected to the input device and the output device, configured to perform:

 - beginning a wagering game from an initial position;

 - receiving a first wager from the player on a first outcome of the game;

 - changing a game state from the initial position to an advanced position based on a first random outcome;

 - allowing the player to make a second wager on a second outcome of the game using borrowed funds provided by the house if the advanced position is determined to be such that the advanced position reflects a positive expectation for the player on the first wager in the game and receiving the second wager from the player using borrowed funds;

 - completing the game and determining payouts on the first wager and the second wager based on further random outcome(s) of the game; and

 - paying the payouts to the player.

35. (new) An apparatus as recited in claim 34, further comprising charging the player a commission by the house to compensate for the borrowed funds used for the second wager.

36. (new) An apparatus as recited in claim 34, wherein the player is not required to pay back money for the second wager depending on an outcome of the game.

37. (new) An apparatus as recited in claim 34, wherein if the player borrows money for the second wager, then a payout is paid on the second wager at a lower rate to the player than if non-borrowed funds were used for the second wager.

38. (new) An apparatus as recited in claim 34, wherein the paying repays the borrowed funds before paying winnings to the player.

39. (new) An apparatus to play a gambling game between a player and a house, the method comprising:

- beginning a wagering game from an initial position;

- receiving a first wager from the player on a first outcome of the game;

- changing a game state from the initial position to an advanced position based on a first random outcome;

- allowing the player to make a second wager on a second outcome of the game using borrowed funds provided by the house if the advanced position is determined to be such that the advanced position reflects a guaranteed winning situation for the player in the game if the second wager is placed and receiving the second wager from the player using borrowed funds;

- completing the game and determining payouts on the first wager and the second wager based on further random outcome(s) of the game; and

paying the payouts to the player.

40. (new) An apparatus as recited in claim 39, wherein if the player borrows money for the second wager, then a payout is paid on the second wager at a lower rate to the player than if non-borrowed funds were used for the second wager.

41. (new) An apparatus as recited in claim 39, wherein the paying repays the borrowed funds before paying winnings to the player.

42. (new) An apparatus as recited in claim 39, wherein upon completing the game, both the first wager and the second wager cannot both be winners.

REMARKS

Claims 1-16 are canceled. New claims 17-42 are added, which are apparatus versions of claims 1 and 5-29 of parent patent 7,354,343. Support for the apparatus claims can be found in various places, including but not limited to Figure 6 and column 11, lines 21-36, of parent U.S. patent 7,163,458, which is incorporated by reference by the current application and the parent patent.

Therefore, the Applicant submits that all pending claims are allowable for the same reasons as in the parent patent 7,354,343. A terminal disclaimer is submitted herewith to obviate a double patenting rejection.

The Applicant contacted examiner Examiner Pandya via telephone to indicate his intent to cancel all pending claims and replace them with apparatus versions of claims in the issued patent, to which Examiner Pandya stated that he did not see any issue with this approach. If there is some reason why this Amendment would not result in an allowance, the Examiner is requested to contact the undersigned attorney immediately.

Recognizing that Internet communications are not secure, I hereby give the USPTO and the Examiner a general authorization to communicate with me via email regarding this application for any purpose, and I understand that a copy of email communications may be made of record in the application file.

Respectfully submitted,
Muskin & Cusick
By /Jon H. Muskin #43824/
Jon. H. Muskin
Reg. No. 43,824
Customer # 43,536
Tel (215) 853-8257

**TERMINAL DISCLAIMER TO OBIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)

In re Application of: Schugar

Application No.: 12/099,778

Filed: 04/08/2008

For: Wagering Game that Allows Player to Alter Payouts Based on Equity Position

The owner*, David Schugar, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of **prior patent** No. 7,354,343 as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 43,824

/Jon H. Muskin #43,824/

Signature

2/17/2012

Date

Jon H. Muskin

Typed or printed name

(215) 853-8257

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Patent Application Fee Transmittal

Application Number:	12099778			
Filing Date:	08-Apr-2008			
Title of Invention:	Wagering Game That Allows Player to Alter Payouts Based on Equity Position			
First Named Inventor/Applicant Name:	David Schugar			
Filer:	Jon H. Muskin			
Attorney Docket Number:	867			
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Claims in excess of 20	2202	6	30	180
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 3 months with \$0 paid	2253	1	635	635
Miscellaneous:				
Statutory or terminal disclaimer	2814	1	80	80
Total in USD (\$)				895

Electronic Acknowledgement Receipt

EFS ID:	12109681
Application Number:	12099778
International Application Number:	
Confirmation Number:	4813
Title of Invention:	Wagering Game That Allows Player to Alter Payouts Based on Equity Position
First Named Inventor/Applicant Name:	David Schugar
Customer Number:	43536
Filer:	Jon H. Muskin
Filer Authorized By:	
Attorney Docket Number:	867
Receipt Date:	17-FEB-2012
Filing Date:	08-APR-2008
Time Stamp:	21:40:21
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$895
RAM confirmation Number	7133
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part (if appl.)	Pages (if appl.)
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Information:					
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Warnings:					
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3	Fee Worksheet (SB06)	fee-info.pdf	33917 7ef34d42666fc643a978fa711f8ca4a0447d6c4b	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			564183		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 12/099,778		Filing Date 04/08/2008		☐ To be Mailed	
APPLICATION AS FILED – PART I										
(Column 1)			(Column 2)			SMALL ENTITY ☒ OR		OTHER THAN SMALL ENTITY		
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)			
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☐ SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A			N/A				
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A				
TOTAL CLAIMS (37 CFR 1.16(j))	minus 20 =	*	X \$	=	OR	X \$	=			
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$	=		X \$	=			
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).									
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))										
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL				
APPLICATION AS AMENDED – PART II										
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT	02/17/2012	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	* 26	Minus	** 20	= 6	X \$30 =	180	OR	X \$ =	
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	= 0	X \$125 =	0	OR	X \$ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE	180	OR	TOTAL ADD'L FEE	
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =		OR	X \$ =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =		OR	X \$ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>										

Legal Instrument Examiner:
/MERILYN WATTS/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

12/099,778

04/08/2008

David Schugar

867

4813

43536 7590 08/17/2011
MUSKIN & CUSICK LLC
100 West Main Street
SUITE 205
Lansdale, PA 19446

EXAMINER

PANDYA, SUNIT

ART UNIT

PAPER NUMBER

3718

NOTIFICATION DATE

DELIVERY MODE

08/17/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jmuskin@patentstrademarks.com
ccusick@patentstrademarks.com
sfarmer@patentstrademarks.com

Office Action Summary	Application No. 12/099,778	Applicant(s) SCHUGAR, DAVID	
	Examiner SUNIT PANDYA	Art Unit 3718	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) ☒ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413) |
| 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) ☐ Information Disclosure Statement(s) (PTO/SB/08) | 5) ☐ Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) ☐ Other: ____. |

DETAILED ACTION

Priority

Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original non-provisional application or provisional application). The disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

The disclosure of the prior-filed application, Application No. 10/874558, 10/688898 & 11/158919, fails to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application. The parent applications fail to provide adequate support or enablement for subject matter claimed in independent claims 1 & 9. Specifically, the parent applications fail to provide support for, determining from the player that the player wishes to change from the second game state back into the first game state in exchange to activate a second pay table for the wager; reverting the game from the second game state back to the first game state; completing the game to determine whether the wager wins or loses; and if the wager is determined to win, then paying the

Art Unit: 3718

wager according to a second pay table, wherein if the player did not choose to change from the second game state back to the first game state, then if the wager is determined to win, then the wager is paid using the first pay table. Consequently, the current application is given a priory date of April 8th, 2008.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Woodbury et al. (US Patent 7,731,195, referred to herein as Woodbury).

Claims 1 & 9: Woodbury discloses a method of conducting a wagering game comprising, receiving a wager from a player on a player chosen outcome, the wager paying according to a first pay table, conducting a wagering game with a first game state (col. 2: 42-59, wherein the initial step prior to card being discarded is first state), progressing the first game state into a second game state based on a random determination (figures 3-5, wherein the player discards the a card and draws another card, thereby initiating second state). Woodbury also discloses determining from the player that the player wishes to change from the second game state back into the first game state in exchange to activate a second pay table for the wager (figure 5, element 255, 265 & 275; and col. 3-4: 46-2), reverting the game from the second game state

Art Unit: 3718

back to the first game state (col. 3-4: 30-2) and completing the game to determine whether the wager wins or loses, and if the wager is determined to win, then paying the wager according to a second pay table. Woodbury also discloses that if the player did not choose to change from the second game state back to the first game state, then if the wager is determined to win, then the wager is paid using the first pay table (col. 3-4: 46-16 & col. 5: 13-23).

Claims 2-3 & 10-11: Woodbury discloses that the game can be implemented such that the second game state has a higher expected value than the first game state or vice versa (col. 5: 13-23 & col. 3: 31-45).

Claims 4 & 12: Woodbury discloses that the expected value of the wager in the second game state using the first pay table is equal to the wager in the first game state using the second pay table or equal (col. 5: 13-23 & col. 3: 31-45).

Claims 5 & 13: Woodbury discloses that the game can be implemented such that the play tables are dynamic and can be changed to provide advantage to the players or the house (col. 3: 31-45).

Claims 6 & 14: Woodbury discloses that the second pay table applies only to the wager but not a new wager placed after the reverting operation (col. 3-4: 30-2, first table only applies if the game is not reverted).

Claims 7 & 15: Woodbury discloses offering the player a pop up screen displaying the opportunity to revert to the first game state in exchange for applying the second pay table to the wager (figures 4-5).

Art Unit: 3718

Claims 8 & 16: Woodbury discloses displaying the second pay table to the player (col. 2: 60-65).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUNIT PANDYA whose telephone number is (571)272-2823. The examiner can normally be reached on M-Th 8 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SUNIT PANDYA/
Examiner, Art Unit 3718

SP

Notice of References Cited	Application/Control No. 12/099,778	Applicant(s)/Patent Under Reexamination SCHUGAR, DAVID	
	Examiner SUNIT PANDYA	Art Unit 3718	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-7,731,195	06-2010	Woodbury et al.	273/292
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Search Notes 	Application/Control No. 12099778	Applicant(s)/Patent Under Reexamination SCHUGAR, DAVID
	Examiner SUNIT PANDYA	Art Unit 3718

SEARCHED			
Class	Subclass	Date	Examiner
463	13-20	8/10/2011	SP

SEARCH NOTES		
Search Notes	Date	Examiner
Inventor name search in EAST & PALM	8/10/2011	SP
Text search in EAST	8/1/2011	SP

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/099,778	04/08/2008	David Schugar	

43536
MUSKIN & CUSICK LLC
30 Vine Street
SUITE 6
Lansdale, PA 19446

CONFIRMATION NO. 4813 PUBLICATION NOTICE



OC000000033684754

Title:Wagering Game That Allows Player to Alter Payouts Based on Equity Position

Publication No.US-2008-0311981-A1

Publication Date:12/18/2008

NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publically available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently <http://www.uspto.gov/patft/>.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Office of Public Records. The Office of Public Records can be reached by telephone at (703) 308-9726 or (800) 972-6382, by facsimile at (703) 305-8759, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, Alexandria, VA 22313-1450 or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at www.uspto.gov using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently <http://pair.uspto.gov/>. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at 1-866-217-9197.

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/099,778	04/08/2008	3714	500		16	2

CONFIRMATION NO. 4813

UPDATED FILING RECEIPT



43536
MUSKIN & CUSICK LLC
30 Vine Street
SUITE 6
Lansdale, PA 19446

Date Mailed: 09/09/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

David Schugar, Gary, IN;

Power of Attorney: The patent practitioners associated with Customer Number 43536

Domestic Priority data as claimed by applicant

This application is a CIP of 10/874,558 06/24/2004 PAT 7,354,343
which claims benefit of 60/548,481 02/26/2004
This application 12/099,778
is a CIP of 10/688,898 10/21/2003 PAT 7,163,458
and is a CIP of 11/158,919 06/22/2005

Foreign Applications

If Required, Foreign Filing License Granted: 04/25/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/099,778**

Projected Publication Date: 12/18/2008

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Wagering Game That Allows Player to Alter Payouts Based on Equity Position

Preliminary Class

463

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that:

I verily believe I am an original inventor of the subject matter which is claimed and for which a patent application filed in the USPTO was assigned serial number 12/099,778.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56. I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. § 1.63(e).

I hereby appoint to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

All attorneys/agents associated with customer number 43,536

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct them otherwise.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

First Named Inventor: David Schugar

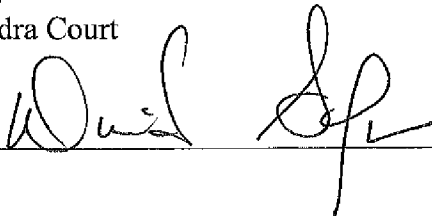
Citizenship: US Residence City: Gary, IN

Post Office Address:

8480 Via De Bellasidra Court

Las Vegas, NV 89123

Signature: _____



Date: _____

8-29-08

Electronic Patent Application Fee Transmittal

Application Number:	12099778			
Filing Date:	08-Apr-2008			
Title of Invention:	Wagering Game That Allows Player to Alter Payouts Based on Equity Position			
First Named Inventor/Applicant Name:				
Filer:	Jon H. Muskin			
Attorney Docket Number:				
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Utility filing Fee (Electronic filing)	4011	1	75	75
Utility Search Fee	2111	1	255	255
Utility Examination Fee	2311	1	105	105
Pages:				
Claims:				
Miscellaneous-Filing:				
Late filing fee for oath or declaration	2051	1	65	65
Petition:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 2 months with \$0 paid	2252	1	230	230
Miscellaneous:				
Total in USD (\$)				730

Electronic Acknowledgement Receipt

EFS ID:	3865704
Application Number:	12099778
International Application Number:	
Confirmation Number:	4813
Title of Invention:	Wagering Game That Allows Player to Alter Payouts Based on Equity Position
First Named Inventor/Applicant Name:	
Customer Number:	43536
Filer:	Jon H. Muskin
Filer Authorized By:	
Attorney Docket Number:	
Receipt Date:	29-AUG-2008
Filing Date:	08-APR-2008
Time Stamp:	16:14:03
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$730
RAM confirmation Number	1565
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part (if appl.)	Pages (if appl.)
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1	Oath or Declaration filed	equityCIPdec.pdf	90720 6cd3cc26252b05aba9e679e70c64606d3164cf18	no	1
Warnings:					
Information:					
2	Drawings-only black and white line drawings	CLEANFIGS.pdf	142849 91831095cdc5d56875ec0a5cafd6e7b20ba8130	no	4
Warnings:					
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3	Fee Worksheet (PTO-06)	fee-info.pdf	38434 45a4ae6467ed615c094e590f7d854d0248606bcc	no	2
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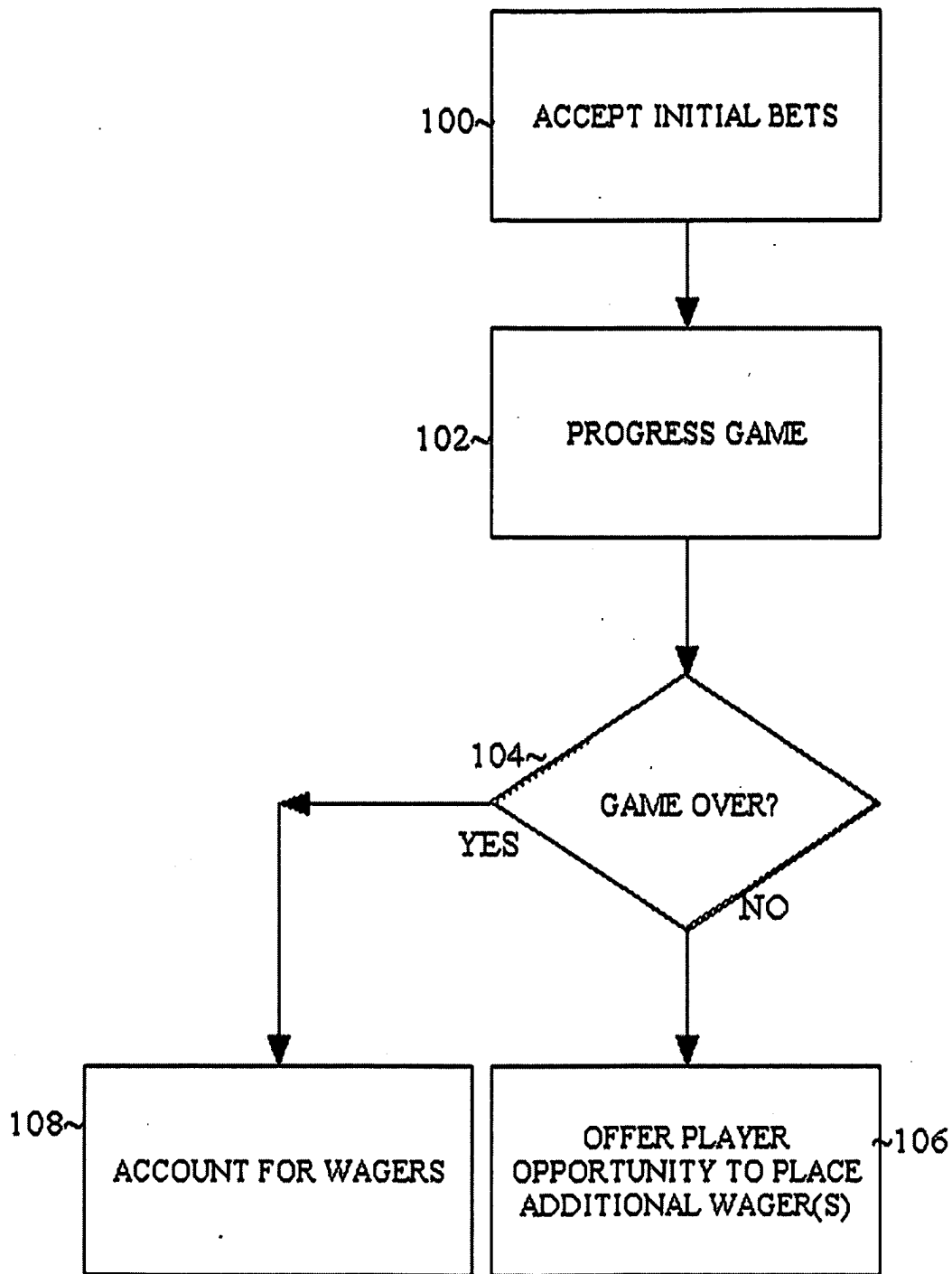


FIGURE 1

REPLACEMENT SHEET

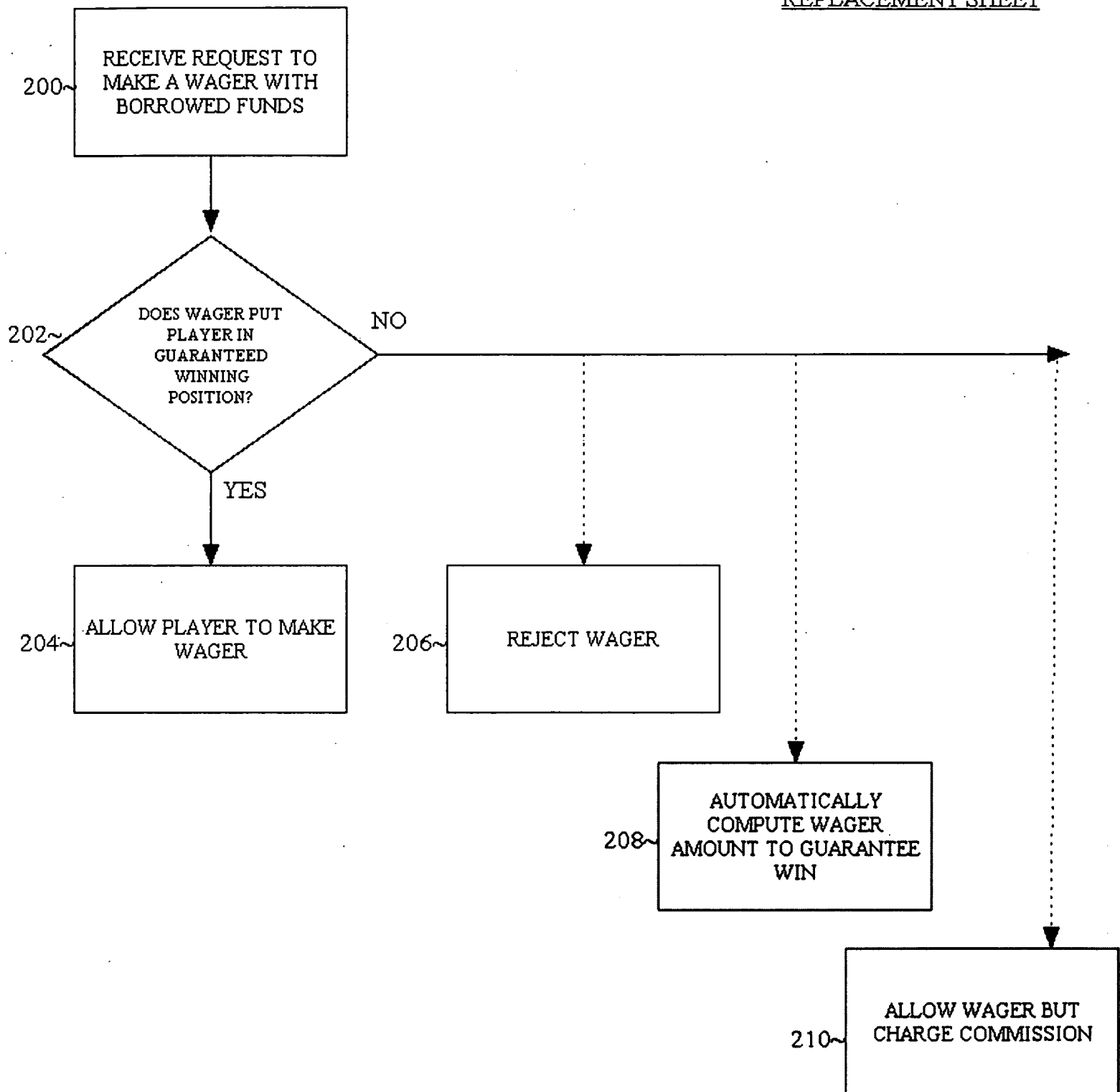


FIGURE 2

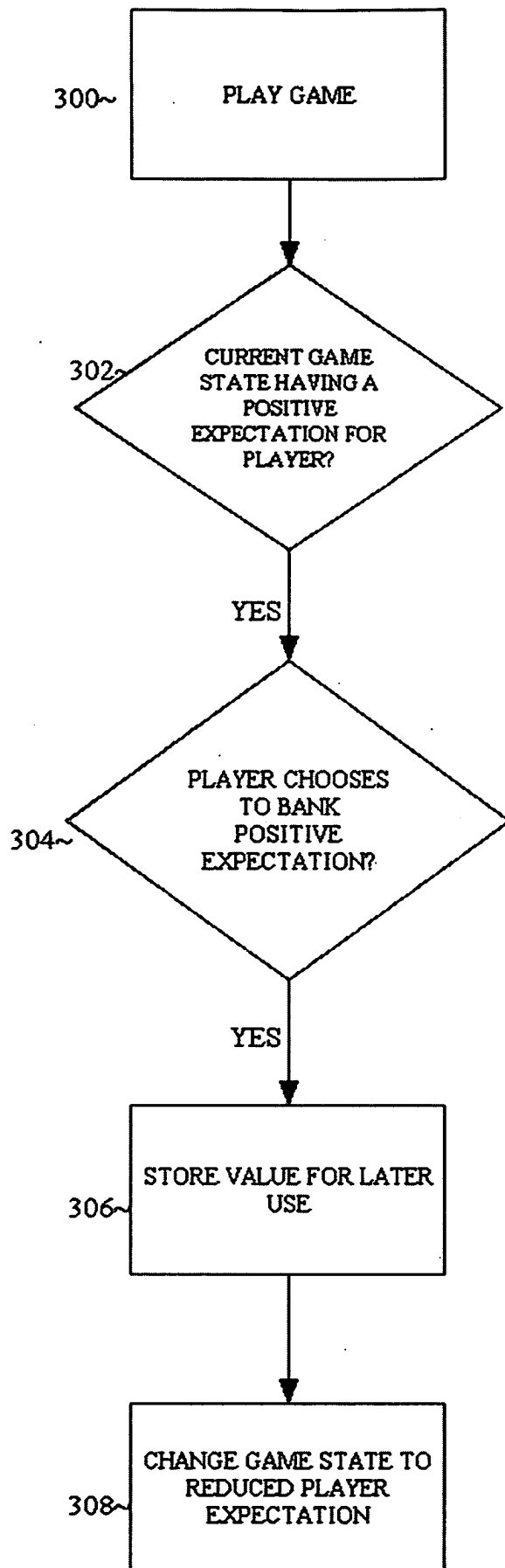


FIGURE 3

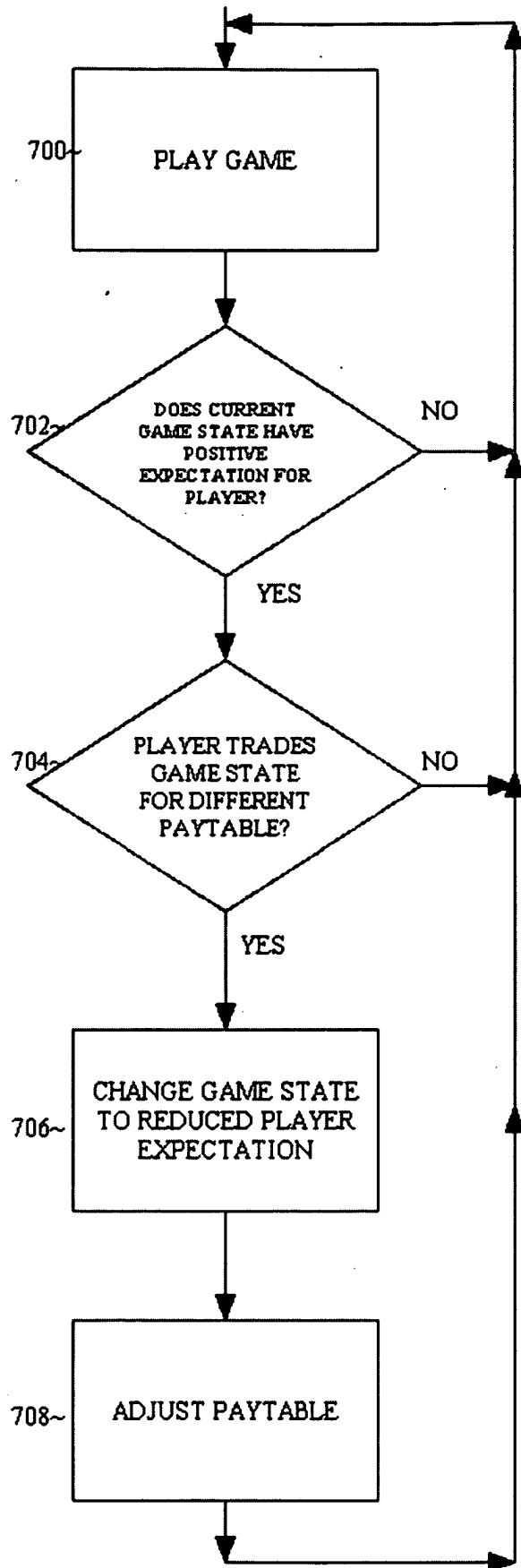


FIGURE 7



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/099,778	04/08/2008		

43536
MUSKIN & CUSICK LLC
30 Vine Street
SUITE 6
Lansdale, PA 19446

CONFIRMATION NO. 4813
FORMALITIES LETTER



Date Mailed: 04/29/2008

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$310 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
Note: If a petition under 37 CFR 1.47 is being filed, an oath or declaration in compliance with 37 CFR 1.63 signed by all available joint inventors, or if no inventor is available by a party with sufficient proprietary interest, is required.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) are required. The drawings submitted are not acceptable because:
 - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 1-3,7.
 - The drawings submitted to the Office are not electronically reproducible because portions of figures 3 are missing and/or blurry.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

page 1 of 2

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of **\$130** for a non-small entity, must be submitted with the missing items identified in this notice.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$1160** for a non-small entity

- **\$310** Statutory basic filing fee.
- **\$130** Surcharge.
- The application search fee has not been paid. Applicant must submit **\$510** to complete the search fee.
- The application examination fee has not been paid. Applicant must submit **\$210** to complete the examination fee for a non-small entity.

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/099,778	04/08/2008	3714	0.00		16	2

CONFIRMATION NO. 4813

43536
MUSKIN & CUSICK LLC
30 Vine Street
SUITE 6
Lansdale, PA 19446

FILING RECEIPT



Date Mailed: 04/29/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CIP of 10/874,558 06/24/2004 PAT 7,354,343
which claims benefit of 60/548,481 02/26/2004
This application 12/099,778
is a CIP of 10/688,898 10/21/2003 PAT 7,163,458
and is a CIP of 11/158,919 06/22/2005

Foreign Applications

If Required, Foreign Filing License Granted: 04/25/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/099,778**

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

Wagering Game That Allows Player to Alter Payouts Based on Equity Position

Preliminary Class

463

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

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Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

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NOT GRANTED

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TITLE OF THE INVENTION

WAGERING GAME THAT ALLOWS PLAYER TO ALTER PAYOUTS BASED ON EQUITY POSITION

CROSS REFERENCE TO RELATED APPLIATIONS

[01] This application is a continuation of part of application 10/874,558, now allowed, which both 1) claims benefit to provisional application 60/548,481, and 2) is a continuation in part of application 10/688,898, now U.S. patent no. 7,163,458; all three applications (10/874,558; 60/548,481; 10/688,898) are incorporated by reference herein in their entireties. This application is also a continuation in part of application 11/158,919, now pending, which is incorporated by reference herein in its entirety.

[02] This application is also related to patent 7,294,054 which is incorporated by reference herein in its entirety. This application is also related to application 10/754,587, which is incorporated by reference herein in its entirety. This application is also related to application 11/379,561, which is incorporated by reference herein in its entirety. This application is also related to application 11/379,555, which is incorporated by reference herein in its entirety. This application is also related to application 11/738,455, which is incorporated by reference herein in its entirety.

FIELD OF THE INVENTION

[03] The present inventive concept relates to a wagering game that allows a player to alter payouts based on an equity position the player has in the wagering game.

Description of the Related Art

[04] Casino wagering games are a billion dollar industry. When a player is playing a wagering game such as video poker or craps, the player may be limited to a single payable.

[05] What is needed is a manner in which a player can have an opportunity to receive a different payable.

SUMMARY OF THE INVENTION

[06] It is an aspect of the present general inventive concept to provide a player an opportunity to exchange game states for a different payable.

[07] The above aspects can be obtained by a method that includes (a) receiving a wager from a player on a player chosen outcome, the wager paying according to a first payable; (b) conducting a wagering game with a first game state; (c) progressing the first game state into a second game state based on a random determination; (d) determining from the player that the player wishes to change from the second game state back into the first game state in exchange to activate a second payable for the wager; (e) reverting the game from the second game state back to the first game state; (f) completing the game to determine whether the wager wins or loses; and (g) if the wager is determined to win, then paying the wager according to a second payable, (h) wherein if the player did not choose to change from the second game state back to the first game state, then if the wager is determined to win, then the wager is paid using the first payable.

[08] These together with other aspects and advantages which will be subsequently apparent, reside in the details of construction and operation as more fully hereinafter described and claimed, reference being had to the accompanying drawings forming a part hereof, wherein like numerals refer to like parts throughout.

BRIEF DESCRIPTION OF THE DRAWINGS

[09] Further features and advantages of the present invention, as well as the structure and operation of various embodiments of the present invention, will become apparent and more readily appreciated from the following description of the preferred embodiments, taken in conjunction with the accompanying drawings of which:

[10] FIG. 1 is a flowchart illustrating one example of a wagering game, according to an embodiment;

[11] FIG. 2 is a flowchart illustrating one example of borrowing money to pay for a wager, according to an embodiment.

[12] FIG. 3 is a flowchart illustrating an exemplary method of storing positive expectations for later use, according to an embodiment;

- [13] FIG. 4 is block diagram illustrating an exemplary set of components in order to implement an embodiment;
- [14] FIG. 5 is a flowchart illustrating an exemplary method of making a conditional wager, according to an embodiment;
- [15] FIG. 6 is a flowchart illustrating an exemplary method of using equity in a first wager in progress in order to fund a second wager, according to an embodiment; and
- [16] FIG. 7 is a flowchart illustrating an exemplary method of adjusting payouts based on a change in game position, according to an embodiment.

DESCRIPTION OF THE PREFERRED EMBODIMENTS

- [17] Reference will now be made in detail to the presently preferred embodiments of the invention, examples of which are illustrated in the accompanying drawings, wherein like reference numerals refer to like elements throughout.
- [18] Reference will now be made in detail to the presently preferred embodiments of the invention, examples of which are illustrated in the accompanying drawings, wherein like reference numerals refer to like elements throughout.
- [19] The present invention relates to casino games with a feature allowing a player to borrow money from the house. The loan is not made in accordance with known procedures for borrowing money in a casino, such as applying for credit and receiving a marker or other cash loan to wager with.
- [20] The present invention allows a player to borrow money against the player's position in a game already in progress. Some casino games are over immediately (i.e. "casino war,") in which there is really no "in progress" state. Other games, such as games related to betting on progressions, contain a plurality of game states or intervals upon which a player can develop a "positive position." A game related to betting on a progression can comprise a game which has numerous game states, typically with a preferred outcome. A positive position can comprise a game in a particular game state, with or without particular current wagers made, wherein the player has a better than 100% expected return.
- [21] In a first embodiment of the present invention, the player can borrow money from the house when the player is in a positive expectation position.

[22] For example, consider a simple game wherein piece A and piece B start at a beginning square and are advanced around a 20 square field according to respective rolls of dice, wherein a winner is the piece which reaches a finish area first. If the first three rolls for piece A are 1,2,1, then piece A would be at square number 4. If the first three rolls for piece B are 5,6,3, then piece B would be at square number 14. Obviously, piece B has a much better chance of winning the game than piece A. If a wager was made on piece B before the race began (assuming each piece pays even money to win), then piece B is considered to have a positive expectation.

[23] A "loan" to the player can be made based on this positive expectation. If the player loses, he typically will not be required to pay the loan back. If the player wins, then the player pays back the loan. However, in exchange for the privilege of taking such a loan out, the player may then also have to pay some type of "interest," commission, vigorish, etc., to the house for the loan.

[24] In an embodiment of the present invention, a player may borrow money from the house if the player is in a positive expectation position and the player makes particular bets wherein the player ensures that he or she is guaranteed to make a profit regardless of an outcome of the game.

[25] For example, consider a bidirectional linear progression game, wherein a piece moves in either of two opposing directions, wherein the game ends when the piece reaches either a leftmost side or a rightmost side. Consider the following exemplary conditions (of course other types of games and conditions can be used besides the one in this example): there are three squares (numbered -1, 0, +1) with finish squares to the very left and right, with one piece moving in either linear direction (left or right) based on a roll of a six sided die (with sides -1, -1, -1, +1, +1, +1, or L, L, L, R, R, R). If the die rolls a -1 (or L), then the piece moves one square to the left. If the die rolls a +1 (or R), then the piece moves one square to the right. When the piece reaches to the finish square left of the leftmost square, or to the finish square to the right of the rightmost square the game is over and either left or right has won. When the piece is on the -1 square, betting on right pays 3:1 and betting on left pays 1:3. When the piece is on the +1 square, betting on right pays 1:3 and betting on left pays 3:1. When the piece is on the 0 square, betting on left or right pays 1:1. Of course the number of squares, parameters of the die, payouts, etc. can be set to whatever the game designer prefers. Further, note that for simplicity this variation

has no house edge, although of course a house edge can be worked into the game.

[26] Table I Illustrates an example a game sequence of the above-described game. Each operation can comprise rolling the dice and/or making a wager.

TABLE I

Oper.	Action	Result	Position	Bet Placed	Left Win	Right Win	Exp. Profit
0	Start	n/a	0	n/a	\$0	\$0	\$0
1	Roll	R	+1	n/a	\$0	\$0	\$0
2	Wager	n/a	+1	\$5 left	\$15	-\$5	\$0
3	Roll	L	0	n/a	\$15	-\$5	\$5
4	Roll	L	-1	n/a	\$15	-\$5	\$10
5	Wager	n/a	-1	\$5 right	\$10	\$10	\$10
6	Wager	n/a	-1	\$5 right	\$5	\$25	\$10
7	Wager	n/a	-1	\$5 right	\$0	\$40	\$10
8	Roll	R	0	n/a	\$0	\$40	\$20
9	Roll	R	+1	n/a	\$0	\$40	\$30
10	Roll	R	Right Win	n/a			\$40

[27] In operation #0, the game starts. The puck is placed on the center position (position 0)). No bets are made yet.

[28] Now the game proceeds to operation 1, which is a roll. The result of the roll is R. Thus the puck is moved 1 square to the right and is now on position +1. No bets have been made, so if right wins or left wins the player wins \$0.

[29] The game then proceeds to operation 2, wherein the player makes a wager. The player makes a \$5 wager on the leftmost side (although of course the player can choose the amount to wager and the event wagered on). If the leftmost side wins, the player wins \$15, while if the rightmost side wins, the player wins -\$5 (loses \$5). There is no expected profit (or loss) for the player (since this example has no house edge).

[30] The game then proceeds to operation 3, wherein the die is rolled with an outcome of L. Thus, the puck is moved from +1 to 0. Note that the expected profit is now \$5, since the puck moved closer to the left which is the outcome that the wager was placed. Thus, the player expectation of this game state is now \$5, because in the long run the average amount the player will win is \$5. Since this number is positive, the house will lose from this game state in the long run.

[31] The game then proceeds to operation 4, wherein the die is rolled with an outcome of L. The puck moves from 0 to -1. Note that the expected profit is now \$10, since the puck has moved closer to the left. This game state is even more favorable to the player and the player's wager than the previous game state.

[32] The game then proceeds to operation 5, wherein the player places a \$5 wager on the right. Note that if the puck reaches the leftmost side the player wins \$10, and if the puck reaches the rightmost side, the player wins \$10. Thus, the player is now in a guaranteed winning situation.

[33] The game then proceeds to operation 6, wherein the player places a \$5 wager on the right. Now if the rightmost side wins the player wins \$25, while if the leftmost side wins the player wins \$5.

[34] The game then proceeds to operation 7, wherein the player places a \$5 wager on the right. Now if the rightmost side wins the player wins \$40, while if the leftmost side wins the player wins \$0 (breaks even from all of the bets).

[35] The game proceeds to operation 8, wherein the die is rolled and the outcome is R. The puck is moved to the right one square to position 0 (the middle). The expected profit is now \$20.

[36] The game then proceeds to operation 9, wherein the die is rolled and the outcome is R. The puck is moved to the right one square to position 1. The expected profit is now \$30.

[37] The game then proceeds to operation 10, wherein the die is rolled and the outcome is R. The puck is moved one square to the right which places the puck to the right of position 1, which ends the game. The rightmost side has won. The expected profit is now \$40, since the player wins a profit of \$40 (actually win \$60 but has bet \$20) and the game is over.

[38] Note that the player has placed \$20 in bets (4 bets of \$5). However, the player could have started with only \$5 in capital, which was wagered in operation 2. Upon reaching operation 5, the house could "lend" the player \$5 with which to bet with. This is because the player is putting himself or herself into a guaranteed winning position by making this wager. Upon placing the wager in operation 5, the player is guaranteed a net profit \$10 regardless of which side wins. Thus, the house can make this "loan" to the player since the house is guaranteed to get paid back once the game is over. Thus, this wager can be made from the player's own funds or from a "loan" from the house--the end result should still be the same.

[39] The same principle applies to the wagers made in operations 6 and 7. The wager in operation 6 results in both outcomes resulting in a profit, thus the house is guaranteed to recoup

the loan once the game is over. In operation 7, the player breaks even if the leftmost side wins. Thus, if the leftmost side wins, the player pushes, as whatever he wins from his or her bets on the leftmost side offset the losses from bets on the other side. The house can "lend" the player the money to make the wager in operation 7 because the player is guaranteed to at least break even, thus paying back whatever loan was made.

[40] Therefore, it is noted that according to an embodiment, the player can begin a game with a finite amount of money, and parlay his or her money into an infinite (in theory) amount of money during the same game. For example, in the above example, if the game did not end in operation 10 but instead the puck traveled back to the left (one or two squares), the player can then make further wagers to increase the amount of his or her win.

[41] In some situations, the player may make a wager which will not put the player into a guaranteed winning situation. However, if the player increases that wager, the player may then put himself into a guaranteed winning situation. For example, in the above example, if the wager in operation 5 is \$1 (instead of \$5), this would result in a net win of \$12 for the leftmost side and a net loss of \$2 for the rightmost side. However, if the player wagers \$2, then this would result in a net win of \$13 for the leftmost side and a net push if the rightmost side wins. Thus, the house may allow the player to make at least a \$2 wager in operation 5 (on the rightmost side), since this would result in a no-lose situation for the player (hence the house will always collect the "loan"). But the house may not wish to allow the player to make the \$1 wager (unless of course the player is using his or her own money), since there may be a situation where the player will not be guaranteed to pay this loan back.

[42] Thus, the house may wish to compute at what amount a player should make a particular wager in order to be allowed to bet with "borrowed" money. Of course, if the player is not currently in an "equity" state in the game, then no wager (on either side) would put the player into a guaranteed winning situation. An equity state of the game can be considered a position where a player has a positive expectation based on his or her wagers and the game state. A player can "borrow" against this state in order to make further wagers on the game with this borrowed money.

[43] The amount needed to bet in order to put the player into a guaranteed winning position can be computed as follows. First, note that the net win for either or both sides can be computed by the following formulas:

Net left win= $(\Sigma \text{left bet on square } n * \text{left payoff for square } n) - \text{total bet}$;

Net right win= $(\Sigma \text{right bet on square } n * \text{right payoff for square } n) - \text{total bet}$;

[44] If the player wishes to bet on the leftmost side and needs to be in a guaranteed pushing (or winning) position, then the net leftmost win can be set to zero (or greater) and the "left bet on square n" can be solved for, wherein n is the current location of the puck. For example, consider operation 5 of the example above. Suppose it is to be computed how much the player needs to bet to be guaranteed to break even.

[45] Currently, as per the wager in operation 2, the game has one wager of \$5 on the leftmost side made at position R. Thus, using the payouts for this particular example as described above, the net left win is: $0 * (4/3) + 0 * (2) + \$5 * (4) = \15 (note that 1 is added to the payout to account for the return of the original bet, i.e. a 1:3 payout is represented as 4/3 in the above formula). The player wishes to make a bet on the rightmost side in order to guarantee a breakeven situation. Thus, let X=the amount needed to bet to guarantee a breakeven situation. Thus, we set the net right win to be 0 (a push if right wins), such that:

$$0 = 0 * (4/3) + 0 * (2) + X * (4) - \text{total amount wagered};$$

[46] The total amount wagered is going to equal the current amount of bets on the game (\$5) plus X. So follows the following equation:

$$0 = X * 4 - (5 + X);$$

[47] solving for X, we get $X = 5/3$ or \$1.67. Thus, the player would need to wager at least \$1.67 on the rightmost side in operation 5 in order to break even (or slightly better). This amount can be rounded (up or down) to the closest denomination allowed by the game to be bet.

[48] In an embodiment, an operator may wish to allow the player to wager using borrowed funds only for situations where the player puts himself or herself into a guaranteed winning position. This way the funds are sure to be paid back. In this embodiment, the above formulas/methods can be used to determine when the player will be in a guaranteed winning (or breakeven) position. For example, in one embodiment, money can be loaned to the player as long as both the left net win and the right net win are positive (or at least zero). In this manner, the player cannot lose money on the wager even though the player has borrowed funds in which to do so.

[49] In a further embodiment, the game may automatically compute a wager direction and amount to wager which would guarantee to put the player in a winning (or break even) position, and output this information to the player. For example, in the example above, an optional pop-up window can appear saying, "if you bet \$1.67 on the rightmost side, you will be guaranteed not to lose."

[50] Table II below corresponds to the game form Table I and illustrates an example where equity funds are used and the balance between the player's funds (liquid cash present in the machine) and equity funds (funds the player can borrow).

TABLE II

Operation	player's funds	Equity funds left side	Equity funds right side
0-2	\$5	\$0	\$0
3	\$0	\$0	\$15
4	\$0	\$0	\$15
5	\$0	\$0	\$10
6	\$0	\$0	\$5
7	\$0	\$0	\$0
8	\$0	\$40	\$0
9	\$0	\$40	\$0

[51] The player starts with only \$5 in credits (e.g. the player deposited a \$5 bill in the machine) and places a \$5 wager in operation 2. In operation 3, because the puck has moved in the direction of the initial wager (left), the player can now bet \$15 on the rightmost side. This is because the player will be guaranteed to win (or at least break even) by now betting on the right side. When the player reaches operation 8, the player can now wager \$40 on the left side using equity funds, because the house cannot lose by making this loan.

[52] The player may be given the option of whether to use the player's own funds or borrowed funds for making wagers (if the current circumstances dictate that the player will be allowed to borrow money). Alternatively, the player may be forced to use the player's own liquid funds before having to resort to borrowed funds. Alternatively, the player can automatically use borrowed funds wherever possible before having to use the player's own funds.

[53] In a further embodiment, bets placed using equity funds may pay the player less desirable odds (payouts) for the player than bets placed using the players own funds. For example, an additional commission may be taken out of any win based on equity funds. In an embodiment, a

player may be allowed to place a bet with borrowed funds if the player is currently in a positive expectation situation.

[54] Alternatively, an embodiment may allow the player to wager on borrowed funds (on any outcome) without meeting break-even (or profit) requirements. In some cases of betting with borrowed money, the long run distribution of funds at the outcome of the game will be the same or similar whether or not the player makes a wager that does not put him or her into a guaranteed winning position. An example of this is in Table I, operation 5, if the player bet \$2.50 instead of \$5. Thus, in these situations, the house may permit the player to use borrowed funds to wager into a non-guaranteed winning position.

[55] FIG. 1 is a flowchart illustrating one example of a wagering game, according to an embodiment. A progression game is a game which has a plurality of game states, each game state may have a different expected return for the player based on the player's wagers and the current game state. The game is over when the game reaches a terminating game state.

[56] The method can start at operation 100, which accepts initial bets. A player may not be required to wager on the game before the game starts, and may choose to just wager on the game during the game.

[57] The method can then proceed to operation 102, which progresses the game. This can be accomplished by activating a random number generator in order to change the game state. The game state may also be changed by a player choice (i.e. deciding where to move a piece). A die can be used to move a piece (or pieces) in the game.

[58] The method can then proceed to operation 104, which checks to see if the game is over. The game may be over when variable parts of the game state (i.e. piece positions) are in a terminating condition.

[59] If the check in operation 104 determines that the game is not over, then the method can proceed to operation 106, which offers the player an opportunity to make additional wagers. The method can then return to operation 102, which further progresses the game.

[60] If the check in operation 104 determines that the game is over, then the method can proceed to operation 108, which accounts for wagers. This means taking losing wagers and paying winning wagers according to their respective payouts. Any borrowed money can be repaid at this time. The method may then optionally start a new game and return to operation 100.

[61] As discussed previously, an embodiment allows the player to potentially turn a small or finite amount of money into a large or infinite amount of money by betting with borrowed money based on an equity position in the game.

[62] FIG. 2 is a flowchart illustrating one example of borrowing money to pay for a wager, according to an embodiment. The method illustrated in FIG. 2 may occur during operation 106 from FIG. 1.

[63] The method starts with operation 200, which receives a request by a player to make a wager with borrowed funds. The request to use borrowed funds can be explicitly made by the player, or the request can be automatically triggered when a player has no more liquid funds available, or the request can typically be automatically triggered regardless of a player's request of his or her current funds. The borrowed funds can be used from equity (or "equity funds") the player has developed in the current game in progress.

[64] The method then proceeds to operation 202, which determines if the wager will put the player in a guaranteed winning position. This can be done as discussed above, e.g. determining net wins from all possible outcomes and seeing if all net wins result in a positive net win (or at least break even).

[65] If the check in operation 202 determines that the wager puts the player in a guaranteed winning (or at least break even) position, then the method can proceed to operation 204, which allows the player to make the wager. From operation 204, the method can then continue with the game (i.e. proceed to operations 106 or 102).

[66] If the check in operation 202 determines that the wager will not put the player in a guaranteed winning (or break even) position, then the method can proceed to operation 206 which will reject the wager. The player may then try another wager, perhaps a different wager that will not be rejected as such. Otherwise, the game can continue as normal.

[67] Alternatively, if the check in operation 202 determines that the wager will not put the player into a guaranteed winning (or break even) position, then the method can proceed to operation 208, which can automatically compute a wager amount which would put the player in a guaranteed winning (or break even) position. The newly computed wager amount can then be offered to the player for the player's acceptance, or the wager can be made automatically. The computed wager amount can be computed according to the methods described previously. The method can then continue the game.

[68] Alternatively, if the check in operation 202 determines that the wager will not put the player into a guaranteed winning (or break even) position, then the method can proceed to operation 210, which may still allow the wager but charge a commission on the loan. If a player has developed a positive expectation in the current game, then the player may be allowed to borrow against that positive expectation to make a further wager, even if that further wager will not put the player in a guaranteed winning position. It is noted that the house may never receive a payback on this type of loan, for example if the player loses. Typically, the player would not be required to pay such a loan back out of the player's personal funds at a later time. The type of loan for the current game is different from a typical credit loan in which the player must pay back. Thus, in exchange for making the loan to the player in which the house may never get paid back, the house can charge a commission on the loan or can charge an extra commission on any win. In this way, when the game is over, if the result is a net win for the player, the house receives compensation for making the loan. Typically, the average compensation received should offset the potential losses for making this type of loan in the first place.

[69] For example, consider the three square game described earlier. When the puck is on the leftmost square (-1), the player places a \$50 wager on the rightmost side. The puck then moves to the rightmost square (+1). The player now has an expected profit of \$100. Of course, the player could still lose as well. In an embodiment, the house may choose to loan the player money to make a wager on either side, even though the loan will not put the player in a guaranteed winning position. The "collateral" for the loan is the player's \$100 expected profit. The "interest" for such a loan can be a commission taken out of the player's winnings. For example, if the player borrows \$10 to now make a bet on the leftmost side, if the puck finishes on the rightmost side the player wins net \$140, while if the puck finishes on the leftmost side the player loses \$20. A commission can be taken out of the player's winnings (e.g. 20%, or other percentage) to pay for the loan (while if the player loses he does not owe the house money). In this way, the house will still profit from making such loans in the long run. The commission rate should preferably (although not required) be set so that the commission offsets the house's potential loss on the loan such that the house will make more money from making such loans than not making them. In an embodiment, a commission need not be charged.

[70] Thus, according to embodiments, a player can start with a small amount of money, but continue to make wagers while playing the game allowing the player to build up a large amount

of wagers and net wins on the game. The amount of wagers placed can exceed the amount of liquid funds the player currently has. Once the game ends, the player is paid and any "loans" are paid off.

[71] In a further embodiment, the equity concept described herein can be applied to craps. Equity obtained in a game of craps can be cashed in. For example, consider if a player bets an initial don't pass line bet of \$100. The outcome of the come out roll is 10 ("the point"). According to the standard rules of craps, if the next roll is 10 the player loses while on a 7 the player wins (any other outcome of the dice results in a re-roll). Since a 7 is more likely than a 10, the player has a positive expectation at this point. If the player wishes to surrender this bet, his surrender value is:

$$(\text{original bet}) + (\text{chance of winning} * \text{amount to be won})$$

[72] In this example, the chance of the player winning in this case is (1/3), while the player will win even money on his or her craps bet of \$100. Thus, the value of the player's bet is $\$100 + (1/3) * \$100 = \$133.33$. Thus, the player can choose to continue rolling (and win or lose) or accept the surrender value of \$133.33, which is based on equity in his position based on events that have occurred in the game (the come out roll). All other situations in craps can be addressed similarly (i.e. other come out rolls, etc.)

[73] The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games. For example two teams can play a best 4/7 series. After each game in the series (and even during particular games), payout odds for each team winning the series can change to reflect the current conditions (as described herein and/or known in the art) and players can make wagers during the series.

[74] The embodiments described herein can further be applied to a race game, wherein a player wagers on which of a plurality of pieces will reach a finish line first. For example, a player who wagers on a first piece at the start of the race (in this case where each piece starts at the same position with equal advantage) and the first piece takes the lead, then at that interval the player has developed equity in the game, which can be used as a basis to borrow for further bets. In alternative races, the pieces may not have to start at the same location, and pieces may not all have equal advantage (e.g. different pieces may have different speeds or dies).

[75] The embodiments described herein can further be applied to a chase game, wherein a player wagers on which of one or more pieces will reach a dynamic finish line first. The dynamic finish line is a finish point which can change and can for example be another moving piece.

[76] In addition to applying the equity concepts described herein to the above-described games, the methods described herein of using equity funds can also be used for any game that has variable states and is not over without an interval in between states.

[77] In a further embodiment, implementing a wagering game as described herein can be combined with other gambling games such as craps or roulette. For example, a roulette game can also have a section dedicated to wagering on a bidirectional linear progression (as described herein). When the ball stops on black, a puck can move in one direction (e.g. left), while when the ball stops on red, the puck can move in the opposite direction. In this way, this wagering game can operate alongside a standard roulette game, with no additional random number generator needed. Alternative, the bidirectional linear progression can operate alongside a craps game, using predetermined die or dice outcomes to determine which direction the puck moves.

[78] When the player is playing a game in which the player can be "winning" before the game is over, the player may wish to have a way to cash in on the winning state before completing the game. For example, if a player bets on a particular horse in a horse race, and the particular horse is winning, the player has some satisfaction (at least for the moment) that the player is in a good position. Of course, the player's horse can lose and the player can be left with nothing. A player may find it attractive to be able to accumulate (or "bank") a portion of a positive expectation situation for later redemption. In this manner, even if the player ultimately loses his or her wager, the player has not lost everything because the banking has been performed.

[79] For example, consider a \$100 craps wager on the Don't Pass line. Since the house edge on the Don't Pass line is 1.364%, the expected value of the player's wager is \$98.64. The dice are rolled and the come out roll is a 10. The player is now happy, as the player wins if the shooter rolls a 7 and loses if the shooter rolls a 10 (any other total the shooter keeps rolling). Of course, it is easier for the shooter to roll a 7 than a 10. The probability of the shooter rolling a 7 before a 10 is 66%. Thus, the expected win is \$133.33. Of course, the player can still lose the wager if the shooter rolls a 10. The player can surrender his craps bet for \$133.33 or a lesser amount (so that the house takes a commission). For example, the house can let the surrender the wager for \$125.

The house makes money on this proposition, and the player gets the peace of mind of the sure win.

[80] The player can also bank a portion of the expected profit the player has earned for later use. This can be done in a number of ways. The player can receive a \$33.33 amount (or an amount based on this such as a lesser amount such as \$25 to account for a house commission) and the point can be reset so that the game is in the previous game state with the \$100 still wagered on the Don't Come line. Alternatively, the house can take a portion of the player's wager (such as 10%), so that the player now has \$90 on the Don't Pass line. The taken portion can be stored for later redemption by the player. The \$10 taken actually has an expected value of \$13.33. This \$13.33 (or a number based on this to account for the house commission) can be accumulated and disbursed to the player at a later time (either later at the instant game, or later at another game, or by electronic redemption). If the shooter rolls a 7, the player then wins \$90 and if the shooter rolls a 10 the player loses his wager. However, in both cases, the player has banked the banked value for a later redemption. In this way, the player can continue to wager, but limit his losses by ensuring that some amount is still saved for later.

[81] Consider a bilinear progression type game wherein a player can bet on a puck reaching a left side or a right side; the game has five spots numbered from left to right: -2, -1, 0, +1, +2 for the puck (not including an area to the left of spot -2 when the left side has won and an area to the right of spot +2 when the right side has won); the puck starts on spot 0; a die is rolled to determine whether to move left or right, the die has six sides: -2,-1,-1,+1,+1,+2; from spot -2, left pays 1:5 and right pays 4:1; from spot -1, left pays 1:2 and right pays 9:5; from spot 0 left pays 19:20 and right pays 19:20; from spot +1 left pays 9:5 and right pays 1:2; from spot +2 left pays 4:1 and right pays 1:5. It is noted that these rules are just exemplary and of course any other set of rules/parameters could be used as well.

[82] If the puck is on spot +2 and a \$10 wager is placed on the left side, and then the die is rolled results in a -2, the puck is now on spot 0. The player now has an expected profit of \$15. This can be computed by multiplying the probability of reaching the left side (50%) by the total win of the left side (\$50), and then subtracting the original wager amount (\$10). The player may wish to "bank" this expected profit for later use. If the player wishes to bank this amount (or a fraction of this amount), the game state should be adjusted back to remove the amount of player advantage that is banked for later use.

[83] Thus, for example, if the player wishes to bank his or her \$15 expected profit, the game state can return to the previous state (e.g. the puck is at +2 with a \$10 wager on the left side). This state is less desirable to the player, since the player has no expected profit here. In exchange, the player has banked the \$15 in expected profit for later use.

[84] The expected profit banked for later use can be used in a variety of ways. The \$15 in the above example can be redeemed by the player for cash. The \$15 can also be used to buy positive game states at a later time. For example, if the player is playing a game with multiple game states, and the player wants to put himself in a more favorable state, the player can use the banked money to buy a better state. A value stored for later use can also be applied towards room, food and beverage bills, etc. The value stored for later use can also be redeemed for cash at a later time. The value can also be redeemed for cash instantly, and the redeemed cash can be immediately returned to the player's current credit meter. The value stored for later can be stored locally and/or on a database which can be accessed at a later time.

[85] As a further example, when a player achieves a positive expectation (or profit) in a game, the player can be alerted and/or presented with a pop up window which can make an offer such as, "would you like to revert to the previous game position and receive a free lunch at the buffet worth \$15?"

[86] The player can use value stored to purchase better game states than the player currently has. For example, if the player's current game state has a current value of \$20, then when the game state is advanced (e.g. rolling of a die, spinning a wheel, generating random numbers on a computer, etc.) the game has a current value of \$10 (the new game state was unfavorable to the player compared to the previous game state). The player can use value that the player has banked at a previous time to purchase the better (\$20) game state, or any other game state which is improved over the current game state. So for example, if the player has banked a \$15 value for later use, and the player has just lost \$10 in his or her current game state, the player can apply \$10 of stored value to put the game state back to the previous state before it lost \$10 in value. The player would then have \$5 value remaining which can be used later on for further such transactions.

[87] FIG. 3 is a flowchart illustrating an exemplary method of storing positive expectations for later use, according to an embodiment.

[88] The method can start with operation 300, which plays a wagering game. The wagering game should be one which has multiple game states, either discrete (each successive game state is prompted and advanced by the player) or continuous (the game automatically advances throughout game states until a player takes an affirmative action to freeze the current game state and take action).

[89] The wagering game can be any wagering game with multiple game states, including but not limited to any of the games described herein or in prior documents incorporated by reference.

[90] The method can continue to operation 302, which determines whether the current game state has a positive expectation for the player. If the current game state has a positive expectation for the player, then the player has "equity" in the game.

[91] The player's expectation in a game can be determined in numerous ways, such as:

For all outcomes, $\Sigma(\text{probability of outcome} \times \text{reward for the outcome})$.

[92] The previous amount can also be subtracted by the current amount wagered to determine an expected profit in the current game situation. Either the expectation or expected profit can be used in the computations described herein.

[93] If the current game state has a positive expectation (or positive expected profit) for the player, then the method can proceed to operation 304, which then determines whether the player chooses to bank his or her positive expectation. This can be prompted by an automatic pop up window which allows the player to choose whether he wishes to bank some or all of his recent gains in expectation for later redemption (with a return of the game state to the prior or other position with lesser expected value than the current state). The player can also exercise this option either verbally to a live dealer or electronically with a press of a button which allows the player to bank his or her positive expectation.

[94] If the player chooses in operation 304 to bank his or her positive expectation, then the method can proceed to operation 306, which stores the value the player has banked for later use. This can be stored in the current machine and/or a remote database for later retrieval. A player can bank his or her positive expectation for later retrieval when the player is playing a same or different game at a later point in time.

[95] Either the player can select how much positive expectation to bank, or the machine can automatically calculate an amount of positive expectation to bank. For example, one way to

calculate the amount of positive expectation to bank is the amount of positive expectation the player has gained from the previous game state.

[96] From operation 306, the method can proceed to operation 108 which changes the game state to a game state with a reduced positive expectation for the player. The difference in expectation between the changed state and the prior state can be based on the value stored in operation 104. For example, the game state can revert to the prior game state before the last state change, and the value stored can be based on the difference in expected value between the two states.

[97] The value stored can also be adjusted for a house commission. For example, if the player is at game state A (with an expected profit of \$15), and the game progresses to game state B (with an expected profit of \$25), then the player may wish to bank \$10 for later use. The game state can then return to game state A, with \$10 added to the player's stored banked value. The \$10 can be multiplied by a house commission, for example 0.90. Thus, \$9 can be stored for later use by the player.

[98] Thus, by implementing the method as exemplified in FIG. 3, a player can play a multiple state game and bank value for later use. The player may end up losing instant money on a final result of the multiple state game, but nevertheless may have accumulated value which he or she banked for later use in which the overall play for the player may be considered profitable (for example exceed the player's total investment in that game).

[99] In exchange for storing a value redeemable for later use, the value can also be an award of a non-monetary award. For example, a player may receive a free meal, room, or any type of room, food, or beverage credit. For example, after a game state is changed to a more favorable position, and the different between the two positions is worth a value comparable to a free meal at the buffet, a pop up screen may appear, "Player--press this button if you would like to revert to your previous game state and receive a free meal at the buffet." If the player takes advantage of the offer, then the award (such as a free meal) can be mailed to the player or the player can redeem the award in person (e.g. at the buffet counter, a casino host, etc.) The marketing computer can store the fact that the player has won the award.

[100] In a further embodiment, a cumulative value of saved awards can be redeemed at a later time for a higher amount than originally earned. For example, if a player earns \$10 during a game to be stored later, the \$10 can be redeemed at a later point in time (e.g. the next day, a

month later, a year later, or any amount of time) for \$11 (or any multiple). In this way, a player may be encouraged to return to the casino at a later time since there will be more money waiting for the player than he or she originally accumulated. Alternatively, saved awards can be redeemed for lower amounts as well. This may be so that the house can take a commission from these transactions. It is up to the casino's preferences to determine whether saved awards can be redeemed at a higher, lower, or same cash value as when they were banked.

[101] Saved awards may also be used to purchase additional game positions. In a bilinear progression type game mentioned above, if the player made a \$5 bet on the right side at the -2 position and the puck is currently on the +2 position, the expected profit of the game is approximately \$15 with a net win of \$20 on the right side. The player may "buy" a roll of +1, thereby resolving or concluding the progression and winning the game, for \$5, effectively winning the player \$15 after considering the \$5 buy-in. This can also be considered similar or equivalent to "surrendering" (or "retreating") the wager in this circumstance, but buying puck moves does not necessarily have to make the player a winner. Puck positions can also be "surrendered" (or "retreated", "sacrificed", or "relinquished") to less valuable positions for the player, in which the player can bank the value of such unfavorable changes in game state.

[102] In yet a further embodiment, when a player achieves a positive change in his or her expectation, a portion of the increased expectation can be automatically banked for later redemption.

[103] For example, consider the bilinear progression game described above. Since the current state (the puck on 0) has an increase in expected profit of \$15 from the previous state (when the puck is on 2), the machine can automatically bank a portion (e.g.) 10% of a wager with a positive expected value for later use. Thus, the machine can deduct 10% of the \$10 wager (\$1) to leave a \$9 wager on the left side. The \$9 wager on the left side results in a net left win of \$36. The expected profit is now 90% of \$15 or \$13.50. Thus, \$2.50 can be banked for later use since this is the expected value of the \$1 wager that was removed. The \$2.50 is computed by (50% chance of winning on the left side)* \$5 (win resulting from the \$1 including the original \$1 wager). Thus, by automatically removing \$1 from the wager that has a positive expectation, the player can bank \$2.50 for later use (in any manner described herein).

[104] FIG. 4 is block diagram illustrating an exemplary set of components in order to implement an embodiment.

[105] A machine game 400 can be any wagering machine game, such as a slot machine, video poker machine, or machine game which plays any game which can have multiple states (e.g. games which a player can wager on a progression). The machine game 400 can be associated with a comp card reader 402 in which the player can use his or her comp card to identify the player.

[106] A database 404 can be used to store values banked for later use. The database 404 can be accessible by all games in an individual casino or a group of casinos. Value banked for later use can be stored in the database using the player record.

[107] It is further noted that the methods described herein can be applied to all games, including live table games or live sporting events, described herein (which includes the games described in the Ser. Nos. 10/754,587, 10/410,448 and 10/688,898 documents). For example, in any progression type game with multiple states, a player may borrow (or be provided with a bonus with playable credits) money from the house to place guaranteed winning wagers. In some games it may be necessary to make multiple wagers in order to guarantee a win. For example, in a progression game with 3 pieces (A, B, C) in a race or chase to win, if a player has wagered on piece A and is in a positive expectation situation (the player has equity), the player may need to wager on both pieces B and C in order to guarantee a winning position. The house can loan the player the money to place these wagers in order that the player is guaranteed to win.

[108] In a further embodiment, a conditional wager can be placed. A conditional wager is a wager that is placed if a particular pre-condition event happens, and then a conditional wager amount is placed on a conditional wager event. For example, a bettor may wish to place a conditional wager on a Yankees/Braves game. The player wishes to bet \$10 that the Yankees will win on the pre-condition that the Yankees are ahead at the end of the fifth inning. The \$10 is a conditional wager amount and a Yankee win is the conditional wager event. If the Yankees are not ahead at the end of the fifth inning, then the conditional wager is not placed.

[109] FIG. 5 is a flowchart illustrating an exemplary method of making a conditional wager, according to an embodiment.

[110] The method can start with operation 500, wherein before the event starts, a pre-condition event is received, as well as a conditional wager event and a conditional wager amount. The pre-condition event may also include a time period for the pre-condition, which may be either an actual time (e.g. 1 pm, 4 minutes left in the game, etc.) or a discrete segment of an event (e.g.

after the fifth inning, at halftime, etc.) The payout odds for the conditional wager event may be known when the conditional wager is placed (typically before the event) or may not be known at the time the conditional wager is placed. The event may be a sporting event (including horse racing, football, etc., simulated by machine or real), a gambling game (e.g. craps, blackjack, etc.), or even a dramatic work (such as a reality show).

[111] From operation 500, the method can proceed to operation 502, which begins the event and records the event states. The event states can be recorded on a digital media, on video capture, etc.

[112] From operation 502, the event can proceed to operation 504, which finishes the event.

[113] From operation 504, the method can proceed to operation 506, which determines whether the pre-condition occurred. If the pre-condition did not occur, then the method can proceed to operation 308, wherein the conditional wager is not made. The amount for the conditional wager may be returned in its entirety, or the house may get a commission on the wager even though it was technically not "in action."

[114] If the determining in operation 506 determines that the pre-condition occurred, then the method can proceed to operation 510 which determines whether the conditional wager event occurred. The conditional wager event is the actual event that the player hopes to occur in order to win the conditional wager. This can be whether a particular team or horse wins an event, a proposition wager within that event, or any outcome that the player has wagered on.

[115] If the determining in operation 510 determines that the conditional wager event did not occur, then the method proceeds to operation 512 wherein the player loses the conditional wager.

[116] If the determining in operation 510 determined that the conditional wager event has occurred, then the method proceeds to operation 514 wherein the player wins the conditional wager. The payouts (odds) for the conditional wager may be determined before the event, or they may be determined after the event using for example pari-mutuel determined odds.

[117] It is noted that the operations in FIG. 5 can be performed in any order. For example, operations 506-508 can be performed before operation 504 (when the event ends).

[118] An advantage of participating in conditional wagering is that the bettor may be able to put himself in a no-lose situation if the pre-condition occurs. For example, consider a two horse horserace with the horse A as a 9:1 long shot and horse B paying 9:10. A bettor wagers \$100 on horse A to win the race. The bettor also makes a conditional wager, the pre-condition being that

horse A be in the lead at the half-way point and the conditional wager event is that horse B wins the overall race (the odds of B winning should typically be determined based on the conditions at the halfway point).

[119] The conditional wager amount can be set by the player or can be automatically determined to be an amount necessary to guarantee the player a win. At the halfway point, odds can be determined for the outcomes. This can be done on a pure mathematical basis (if the event is determined purely by chance), on a pari-mutuel basis, using a handicapper, or any other method. If the payout for B winning is 5:1 (since A is in the lead it is more unlikely for B to win now), then since there are only two horses in this example the probability of B winning (based on the payout assuming no house, commission for simplicity) is approximately 17% ($1/6$) and the probability of A winning is 83% ($100\%-17\%$). A \$100 wager on B would pay \$600. Since the player had wagered \$100 for A to win and the payout for this bet is \$1000 (at 9:1), the expectation of this wager is $0.87 * \$1000 = \870 . \$10 can now be removed from the original wager amount of \$100 on horse A to result in a \$90 on horse A, and this frees up $\$87 \left(\frac{10}{100} \right) * \870 to place an additional wager. In other words, the current payouts based on the current state can be used to determine a current value of already placed wagers. The additional wager can now be on horse B which is now paying 5:1, which thus pays \$600 if horse B now wins, although of course the player would lose his original wager on A. If horse A wins, the player has won \$783. The exact amount can be chosen by the player, can be randomly determined, can be calculated to be the minimum amount required to put the player in a break even position, or can be (automatically or manually) chosen to spread the player's equity over both sides.

[120] Thus, using conditional wagering, the player may be able to put himself into a guaranteed winning condition if the player's precondition(s) are met and the payout odds are such that they can support such guaranteed wagers.

[121] In a further embodiment, a player can use equity in a current wager in order to place an additional wager. For example, before the game, a bettor may bet \$100 that the Yankees will beat the Braves outright in an even money bet (+100 moneyline). After the fifth inning, the Yankees are winning by 4 runs. At that point in time, the bettor has equity in his wager. The wager has equity in that the bettor may not be guaranteed to win but he or she has a positive expectation in the wager based on the current game state. The probability of the bettor winning his or her wager multiplied by the win amount is greater than the initial wager itself. If a pari-

mutuel system (or a handicapper) at that point determines that the Yankees now have a 66% chance of winning the game, the expected value of the bettor's wager is now effectively \$132. The bettor may wish to use equity in his or her wager to place further wagers. The player may wish to use \$1 of that amount and make a second wager, for example on a proposition that the game will go into extra innings. A \$1 amount is actually worth \$1.52 of the first wager ($\$1/0.66$). Therefore, \$1.52 can be subtracted from the \$100 original wager to result in a \$98.48 wager remaining on the Yankees. Now \$1 is freed up for a second wager. It is also noted that the player need not be in a positive expectation situation in order to utilize the method of cashing in value for a current wager in progress in order to place a second wager. However, a bettor in a positive expectation situation may be more eager to make further bets when he or she is winning their current wagers.

[122] FIG. 6 is an exemplary flowchart illustrating a method of using equity in a first wager in progress in order to fund a second wager, according to an embodiment.

[123] The method can start with operation 600, which receives a first wager on an event. The event can be a sporting event, a gambling game (e.g. card game etc.), or any event that bettors have placed wagers on in the prior art.

[124] From operation 600, the method can proceed to operation 602, which begins the event and progresses a portion of the event (but the event is not over yet).

[125] From operation 602, the method can proceed to operation 604, which determines whether the player has equity in the first wager. The player has equity if the player's expected profit is greater than 0, or if the player's expected winnings is greater than the initial wager.

[126] If the determining in operation 604 determines that the player has equity in the first wager, the method can proceed to operation 606, wherein the player can use some or all of his or her equity in order to make a second wager. The portion of the first wager used for the second wager can be "surrendered" (or "relinquished" or "withdrawn") based on its current value so it can be used for the second wager. The amount of the first wager used for the second wager can be considered a reduction amount. The reduction amount can be for example a percentage of the first wager, a fixed amount, a user-selected amount, etc.

[127] An advantage of doing this while the bettor has equity in the first wager is that the bettor can put himself into a no-lose situation. For example, consider a football game with the Patriots vs. the Giants. The Patriots are a +900 long shot. A bettor wagers \$100 on the Patriots. At

halftime, the Patriots are winning by +28 points. At this point, a pari-mutuel halftime betting pool determines that the Giants are now a +1000 long shot. Assuming no house commission for simplicity, a +1000 translates into a 10% probability of occurrence of the Giants winning. Thus, the bettor has a 90% chance of winning \$900, thus the effective value of the original wager is now $0.90 \times 900 = \$810$. The bettor can now surrender \$10 of his original wager which is effectively worth \$81. This \$81 can now be wagered on the Giants which would result in a \$810 win if the Giants win. The player now has \$90 wagered on the Patriots for a win of \$810 if the Patriots win. Thus, the player is in a no-lose situation and can relax and enjoy the game without worry.

[128] It is further noted that operation 604 is optional, and in fact, even if the player is in a negative expectation situation, the player can still utilize the method described herein of cashing out a portion of a current bet in progress in order to pay for an additional wager.

[129] In yet a further embodiment, a wager can be placed on a horse in a horse race to beat another horse, but irrespective of where the horses involved in the bet actually finish in the race. For example, consider a race with horses A, B, C, D, and E. A player can wager that horse A will beat horse D to the finish line, but it does not matter whether horse A (or D) wins the race or where they finish. The payouts for such a bet can be determined using any known method of determining payouts (e.g. pari-mutuel, etc.) This type of wager can also be applied to other events as well, such as whether player A may score higher than player B in a tournament (e.g. tennis, Texas-Holdem, etc.) irrespective of whether these players actually win the tournament.

[130] It is further noted that any of the games/methods described herein can be applied with a "reverse" feature. For example, when a hunter piece (a piece that is chasing a hunted piece) is moving around a track, the hunter piece can change directions. This can be triggered in a number of different ways, such as by a random number generator, by the hunter piece reaching a certain location, etc. Thus, for example, if hunter pieces X and Y are chasing hunted piece A around a circular track, piece X may suddenly change direction and continue in the opposite direction in the hunt for piece A. In a further embodiment, more than one piece, or all pieces, can change direction (which can include both a hunter piece and a hunted piece).

[131] It is a further feature that any of the games/methods described herein can accommodate an "escape" feature. If a hunter piece is hunting two hunted pieces, the two hunted pieces may manage to escape from the playing field. For example, if the hunted pieces get too far away from the hunter piece, or if one or more hunted pieces reaches a certain location, or by use of a

random number generator. If the hunted pieces escape, then the game results in a tie or a further bonus game can be initiated.

[132] In a further embodiment, game states can be exchanged for a different payable. For example, if a player is playing a multiple state game and the game progresses into a positive expectation situation for the player, the player can exchange the positive game state for higher payouts. Thus, the game state can be changed to a reduced expectation game state (e.g., the player will be expected to make less money than the prior game state), but in return the player can be presented with higher payouts (e.g., a payable) on live wager(s) already placed.

[133] FIG. 7 is a flowchart illustrating an exemplary method of adjusting payouts based on a change in game position, according to an embodiment.

[134] The method can begin with operation 700, wherein the player plays a multi state game. This can be done as known in the art and described herein.

[135] The method can then proceed to operation 702, which determines whether the current game state has a positive expectation for the player.

[136] If the determination in operation 702 determines that the game state has a positive expectation for the player, then the method can proceed to operation 704, which determines whether the player wishes to trade the positive expectation game state for a different (improved) payable. The player can indicate his or her desire to perform such trade by verbally speaking to a dealing, indicating his or her desire on an electronic input device (e.g., touch screen, keyboard, etc.) If the player does not wish to trade his or her game state, then the method can return to operation 700, which continues to play the game.

[137] If the player in operation 704 decides to trade his or her game state for a different payable, then the method can proceed to operation 706, which changes the game state to a reduced player expectation game state. This can be done by moving piece(s) on the playing field to a position less favorable to the player. Of course, this is not in the player's advantage to do this without some sort of compensation to the player.

[138] From operation 706, the method can proceed to operation 708, which adjusts the payable in the game. This is done to compensate the player for the change in game state effectuated in operation 706, which transforms the game playing field into a less desirable situation for the player (not consideration the payable). Thus, in operation 708, the payable will be increased

(improved) so that the player will win more if the player ultimately wins a payout from the game being played in operation 700.

[139] For example, consider a bidirectional linear progression game, wherein a piece moves in either of two opposing directions, wherein the game ends when the piece reaches either a leftmost side or a rightmost side. Consider the following exemplary conditions (of course other types of games and conditions can be used besides the one in this example): there are three squares (numbered -1, 0, +1) with finish squares to the very left and right, with one piece moving in either linear direction (left or right) based on a roll of a six sided die (with sides -1, -1, -1, +1, +1, +1, or L, L, L, R, R, R). If the die rolls a -1 (or L), then the piece moves one square to the left. If the die rolls a +1 (or R), then the piece moves one square to the right. When the piece reaches to the finish square left of the leftmost square, or to the finish square to the right of the rightmost square the game is over and either left or right has won. When the piece is on the -1 square, betting on right pays 3:1 and betting on left pays 1:3. When the piece is on the +1 square, betting on right pays 1:3 and betting on left pays 3:1. When the piece is on the 0 square, betting on left or right pays 1:1. Of course the number of squares, parameters of the die, payouts, etc. can be set to whatever the game designer prefers. Further, note that for simplicity this variation has no house edge, although of course a house edge can be worked into the game.

[140] Consider the piece starts at the +1) position and the player places a \$5 wager for the piece to reach the left side. After the die (or other random number generator) is activated, the piece ends up moving to the left. From Table I, operation 3, the player now has an expected profit of \$5. If the piece reaches the left side, the player will win a 3:1 payout (see Table III, pay schedule A).

Table III

Event	Pay schedule A	pay schedule B	payschedule C
Puck on +1, reaches left	3:1	6:1	3:2
Puck on 0, reaches left	1:1	2:1	1:2
Puck on -1, reaches left	1:3	2:3	1:6
Puck on +1, reaches right	1:3	2:3	1:6
Puck on 0, reaches right	1:1	2:1	1:2
Puck on -1, reaches right	3:1	6:1	3:2

[141] Thus, the player now has a game state which is in a positive expectation for the player. The player may wish to continue to play as normal, or the player may wish to trade in the game state for a better payable. If the player chooses the latter option, the piece can move back to the

+1 position (instead of the 0) position. Now it is more unlikely for the piece to reach the left side which would result in the \$5 wager winning. The pay schedule can now be changed from pay schedule A to pay schedule B. Thus, the original \$5 wager will now win a 6:1 (from Table III, pay schedule B) payout (\$30) if the piece reaches the left side and wins.

[142] A player may wish to exchange a positive game state for a better payable if the player is interested in a more exciting game with the opportunity to win higher payouts. Typically, if the payable is changed, the revised payable would only apply to a single wager (or multiple wagers) that are already placed before the payable is changed. After the payable is changed, typically, new wagers will still pay on the original payable. This is because, if new wagers were paid out using the higher payable, the player may get an unfair advantage on new wagers. Therefore, if the player has reverted the game state and receives pay schedule B (from Table III) on a prior wager placed, then a new wager placed on the game in progress would still pay at pay schedule A (unless another trade/exchange in operation 704) is performed. Thus, different wagers on the table can be paid using different paytables (pay schedules).

[143] In a further embodiment, the player may be allowed to trade a game state that does not have a positive expectation for a better payable. This can be performed in the manner described herein. An expectation for a game state can be reduced in exchange for a better payable.

[144] In another embodiment, a payable can be decreased in exchanged for a better game state. For example, consider the example above, wherein the player bets \$5 when the piece is on the +1 position that the piece will reach the left side. The player can opt to move the piece to the 0 position (which makes the \$5 bet more likely to win). In exchange, the payable used can be reduced to compensate for the better player game position. For example, pay schedule C from Table III can now be used. Thus, if the piece reaches the left side (from the 0 position), the player will be paid \$7.5 (a 3:2 payout on the original \$5 wager). A player may wish to make such an exchange if the player is a gambler that prefers having a reduced risk of losing (even at the exchange of a lower payout).

[145] The revised paytables can be computed by determining the value (other positive or negative) to the player of changing from a first game state to a second game state. That value should then be given back to the player in the form of the adjusted payable (either exactly or approximately). The house may wish to make it to be an even exchange (the player receives the exact expected value on the wager after the trade that the wager had before the trade), or the

house may wish to deduct a commission on the trade (e.g., the modified payable the player receives on the wager results in a smaller expected to the player than the prior game state without the payable modification).

[146] The adjustment in payable can be computed in many ways, for example a simple ratio between the modified payable and the new expected value can be maintained. For example, consider that a wager has an expected value of A in a first game state and an expected value of B in a second game state. Ratio R of game states is B/A . The payouts in the payable in use originally can thus be multiplied by R in order to determine the revised payouts/paytable when the game state is changed from the second game state to the first game state. Further, if the house wishes to profit from the transaction at all, the revised payable can be further multiplied by a constant less than 1 (e.g. .99) so that the house receives a slight mathematical benefit from the transaction (which may not be realized in the short run but should be realized in the long run).

[147] The many features and advantages of the invention are apparent from the detailed specification and, thus, it is intended by the appended claims to cover all such features and advantages of the invention that fall within the true spirit and scope of the invention. Further, since numerous modifications and changes will readily occur to those skilled in the art, it is not desired to limit the invention to the exact construction and operation illustrated and described, and accordingly all suitable modifications and equivalents may be resorted to, falling within the scope of the invention.

What is claimed is:

1. A method of conducting a wagering game, the method comprising:
receiving a wager from a player on a player chosen outcome, the wager paying according to a first payable;
conducting a wagering game with a first game state;
progressing the first game state into a second game state based on a random determination;
determining from the player that the player wishes to change from the second game state back into the first game state in exchange to activate a second payable for the wager;
reverting the game from the second game state back to the first game state;
completing the game to determine whether the wager wins or loses; and
if the wager is determined to win, then paying the wager according to a second payable, wherein if the player did not choose to change from the second game state back to the first game state, then if the wager is determined to win, then the wager is paid using the first payable.
2. The method as recited in claim 1, wherein the wager in the second game state has a higher expected value than the first game state.
3. The method as recited in claim 1, wherein the wager in the first game state has a higher expected value than the second game state.

4. The method as recited in claim 1, wherein an expected value of the wager in the second game state using the first payable is equal to the wager in the first game state using the second payable.
5. The method as recited in claim 1, wherein an expected value of the wager in the first game state using the second payable is equal to an expected value of the wager in the second game state using the first payable, but for a house advantage factored into the second payable.
6. The method as recited in claim 1, wherein the second payable applies only to the wager but not a new wager placed after the reverting operation.
7. The method as recited in claim 1, wherein the determining comprises offering the player a pop up screen displaying the opportunity to revert to the first game state in exchange for applying the second payable to the wager.
8. The method as recited in claim 1, wherein the determining comprises displaying the second payable to the player.
9. An electronic gaming apparatus to conduct a wagering game, the apparatus comprising:
a computer performing:
receiving a wager from a player on a player chosen outcome, the wager paying according to a first payable;
conducting a wagering game with a first game state;

progressing the first game state into a second game state based on a random determination;

determining from the player that the player wishes to change from the second game state back into the first game state in exchange to activate a second payable for the wager;

reverting the game from the second game state back to the first game state;

completing the game to determine whether the wager wins or loses; and

if the wager is determined to win, then paying the wager according to a second payable, wherein if the player did not choose to change from the second game state back to the first game state, then if the wager is determined to win, then the wager is paid using the first payable; and

an output device.

10. The apparatus as recited in claim 9, wherein the wager in the second game state has a higher expected value than the first game state.

11. The apparatus as recited in claim 9, wherein the wager in the first game state has a higher expected value than the second game state.

12. The apparatus as recited in claim 9, wherein an expected value of the wager in the second game state using the first payable is equal to the wager in the first game state using the second payable.

13. The apparatus as recited in claim 9, wherein an expected value of the wager in the first game state using the second payable is equal to an expected value of the wager in the second game state using the first payable, but for a house advantage factored into the second payable.
14. The apparatus as recited in claim 9, wherein the second payable applies only to the wager but not a new wager placed after the reverting operation.
15. The apparatus as recited in claim 9, wherein the determining comprises offering the player a pop up screen displaying the opportunity to revert to the first game state in exchange for applying the second payable to the wager.
16. The apparatus as recited in claim 9, wherein the determining comprises displaying the second payable to the player.

ABSTRACT

A wagering game that allows a player to adjust a positive expectation game situation to a lower expectation game situation. In return, the player can increase the payable so that awards the player wins will be paid at a higher rate. Alternatively, the player can increase the payable in exchange for a less favorable game state.

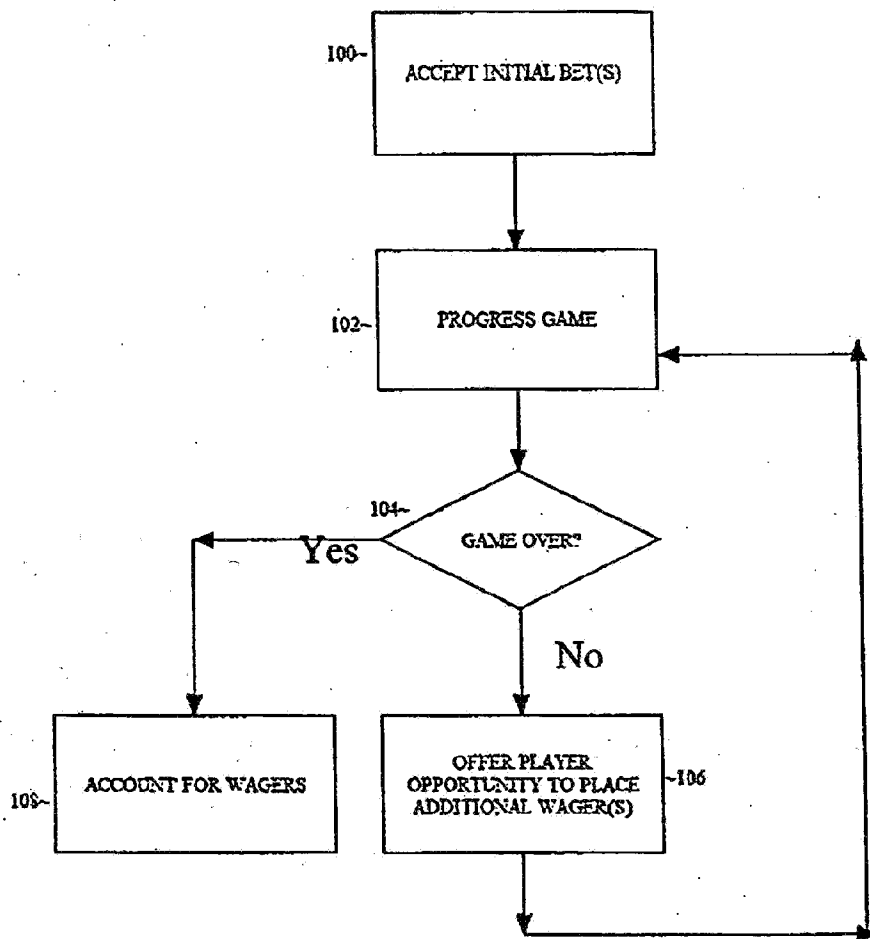


Figure 1

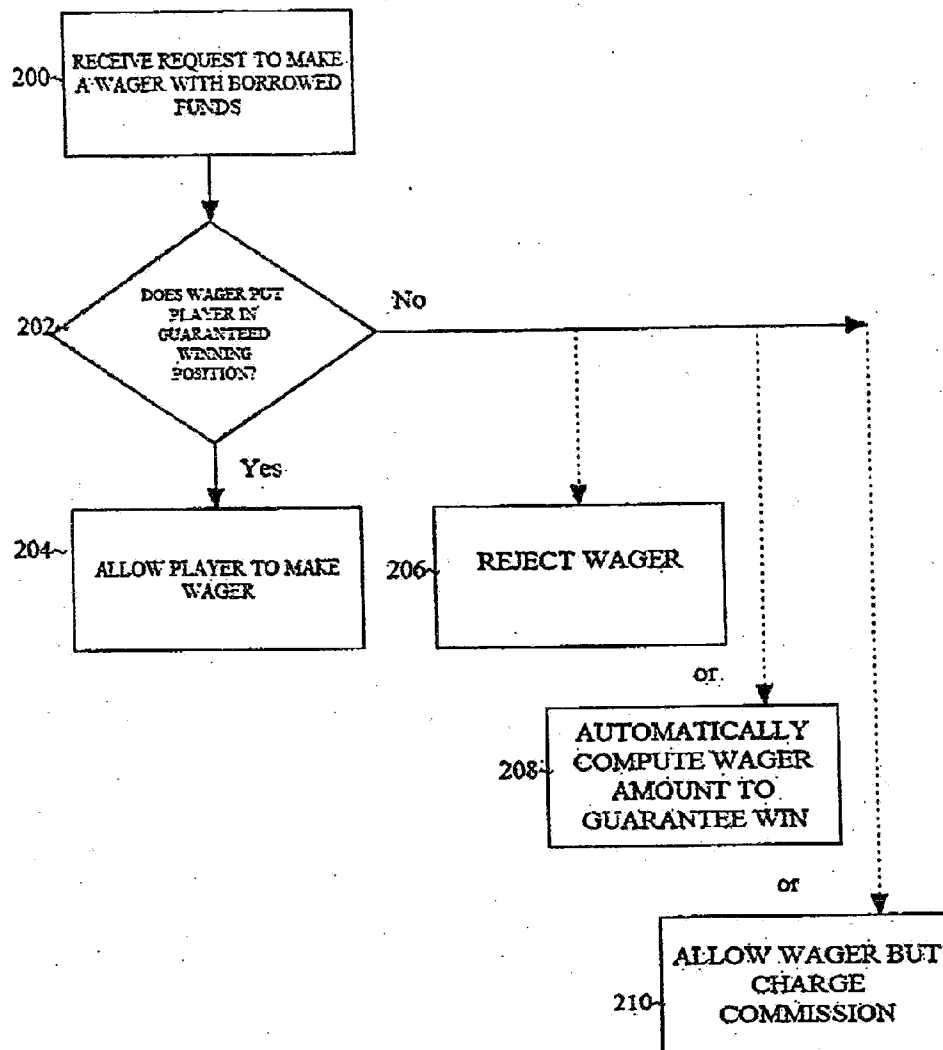


Figure 2

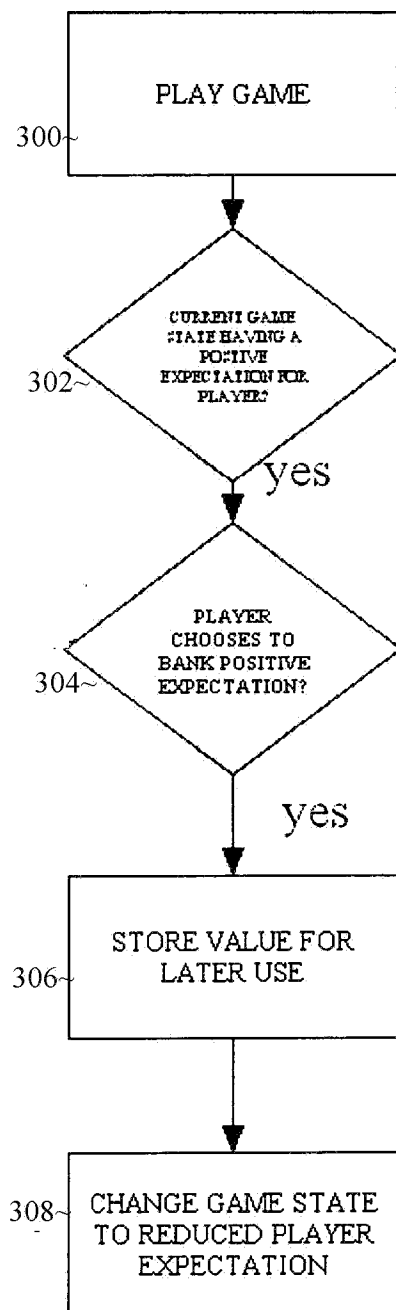


FIGURE 3

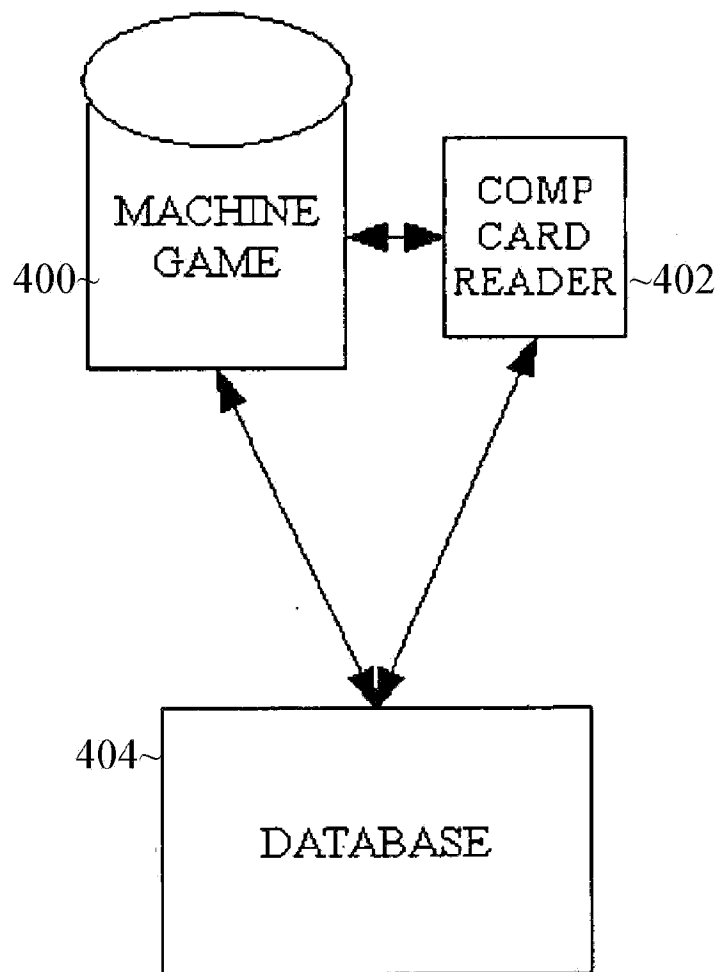


FIGURE 4

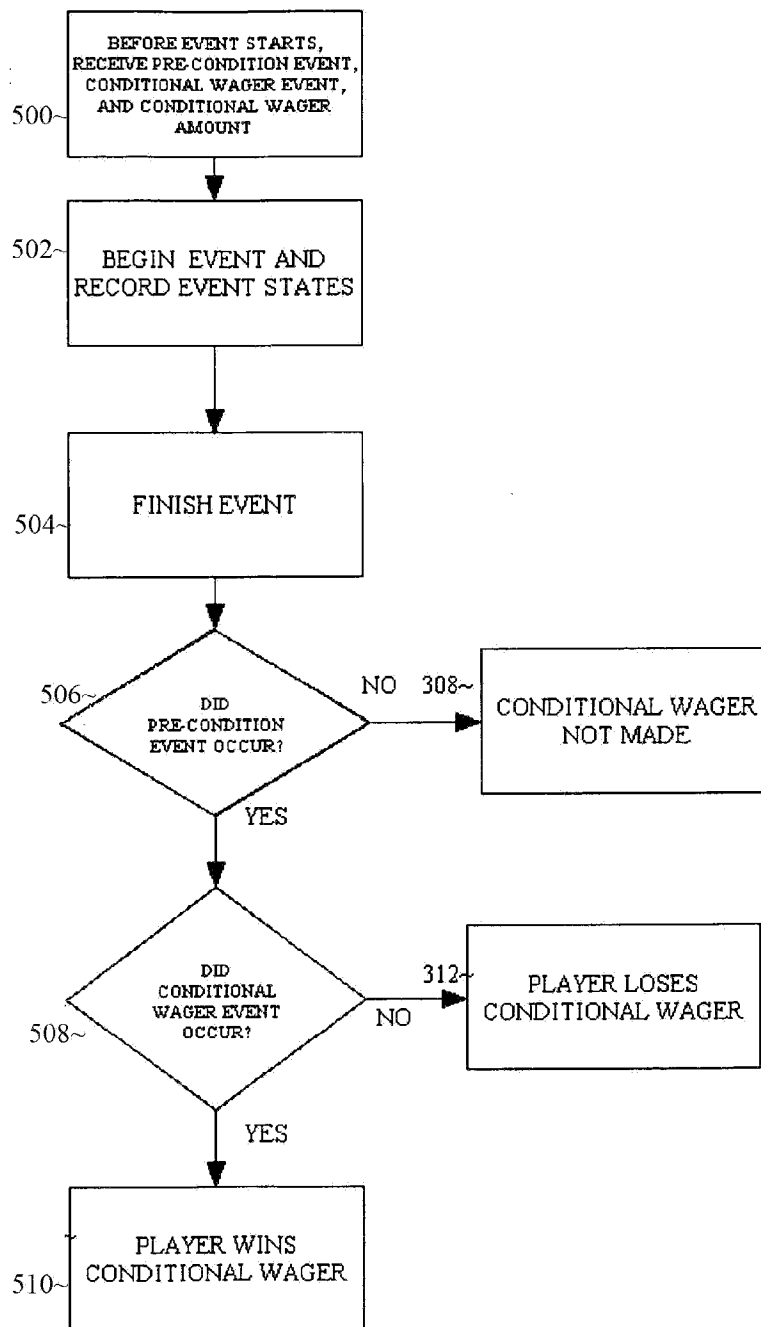


FIGURE 5

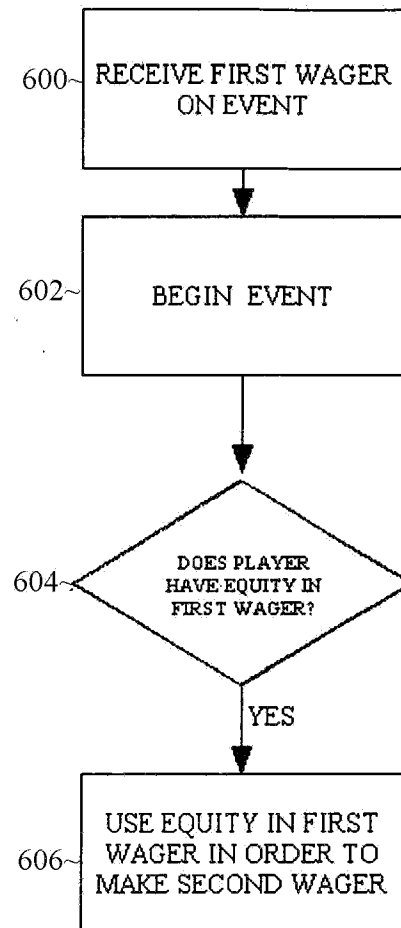


FIGURE 6

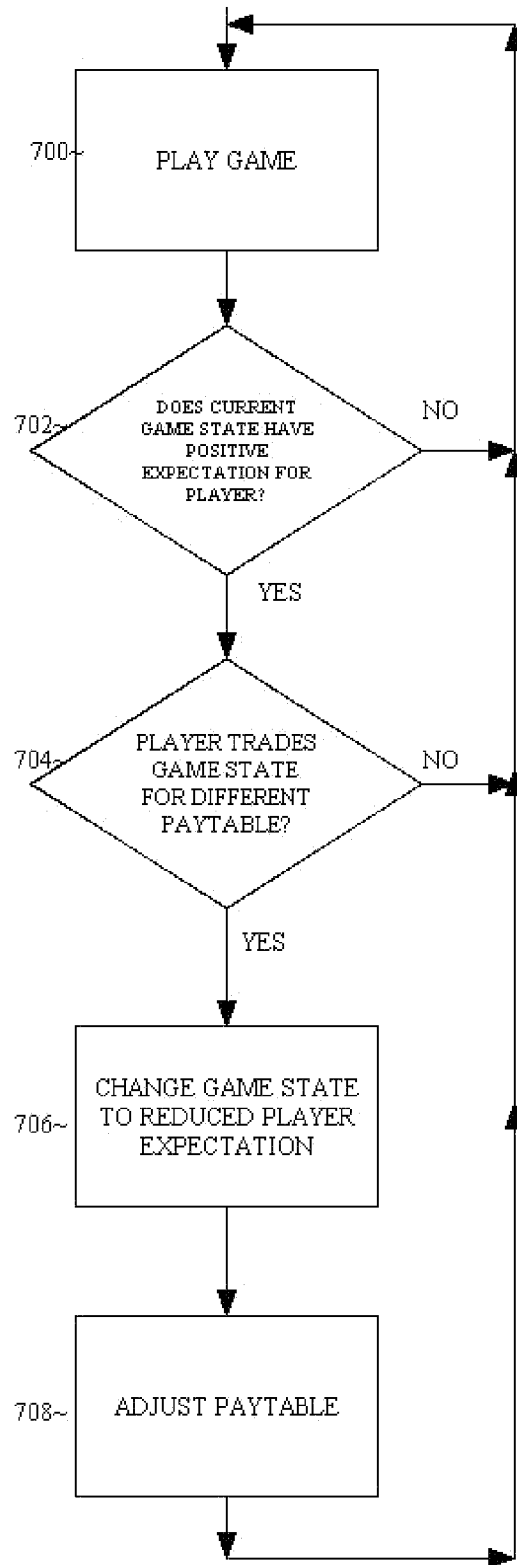


FIGURE 7

Electronic Acknowledgement Receipt

EFS ID:	3123459
Application Number:	12099778
International Application Number:	
Confirmation Number:	4813
Title of Invention:	Wagering Game That Allows Player to Alter Payouts Based on Equity Position
First Named Inventor/Applicant Name:	David Schugar
Customer Number:	43536
Filer:	Jon H. Muskin
Filer Authorized By:	
Attorney Docket Number:	867
Receipt Date:	08-APR-2008
Filing Date:	
Time Stamp:	23:40:04
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1		equityplaycippdf3.pdf	2105210 3573de1f8f5da6f6b1ca0b1a286cf4e02c68b4cb	yes	40

	Multipart Description/PDF files in .zip description		
	Document Description	Start	End
	Specification	1	28
	Claims	29	32
	Abstract	33	33
	Drawings-only black and white line drawings	34	40

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If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

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New International Application Filed with the USPTO as a Receiving Office

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Filing Date: 04/08/08

Approved for use through 7/31/2006. OMB 0651-0032

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PATENT APPLICATION FEE DETERMINATION RECORD					12/099,778	
Substitute for Form PTO-875						
APPLICATION AS FILED – PART I						
(Column 1)		(Column 2)				
FOR	NUMBER FILED	NUMBER EXTRA				
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A				
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A				
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A				
TOTAL CLAIMS (37 CFR 1.16(i))	16	minus 20	=	0		
INDEPENDENT CLAIMS (37 CFR 1.16(h))	2	minus 3	=	0		
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).					
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))						
* If the difference in column 1 is less than zero, enter "0" in column 2.						
APPLICATION AS AMENDED – PART II						
(Column 1)		(Column 2)			(Column 3)	
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA			
	Total (37 CFR 1.16(i))	Minus	**	=		
	Independent (37 CFR 1.16(h))	Minus	***	=		
	Application Size Fee (37 CFR 1.16(s))					
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					
(Column 1)		(Column 2)			(Column 3)	
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA			
	Total (37 CFR 1.16(i))	Minus	**	=		
	Independent (37 CFR 1.16(h))	Minus	***	=		
	Application Size Fee (37 CFR 1.16(s))					
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					
(Column 1)		(Column 2)			(Column 3)	
SMALL ENTITY		OTHER THAN SMALL ENTITY				
RATE (\$)	FEE (\$)	RATE (\$)		FEE (\$)		
N/A	N/A	N/A		310		
N/A	N/A	N/A		510		
N/A	N/A	N/A		210		
X\$ 25	X\$50	X\$50		0		
X\$105	X\$210	X\$210		0		
185	370	370		1030		
TOTAL		TOTAL				
0		1030				
SMALL ENTITY		OTHER THAN SMALL ENTITY				
RATE (\$)	ADDI-TIONAL FEE (\$)	RATE (\$)		ADDI-TIONAL FEE (\$)		
X =	X =	X =		X =		
X =	X =	X =		X =		
N/A	N/A	N/A		N/A		
TOTAL ADD'T FEE		TOTAL ADD'T FEE				
TOTAL ADD'T FEE		TOTAL ADD'T FEE				
SMALL ENTITY		OTHER THAN SMALL ENTITY				
RATE (\$)	ADDI-TIONAL FEE (\$)	RATE (\$)		ADDI-TIONAL FEE (\$)		
X =	X =	X =		X =		
X =	X =	X =		X =		
N/A	N/A	N/A		N/A		
TOTAL ADD'T FEE		TOTAL ADD'T FEE				
TOTAL ADD'T FEE		TOTAL ADD'T FEE				
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.						

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IPR2023-00266 - Diogenes

Exhibit 2015 - Page 143