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Transcript of Dwight Crevelt

Date: September 19, 2023

Case: DK Crown Holdings Inc. -v- Diogenes Limited (PTAB)

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1 UNITED STATES PATENT AND TRADEMARK OFFICE

2
3 BEFORE THE PATENT TRIAL AND APPEAL BOARD

4
5 DK CROWN HOLDINGS INC.,

6 Petitioner,

7 v.

8 DIOGENES LIMITED,

9 Patent Owner.

10
11 IPR2023-00266

12 U.S. Patent No. 10,970,969

13
14
15 Deposition of DWIGHT CREVELT

16 Conducted Virtually

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1 Deposition of DWIGHT CREVELT, conducted
2 virtually.

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11 Pursuant to notice, before Judith E.
12 Bellinger, Registered Professional Reporter,
13 Certified Realtime Reporter, and E-Notary Public
14 in and for the State of Maryland.

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C O N T E N T S

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E X H I B I T S

(Attached to the transcript)

Crevelt Exhibits:	PAGE
Exhibit 1001 United States Patent US 10,970,969 B2	30
Exhibit 1004 United States Patent Application Publication, Publication Number US. 2008/0113765 A1	51
Exhibit 1005 United States Patent Application Publication, Publication Number US. 2008/0311981 A1	16
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P R O C E E D I N G S

DWIGHT CREVELT,

Being first duly sworn, was examined
and testified as follows:

EXAMINATION BY COUNSEL FOR THE PATENT

OWNER

BY MR. MINUTOLI:

Q Good morning, Mr. Crevelt. Hopefully
that's how you pronounce your name.

Is that correct?

A That's correct.

Q Okay. Can you state your full name for
the record, please.

A Dwight E. Crevelt.

Q Have you ever been deposed before?

A Yes, I have.

Q Have you ever been deposed remotely?

A Yes, I have.

Q Okay. So the procedure's pretty much
the same as standard. I'll try not to talk over
you. I have a little trouble doing that remotely.

The court reporter needs to take down

1 your answers. So if you can just try to answer
2 verbally, as opposed to nodding your head, that
3 would help.

4 And anytime you don't understand my
5 question or my accent, just ask me to rephrase the
6 question.

7 Is that okay?

8 A That's fine.

9 Q Any reason why you can't give us your
10 best testimony today?

11 A Not that I'm aware of.

12 Q Great. Thank you.

13 Do you have a computer or something
14 with you so you can access the exhibits?

15 A I have some of the exhibits printed out
16 that you sent.

17 Q Okay. So, can you take out
18 Exhibit 1007, please.

19 (Crevelt Exhibit 1007 marked for
20 identification and attached to the transcript.)

21 A Which is?

22 Q That would be your declaration.

1 A Okay. Yes, I've got that.

2 Q Okay. Great.

3 And that's the declaration that you
4 prepared for IPR 2023-00266, correct?

5 A Correct.

6 Q I should ask you, first, do you
7 recognize the exhibit?

8 A Yes, I do.

9 Q And you provided that declaration on
10 behalf of the petitioner in this case; is that
11 correct?

12 A Yes, I did.

13 Q And the formal name of the petitioner
14 is DK Crown Holdings, but if for some reason I
15 make a mistake and just say DraftKings, or DK,
16 would you understand I'm talking about the
17 petitioner?

18 A Yes.

19 Q Thank you.

20 And this exhibit contains your opinions
21 concerning U.S. patent number 10,970,969; is that
22 correct?

1 A That's correct.

2 Q And would it be okay if I just refer to
3 that as the '969 patent today?

4 A That's fine.

5 Q Were you asked to provide any opinions
6 that did not make it into this declaration?

7 A No.

8 Q Thank you.

9 Anything you want to change today?

10 A No.

11 Q Anything you want to withdraw from this
12 declaration?

13 A No.

14 Q Thank you.

15 So did you print out Exhibit 1008? Do
16 you have a copy of that handy?

17 (Crevelt Exhibit 1008 marked for
18 identification and attached to the transcript.)

19 A Let me find it.

20 Q Sure. That would your CV.

21 A I did not print out my CV, no, I did
22 not.

1 Q Okay. So, let's see, all right. Do
2 you have -- can you?

3 Well, I'm going to skip that for now.
4 We'll put it up in the link later, I guess.

5 So we'll stick with Exhibit 1007.

6 A Okay.

7 Q And if you can go to paragraph 53,
8 which starts on page 33.

9 A Yes.

10 Q So, 53 and 54 concern claim
11 construction; is that correct?

12 A That is correct.

13 Q And in paragraph 53 I believe it says
14 that you instructed that the challenge claims of
15 the '969 patent are to be given their ordinary and
16 customary meaning, as understood by one of
17 ordinary skill in the art at the time of the
18 invention, and it goes on.

19 Do you see that paragraph?

20 A Yes, I do.

21 Q You also stated that no terms of the
22 '969 patent require construction; is that correct?

1 MR. WILSON: Objection. Form.

2 A Yes, it was my opinion that there
3 was -- we were not going to do any construction on
4 any of these terms and they're given their plain
5 and ordinary meaning.

6 Q Perfect.

7 So, can you go to paragraph 97? I can
8 get you a page number.

9 A I'm there.

10 Q You're there? Okay.

11 A Yes.

12 Q I have to get there.

13 So, in paragraph 97, you're addressing
14 the limitation of 1d of claim 1 of the '969
15 patent; is that correct?

16 A Yes.

17 Q And that limitation is causing the
18 central service center to generate a cash out
19 offer for the player, and then it continues based
20 on the wager and the progress of the event.

21 Do you see that?

22 MR. WILSON: Object to form.

1 A Yes.

2 Q So one other thing is, you have to give
3 your attorney time to object.

4 What was the definition of "cash-out"
5 that you used when you rendered your opinions in
6 Exhibit 1007?

7 A A cash out would be a payment or credit
8 given to a player in terms of dealing with their,
9 in this case, wager.

10 Q And are there any limits to what a cash
11 out could be?

12 MR. WILSON: Object to form.

13 Q And I can rephrase that.

14 I'll start with would a POSITA, in this
15 case, have the same understanding of the
16 definition of cash out that you just gave me?

17 MR. WILSON: Object to form.

18 A A person of skill in the art would
19 understand that when you receive cash from the
20 system for your wager, that would be a cash out,
21 if you're getting it, typically, earlier than the
22 end of the run, based on the claim, but...

1 Q So that's what I was trying to get to
2 before.

3 So a cash out would occur before the
4 completion of the event that's being bet on?

5 A Again, it may or may not. But you are
6 receiving cash or monetary value in exchange for
7 your wager.

8 Q So, you said cash. How about does cash
9 out include redeeming credit to a player's -- let
10 me strike that.

11 Does a cash out include putting credit
12 on the player's account?

13 MR. WILSON: Object to form.

14 A The method of how you would cash out
15 would be a matter of design choice, whether it
16 goes in physical cash, credit in an account, or
17 deposits into something else. That would be the
18 design choice of whoever's implementing the
19 system.

20 Q What about if the credit could only be
21 used to make another wager, would that be
22 considered a cash out?

1 MR. WILSON: Object to form.

2 A If you're providing funds to the player
3 for his discretionary use, whether it's for
4 another wager or something else, yes, that would
5 be a cash out.

6 Q Can a cash out allow a player to
7 collect more than his original wager?

8 MR. WILSON: Object to form.

9 A Absolutely.

10 Q So if a player has a positive
11 expectation of winning, his cash out would be more
12 than the wager, most likely?

13 MR. WILSON: Object to form.

14 A It could be, yes.

15 Q Does the cash out allow a player to
16 recap some of his wager when he's losing the
17 event?

18 MR. WILSON: Objection to form.

19 A It could, yes.

20 Q So, there was an objection.

21 So does a cash out allow the player to
22 cut his or her losses, if he or she is expected to

1 lose the bet?

2 MR. WILSON: Objection to form.

3 A It could.

4 Q When wouldn't it allow the player to
5 recoup his losses?

6 MR. WILSON: Object to the form.

7 A Can you repeat that?

8 Q Sure. Is the scenario -- is there --
9 scratch that.

10 Is there a scenario where a player
11 could not cut his losses through cash out?

12 MR. WILSON: Objection to form.

13 A That would depend on how the system was
14 implemented and if the wager organization wasn't
15 going to allow them to do that.

16 Q Do you recall, in the '969 patent, if
17 there was any kind of restriction on cashing out
18 in a losing situation?

19 And if you have the '969 patent in
20 front of you, feel free -- or anything else, feel
21 free to look at it.

22 MR. WILSON: Counsel, the past

1 objection didn't reflect in the record. So,
2 objection to form.

3 A I do not recall if there was a specific
4 embodiment in which they could cash out in a
5 losing situation, in the '969 patent, but I cannot
6 find confirmation, one way or another, at this
7 moment.

8 Q Okay. Look at -- fair enough.

9 In paragraph 97 of Exhibit 1007, your
10 declaration, there's a reference to Schugar.

11 Do you see that?

12 A Yes.

13 Q So Schugar is a published patent
14 application, also Exhibit 1005; that's correct,
15 right?

16 (Crevelt Exhibit 1005 marked for
17 identification and attached to the transcript.)

18 A Yes, I believe that's correct.

19 Q Okay. And we're not going to ask
20 anything about that yet. But we might.

21 Do you have that Exhibit 1005 in your
22 pile?

1 A Yes.

2 Q Okay. Thank you.

3 So, feel free to look at it if you need
4 to. But does Schugar use the term "banking" as
5 opposed to cash out?

6 MR. WILSON: Objection to form.

7 Q I can rephrase that.

8 Schugar uses the term banking; is that
9 correct?

10 A I believe it does, yes.

11 Q And in your opinion, is cash out the
12 same as banking?

13 MR. WILSON: Objection to form.

14 A Yes, it can be.

15 Q It can be?

16 In this declaration, did you equate
17 Schugar's banking to cash out?

18 A Yes, I did.

19 Q Thank you.

20 What if the player did not take the
21 cash out of this -- out of the game and is always
22 required to reuse whatever he cashed out to play

1 another game, would you consider that cash out?

2 MR. WILSON: Objection to form.

3 A Yes, I would because the funds are
4 discretionary.

5 Q We'll stick to Exhibit 1007, paragraph
6 203, and let me see if I can give you a page on
7 that.

8 So I have, my copy, paragraph 203
9 starts on page 130.

10 A I'm there.

11 Q Okay. So, in this section, we're
12 talking about claim 26. And in the subheading it
13 uses the phrase "full cash out offer or a partial
14 cash out offer."

15 Do you see that?

16 A Yes.

17 Q So, what would your definition of full
18 cash out be?

19 MR. WILSON: Objection to form.

20 Q I can rephrase that.

21 What definition of full cash out did
22 you use in rendering your opinion concerning

1 claim 26?

2 MR. WILSON: Objection to form.

3 A A full cash out offer would take
4 whatever amount is available there and end the
5 player's participation in that wager.

6 Q And you said ends the wager?

7 A The full cash out would end the wager.

8 Q Okay. And what definition of partial
9 cash out did you use in rendering your opinions
10 regarding claim 26?

11 MR. WILSON: Objection to form.

12 A A partial -- a partial cash out offer
13 would allow the player to take some amount of
14 funds and still remain in the wager.

15 Q Okay. And the '969 patent also uses
16 the phrase "buyout."

17 In your opinion, is a buyout the same
18 as a cash out?

19 A I would equate that, yes.

20 Q So, if we can go back up to paragraph
21 97 in Exhibit 1007, your declaration. And, again,
22 that's on page 64.

1 A Yes.

2 Q Okay. And as we just discussed, you
3 had a definition of cash out and that's the
4 definition that you used in this section of your
5 declaration; is that correct?

6 MR. WILSON: Objection to form.

7 A I believe that's consistent, yes.

8 Q Thank you.

9 And in that paragraph, there's some
10 bolded language that says "can be prompted," and
11 then it's bolded, "by an automatic pop up window
12 which allows the player to choose whether he
13 wishes to bank some or all of his recent gains in
14 expectation for later redemption."

15 Do you see that?

16 A Yes.

17 Q And that's a quote you got from
18 Schugar, paragraph 92; is that correct?

19 A Correct.

20 Q And Schugar is Exhibit 1005 and you
21 have that with you, correct?

22 A Yes.

1 Q So can you turn to paragraph 92 of
2 Schugar? It's probably, like, the 14th, 15th page
3 in the stack.

4 A Yeah, I'm at 92.

5 Q Okay. Thank you.

6 So the quoted sentence that we just
7 read from your declaration is in the middle of
8 that paragraph, and it ends with a parenthetical.

9 Do you see that parenthetical in
10 paragraph 92?

11 A Yes.

12 Q That states "with the return of the
13 game state to the prior or other position with
14 lesser expected value than the current state."

15 Did I read that correctly?

16 A I think so, yes.

17 Q I hope so.

18 Any reason why you left that
19 parenthetical out of paragraph 97 of your
20 declaration?

21 MR. WILSON: Objection to form.

22 A I don't know of any particular reason

1 right now.

2 Q Okay. Would you agree with me that it
3 sort of changes the sentence by placing a
4 limitation on what could be done with the gains?

5 MR. WILSON: Object to form.

6 A Not necessarily.

7 Q Why not?

8 I'll withdraw the question.

9 A Yeah, okay.

10 Q I'll just withdraw the question.

11 So what does with the return of the
12 game state to the prior or other position with
13 lesser expected value than the current state mean?

14 A This statement would lead me, and leads
15 me to follow the understanding that he's allowing
16 to bank or cash out some of his expected value and
17 return to that bet and continue, as well as it may
18 have a lesser expected value because you're taking
19 some of that out, so you've changed the existing
20 state of that wager. You no longer have that
21 expected value.

22 Q Okay. I want to make sure I don't cut

1 you off. Are you done? Are you finished?

2 A Yeah.

3 Q Okay. Does the '969 patent allow you
4 to use cash out to return back to a prior state in
5 the game?

6 MR. WILSON: Objection to form.

7 A I don't recall going back to a prior
8 state in the '969.

9 Q Would it surprise you if the '969 does
10 not disclose that?

11 A I don't recall it being in there, going
12 back to a prior state.

13 Q And turning back to paragraph 92 of
14 Schugar, this is in reference to what Schugar
15 calls a "positive expectation."

16 Do you see that?

17 A Yes.

18 Q And positive expectation will be a
19 scenario where it looks like the player is going
20 to win his bet?

21 MR. WILSON: Objection to form.

22 A The positive expectation is that, in

1 his bet, in the current state, his expected value
2 is positive or greater than his initial bet. It
3 does not mean he's going to win the bet. It
4 means, in that current state, he's in a positive
5 position.

6 Q I'm sorry. I almost cut you off.

7 So he could still lose the bet, but at
8 the current time, he's winning.

9 A Correct.

10 Q And the same -- not the same. And a
11 negative expectation would be that, currently, the
12 player's expected to lose?

13 Does that sound correct?

14 MR. WILSON: Object to form.

15 A Yeah, it would be that he's below his
16 initial wager and is expected to lose some funds,
17 yes.

18 Q Thank you.

19 But it is possible for that person to
20 still win his bet at the end of the game; is that
21 correct?

22 MR. WILSON: Objection to form.

1 A That would depend on the structure of
2 the bet and if there was a possibility for a
3 comeback. But the idea is, yes, he would be able
4 to.

5 Q All right. Thank you.

6 Too many screens open right now. I
7 apologize.

8 And positive expectation, I think, in
9 that same paragraph 92, is a positive expected
10 profit.

11 Does that sound correct to you?

12 MR. WILSON: Objection to form.

13 A The positive expected value for his bet
14 is -- would be greater than his actual bet. That
15 would be the positive expectation.

16 Whether that's profit is not
17 necessarily a term I would use. He's expected
18 that he's in a positive position and this is what
19 he can expect to win, hopefully, but he could
20 still lose.

21 Q Thank you.

22 That same paragraph, and I think it

1 goes on to page 65, there's a citation to
2 Schugar's paragraph 127.

3 Do you see that?

4 A Yes. Is that 127 or 126? Oh, 127.

5 Q 127, I'm sorry.

6 Right before that citation, there's
7 a -- let me scratch that.

8 Right before that citation, there's a
9 parenthetical that says "even if the player is in
10 a negative expectation situation, the player can
11 still utilize the method described herein of
12 cashing out a portion of a current bet in
13 progress."

14 Did I read that correctly?

15 A Yes.

16 Q So a negative expectation, I think we
17 just discussed, is that the player's currently
18 losing his bet?

19 A That's correct.

20 Q And if we look at Schugar, paragraph
21 127, in your pile, should be about page 17 in
22 there. You'll see paragraph 127.

1 A Yes.

2 Q The very end of that sentence also
3 states "in order to pay for additional wager."

4 Do you see that?

5 A Yes.

6 Q So, would that -- I'll rephrase that.

7 So that parenthetical is limiting what
8 the player can do when he has a negative
9 expectation; is that correct?

10 MR. WILSON: Object to form.

11 A There's no parentheses in that quote.

12 Q No, I'm sorry. I didn't mean -- I'll
13 rephrase it.

14 So the sentence, part of the sentence
15 that says "in order to pay for an additional
16 wager" is a limit on what happens what the --
17 rephrase that. Scratch.

18 The language "in order to pay for
19 additional wager" limits what can happen when the
20 player has a negative expectation, in Schugar,
21 correct?

22 MR. WILSON: Objection to form.

1 A This section is referring to the
2 player's ability to, in a losing situation,
3 withdraw some of his bet to re-wager and hedge his
4 bet, as the example quoted here, so that he can
5 regain a positive expectation or an opportunity to
6 win.

7 Q And that's what the player can do when
8 he has a negative expectation, correct?

9 MR. WILSON: Objection to form.

10 A In this particular example, embodiment,
11 they are using that to provide an additional
12 wager. But as a person skilled in the art, I
13 could understand that I could use that for
14 something else and not limit it to having to make
15 an extra wager or wager on something else.

16 Q But, according to what Schugar
17 describes, that's all you can do in a negative
18 expectation scenario? I apologize.

19 MR. WILSON: Object to form.

20 A In this specific example.

21 Q Are credits that can only be used in
22 order to pay for an additional wage -- let me

1 rephrase that. I'm having trouble today; I
2 apologize.

3 Are credits that are only to be used in
4 order to pay for an additional wager discretionary
5 funds?

6 MR. WILSON: Objection to form.

7 A They are discretionary because the
8 player would have the option of what kind of wager
9 he would like to make.

10 Q So the funds would be discretionary, is
11 what you're saying?

12 A As to how he actually uses them on what
13 wager, yes.

14 Q But he would -- let me rephrase that.

15 So, but he would still need to use them
16 for a wager, correct?

17 MR. WILSON: Objection to form.

18 A He would wager -- you would be able to
19 use those funds to wager on some other event, not
20 necessarily the same one.

21 Q Okay. All right. Thank you.

22 Do you know if cashing out to pay for

1 an additional wager is something claimed in the
2 '969 patent?

3 And that would be Exhibit 1001, if you
4 have it.

5 (Crevelt Exhibit 1001 marked for
6 identification and attached to the transcript.)

7 A I don't recall if it specifically
8 states that the funds would have to be used on a
9 wager.

10 Q Okay. Thank you.

11 Do you recall if Schugar discloses
12 banking and not modifying the game state?

13 MR. WILSON: Objection to form.

14 A Yes. Schugar says you can, in this
15 example here on page 65, if you were taking a cash
16 out in a losing position and making another wager,
17 but the game state for that initial bet is still
18 in play.

19 Q And that's paragraph 127, I think?

20 A That's actually 126.

21 Q 126.

22 A It's in my paragraph 98. That example

1 is an example of what you asked.

2 Q Okay. So in paragraph 98 of your
3 declaration, what exactly is the cash out offer,
4 in that example?

5 MR. WILSON: Objection to form.

6 A Well, the bettor chose to use
7 10 percent -- or \$10 of his original offer. So
8 the cash out offer would have been what amount
9 does he want to surrender, in this case, is the
10 term used. He has the choice of making that
11 amount.

12 And so, \$10 of the original bet was
13 surrendered, so the bet, then, continues in the
14 original state, with the original amount.

15 Q You're done, right? Are you done with
16 your answer, Mr. Crevelt?

17 So in that paragraph that we -- I'm
18 sorry.

19 A I was going to say -- yeah. Would you
20 rephrase that question or re-ask that question so
21 I can verify I got it correctly?

22 Q Yeah. Sure.

1 So in paragraph, your paragraph 98, you
2 quoted an example of the Giants and the Patriots
3 in a football game, correct?

4 A Yes.

5 Q And if this was real life, most likely,
6 the Giants would be losing by 50 points, I guess,
7 to the Patriots by halftime, right?

8 So in that example there's a lot of
9 numbers in there, what is the cash out offer.

10 MR. WILSON: Object to form.

11 A In this example, the accepted amount
12 was \$10.

13 Q So, the -- you're saying \$10 was a cash
14 out offer?

15 A That's the amount the player accepted.
16 He could have chosen, probably, a different
17 amount, but that's not specified here.

18 Q Okay. Thank you.

19 So, it may be I just misunderstand the
20 paragraph.

21 I see that the bettor can make a new
22 wager, but I do not see an actual offer from the

1 game.

2 Am I just mistaken on that?

3 I'll rephrase the question.

4 Where in paragraph, your paragraph 98,
5 that example, is there an actual offer being made?

6 MR. WILSON: Objection to form.

7 A This is an example of what a player
8 could do, in this case, a negative expectation,
9 when that offer to get out was given. In the
10 previous paragraph, we showed about a pop-up
11 window that identifies that you have an option to
12 cash out.

13 In this case, it's an option, you can
14 have an option to hedge your bet, cash out a
15 portion of your losing opportunity, and the
16 chose -- person in this example chose \$10.

17 Q Oh --

18 A It could have been --

19 Q I'm sorry. Did I cut you off?

20 A The offer would pop up, would you want
21 to, using that pop-up screen they have, which is
22 negative expectation, so you have an ability to

1 surrender a portion of your bet at this point.
2 And in this case, the example, the person chose
3 \$10.

4 Q Okay. Thank you. So this paragraph
5 says the bettor has a 90 percent chance of
6 winning. And I think your last answer said it was
7 a negative expectation.

8 Would that be a positive expectation
9 and not a negative expectation?

10 A I'm sorry. That's a positive
11 expectation. Excuse me. I got confused there.

12 Q No need to apologize. Just wanted to
13 clarify.

14 And so, the actual offer would have
15 been in that pop-up window, in a different
16 paragraph, is what I think you just said, correct?

17 A Correct.

18 Q Okay. Thank you.

19 Just let me know when you feel like
20 taking a break. If not, we'll just keep going.

21 A I'm good for the moment.

22 Q Okay. Thank you.

1 So, in the example in paragraph 98, the
2 bettor is basically splitting his wager; is that
3 correct?

4 MR. WILSON: Objection to form.

5 Q I'll rephrase that.

6 In this example, the bettor is taking
7 his original hundred-dollar wager and breaking off
8 a piece of it for that second wager; is that
9 correct?

10 MR. WILSON: Objection to form.

11 A Yeah, it's -- I wouldn't characterize
12 it quite that way. But he is giving up 10 percent
13 of his wage -- or \$10 worth of his wager so that
14 he can wager on something else.

15 Q And what would you consider that? I
16 don't want to put words in your mouth.

17 MR. WILSON: Objection to form.

18 A I would call that hedging your bet.

19 Q So, in that example, the bettor is not
20 receiving the \$10, he's placing another bet; is
21 that true?

22 A Yes. In this example, he's placing

1 another bet on the Patriots, for example.

2 Q Sure.

3 A I believe it's the Patriots. Patriots,
4 or he's placing it on the Giants, which, based on
5 the odds, now he's in a position where no matter
6 which team wins, he's going to get paid. That's
7 called -- in my term, it's called "hedging your
8 bet."

9 Q Okay. Thank you.

10 And in the parenthetical at the end of
11 your paragraph 98, there's a citation to Schugar
12 120, and there's a parenthetical, therefore, 1.52
13 can be subtracted from the original wager to be
14 resulted in a \$98.48 wager remaining on the
15 Yankees.

16 Do you see that the language?

17 A Yes, I do.

18 Q So that's another instance where a
19 portion of the original wager is used to make
20 another bet?

21 A I need to look at mine here.

22 Q Please do.

1 A Yes, if you look at the rest of 120
2 that we've done, yes, that 1.52 has been freed up
3 so they can place another bet.

4 Q Perfect. Thank you.

5 And you called that hedging, before,
6 correct?

7 A That's one term you can use it. Most
8 places don't like you to do that kind of thing.

9 Q And we'll just continue with your
10 Exhibit 1007. In paragraph 100, there's a
11 discussion of sporting event, the first sentence.

12 Do you see that?

13 A Yes, I see that.

14 Q And that, it's a pretty long sentence,
15 but at the end of the bolded language, you'll see
16 a cite to paragraph 54 of Schugar.

17 Do you see that?

18 A Yes.

19 Q And if you look at paragraph 54 in
20 Exhibit 1005, there's no discussion of sporting
21 event in that paragraph, is there?

22 A That's not what I'm saying here. We've

1 just discussed, in the previous one, with respect
2 to cash out being generated on a sporting event,
3 Schugar also discloses that it can be a plurality
4 of gain states. It's talking about a series of
5 gain states. They don't have to be sporting
6 events. They can be any kind of state, multiple
7 legs by state.

8 Q So a progression gain could be a
9 sporting event, is what you're saying?

10 A I don't know what you mean by
11 "progression gain."

12 Q I think, in paragraph 54, it says,
13 second sentence "A progression gain is a game
14 which has a plurality of game states. Each game
15 state may have a different expected return for a
16 player based on the player's wager and the current
17 game state."

18 Do you see that in paragraph 54?

19 A Yes.

20 Q So I'm just trying to see what the
21 connection between a progression game and a
22 sporting event is, if any.

1 MR. WILSON: Objection to form.

2 A A progression gain [sic] would be any
3 sort of gain that has multiple states. It does
4 not have to be a sporting event.

5 I'm trying to think of something that
6 would give you an example.

7 Say a Texas Hold 'Em game would be a
8 progression gain, because you have different
9 states in there, field, flop, river, et cetera.

10 Something that has multiple states
11 throughout it. Doesn't have to be a sporting
12 event.

13 Q Can it be a sporting event?

14 A It could be.

15 Q And what would be the states in a
16 sporting event?

17 A Take the best of seven in the World
18 Series is a progression. And you're betting on
19 the World Series. So that would be a progression
20 of up to seven states.

21 Q Okay. Thank you.

22 But in that case, you couldn't return

1 to a prior game state in a World Series, right?

2 MR. WILSON: Objection to form.

3 A I don't understand how you could return
4 to a prior game state in a World Series, yep.
5 Because if a team has won two and the other team
6 has won one, you're never going back to a team one
7 and one. So, in that example of the World Series,
8 I don't understand how you could return to a
9 previous game state.

10 Q Thank you.

11 A Another game, you might be able to.

12 Q Sorry. I interrupted. I apologize.

13 A Yeah. That's a game where you -- there
14 might be a game out there where you can return to
15 a previous game state.

16 MR. WILSON: We've been going about an
17 hour. Mr. Crevelt, do you want to take a break?

18 THE WITNESS: Yeah.

19 MR. WILSON: Is that fine, Gianni?

20 MR. MINUTOLI: Yeah, that's fine.
21 That's fine.

22 MR. WILSON: Very good. All right.

1 See you back about 11:10.

2 (Recess taken from 10:59 a.m. to
3 11:11 a.m.)

4 MR. MINUTOLI: Back on the record.

5 BY MR. MINUTOLI:

6 Q So, welcome back. Prior to our little
7 break, we were talking about Schugar, paragraph
8 120, and you referred to using part of the wager
9 to place another bet as hedging.

10 Do you recall that?

11 A Yes, I did.

12 Q And then, I think you made the comment
13 that most places don't like you to do that; is
14 that correct?

15 A That is probably not the most accurate
16 answer there.

17 Q Okay.

18 A What -- okay.

19 Q Do casinos like you to hedge your bets
20 that way?

21 MR. WILSON: Object to form.

22 A In my experience in the industry,

1 casinos are very cautious about when they --
2 because odds change, so someone can place bets on
3 both sides and automatically win. I believe they
4 have a term on that called middling, or something
5 like that.

6 That defeats the purpose of their
7 betting system if you're going to win, no matter
8 which way the outcome goes. So it's not a
9 desirable one.

10 Q That would be, like, an immediate
11 payout to the player, as opposed to allowing them
12 to sit there and lose, correct?

13 MR. WILSON: Objection to form.

14 A Do you want to rephrase that? I don't
15 understand.

16 Q Sure. So a hedging of a bet, it is a
17 form of cash out that gives the player cash,
18 correct?

19 MR. WILSON: Objection to form.

20 A Hedging probably has a stronger
21 definition -- bigger definition around and is not
22 limited to that.

1 In this example, that is what's
2 happening.

3 Q And it most likely wouldn't be
4 desirable because then the casino doesn't make its
5 money, correct?

6 MR. WILSON: Objection to form.

7 A In my experience, the casino is there
8 to make money.

9 MR. MINUTOLI: And you guys can hear me
10 okay? I don't know if it's my headphones, but you
11 guys, can you hear me well?

12 Q So if we go back to your declaration,
13 paragraph 100, which it starts on page 66 of
14 Exhibit 1007.

15 A Yes.

16 Q There's a reference to a formula that's
17 disclosed by Schugar.

18 Do you see that?

19 A Yes, I do.

20 Q So, is this formula the cash out offer,
21 how the cash out offer is calculated?

22 MR. WILSON: Objection to form.

1 Q Yeah, I can rephrase that. That was a
2 bad question.

3 Does the formula, you have listed on
4 page 67, determine what the cash out offer is for
5 the player?

6 A The formula listed here is the formula
7 for your expected value, which is the probability
8 of all outcomes added together, to give you what
9 that expected value is of your wager. That value
10 may be used to determine the cash-out value. It
11 gives you the idea of the value of what your bet
12 is, so you know that you can choose a cash-out
13 value from that. That's one way of actually
14 calculating.

15 Q Is that how Schugar calculates it?

16 A It lists it as the value of how to
17 calculate that expected value.

18 Q And would this value also apply when
19 the user has a negative expectation?

20 MR. WILSON: Objection to form.

21 A I believe the formula would be valid
22 showing you a negative expectation. I've never

1 used it as a negative expectation.

2 Q And what -- I'm sorry, were you
3 finished?

4 A Yeah.

5 Q So, in that equation, there's a reward
6 for the outcome, I guess, parameter.

7 Do you see that?

8 A Yes.

9 Q What would that be?

10 MR. WILSON: Objection to form.

11 A That is the reward you would have if a
12 specific outcome occurred for that specific
13 outcome. There's multiple outcomes available to
14 you, so you take the probability of each of those
15 outcomes by the association of reward for each of
16 those outcomes, and those are added together and
17 that gives you your expected value for your
18 current situation.

19 Q And the probability of outcome
20 parameter would be chance of winning or losing,
21 correct?

22 A Yeah. Probability of chance of winning

1 or losing, yes. In this case, the probability of
2 winning that outcome, and this is the reward you
3 would get for it.

4 Q Thank you.

5 So let's change it up a little bit.

6 And if we can go to paragraph 148 of your
7 Exhibit 1007. I'll try to give you a page number.
8 Looks like around page 96.

9 A Which paragraph?

10 Q I'm sorry. 148.

11 A 148?

12 Q Yes.

13 And it's under the subheading for
14 claim 13.

15 A Yes, I'm there.

16 Q So, in the subheading, which is
17 subheading 6, it says claim 13 "the system of
18 claim 8, further comprising: Receiving a second
19 wager from a second player."

20 Do you see that?

21 A Yes.

22 Q So, according to claim 13, there's a

1 requirement to receive a second wager from a
2 second player; is that correct?

3 A Yeah. Claim 13 says you can receive a
4 second wager from a second player, yes.

5 Q And so, receiving a wager from the same
6 player that made the first wager is not covered by
7 claim 13, correct?

8 MR. WILSON: Objection to form.

9 A This claim is referring to receiving a
10 wager, a second wager or wager from a second
11 player.

12 Q So, would receiving a second wager from
13 the first player be covered by claim 13?

14 MR. WILSON: Objection to form.

15 A As I explain in paragraph 48 and 49,
16 following this claim, Schugar doesn't include and
17 with DeWaal, players making wagers, so it supports
18 multiple players, it also supports parimutuel and
19 pool betting, which would include multiple
20 players. This is showing that Schugar does
21 support multiple players and not just a single
22 player making multiple wagers.

1 Q Okay. I understand what you wrote in
2 those paragraphs.

3 But my question was, does claim 13
4 require -- require -- I'll rephrase that.

5 So according to claim 13, a second
6 wager from the first player is not covered by
7 claim 13, correct?

8 MR. WILSON: Objection to form.

9 A It would not meet that criteria, no.

10 Q Thank you. I apologize if I cut you
11 off before.

12 And in paragraph 150, I think, 97, it's
13 a long paragraph, there's a bunch of examples of
14 this -- of wagers correct?

15 A Yes, it's an example of number of
16 wagers that could be made by a player.

17 Q Okay. And in these examples, the extra
18 wager -- I'll rephrase.

19 In these examples, the second wager is
20 made by the first player, correct.

21 MR. WILSON: Objection to form.

22 A These are examples being made by a

1 player. There is no designation whether this was
2 the first player who made a wager or a second
3 player or a third player. It's just a player has
4 the option to make these additional wagers. There
5 are multiple players, obviously, available for the
6 game, as I've indicated.

7 Q Okay. But in these examples the A
8 player is the one making both wagers, correct?

9 A This is showing A player making
10 multiple wages -- wagers, excuse me.

11 Q That's okay. Thank you.

12 And, I'm sorry, the paragraph before,
13 you mentioned parimutuel halftime betting pool, I
14 think, in paragraph 149; is that correct?

15 A Yes.

16 Q Is there a difference between a
17 parimutuel halftime betting pool and a parimutuel
18 betting pool?

19 A The concept is the same as a parimutuel
20 betting pool. The term "halftime" just happens to
21 mean it was done at halftime.

22 Q And I think this goes back to Schugar

1 126, if you want to refer to it. But that
2 parimutuel halftime betting pool is setting the
3 odds for the event, correct?

4 MR. WILSON: Objection to form.

5 A Typically, in a parimutuel bet, yes,
6 the odds are initially set and they are changed
7 based on the betting characteristics.

8 Q And in that paragraph, there's also no
9 reference to multiple players making multiple
10 wagers, correct?

11 A In which paragraph? You're looking at
12 Schugar 72?

13 Q Schugar 126.

14 A I'm referencing 72, in that paragraph,
15 where it talks about multiple players.

16 Q So Schugar 72?

17 A Yeah.

18 Q Okay.

19 A It says "multiple players can make
20 wagers during a series, for example, 126." 126 is
21 the previous bet we were talking about.

22 Q Right. And 126 is the same player,

1 correct, making the second wager?

2 A Yeah, 126 is the same player, yes.

3 Q And how would Schugar implement a
4 parimutuel betting pool in its system? What would
5 be required?

6 A As I've stated in 141, this is
7 Schugar -- or 148. Schugar, again, in light of
8 DeWaal with its central service-based system to
9 manage and control the betting and the gain
10 functions, a person of skill in the art would
11 understand that's the easiest way to implement
12 that, using standard technology in the industry.

13 Q And so, Schugar in view of DeWaal,
14 right? Is that what you said?

15 A Correct.

16 Q I don't think we mentioned DeWaal
17 today, but that would be Exhibit 1004.

18 (Crevelt Exhibit 1004 marked for
19 identification and attached to the transcript.)

20 A I believe that's the exhibit number.

21 Q And I'm not going to ask you anything
22 about it now. But do you have that in front of

1 you?

2 A Yes, I do.

3 Q Okay. So you mentioned that DeWaal has
4 the central service system; is that correct?

5 A Yes. DeWaal has a central client
6 server-based system.

7 Q What is actually needed for a
8 parimutuel betting pool? Just a central server?

9 MR. WILSON: Objection to form.

10 A Parimutuel betting requires you to keep
11 track of bets for multiple players, possibly from
12 multiple locations, against multiple items, such
13 as a horse. You also have to calculate the odds
14 as that changes, determine, you know, the winners
15 and payouts appropriately for that. Parimutuel
16 betting has been done in horse racing for decades.
17 Central server is the most efficient method of
18 doing that because it can keep track of all of
19 these things from multiple locations and do the
20 odds calculation termination, versus trying to
21 coordinate communications between multiple
22 independent devices.

1 Gives you the security and control you
2 need.

3 Q Okay. Thank you very much.

4 So, Schugar, in paragraph 128, mentions
5 that payouts for such a bet can be determined
6 using any known method of determining payouts, and
7 then, in parentheses, parimutuel, et cetera.

8 I'll let you get to that paragraph.

9 A Yes, I'm there.

10 Q So what is a parimutuel method of
11 determining a payout? How would you describe it?

12 A A parimutuel betting is where all of
13 the odds may be set, initially, by the operation.
14 Those odds change based on the amount of money bet
15 on each of the, in this case, horses, for example.
16 So that favorite gets lower odds and the long
17 shots get higher odds, to encourage betting on
18 those particular items. So that calculation has
19 to be done.

20 Q Is that similar to what a handicapper
21 would do?

22 MR. WILSON: Objection to form.

1 Q I can rephrase.

2 A I don't know exactly -- okay. You're
3 right. Rephrase.

4 Q So, Schugar, paragraph 118, and I think
5 120, mentions a handicapper. You can verify that
6 before asking any questions.

7 A Which paragraph was that?

8 Q 118 and, I think, also, 120.

9 A He does mention that it could be done
10 by a handicapper or some other method. I
11 understand -- I'm not sure all of the functions a
12 handicapper provides. It's not someone I deal
13 with on a daily basis.

14 Q Sure. But the handicapper would set
15 odds, maybe?

16 A They would be able to set the odds.
17 That's one of the functions.

18 Q Any other function that you can recall?

19 A I'm not familiar with all the functions
20 a handicapper would do.

21 Q And so, how would one implement the
22 handicapper in the Schugar system?

1 MR. WILSON: Objection to form.

2 A By using the central server that we're
3 combining with DeWaal, as well as even Schugar's
4 announced description, they could use current
5 technology, central server system, central server
6 would maintain all of those bets and do those
7 calculations for the odds, versus having an
8 individual, like a handicapper, do it.

9 Q Okay. Does the house have any risk in
10 a parimutuel system?

11 A In the gambling world there's always
12 risk. And parimutuel system, I believe, is
13 designed to minimize that risk. But I believe
14 that risk is always there.

15 Q Risk of losing money? You mentioned
16 risk. Risk of losing?

17 A Yes.

18 Q So, if we go to paragraph 167 of
19 Exhibit 1007. I'm sorry. Paragraph -- yeah, 167
20 of Exhibit 1007. I think it's on page -- starts
21 on page 104.

22 A Yes.

1 Q And this paragraph is under the
2 subheading for claim 20.

3 Do you see that?

4 A Yes.

5 Q So claim 20 also requires a second
6 wager from a second player.

7 Do you see that?

8 A Yes.

9 Q And in this section, you basically rely
10 on your analysis for claim 13; is that correct?

11 A I believe it's claim 15 and claim 13
12 both, yes.

13 Q 15 and 13?

14 A Yes.

15 Q And I looks like limitation 8e, I
16 guess, at the end.

17 A Yes.

18 Q And then in these prior analyses, the
19 examples you show are 1 -- a player making two
20 different wagers; is that correct?

21 MR. WILSON: Objection to form.

22 A I believe my analysis was that the

1 system would accept multiple wages from multiple
2 players. And I did give them an example that we
3 looked at earlier of one player making multiple
4 bets by cashing out a portion of his bet. That
5 would not prohibit him from making a bet separate
6 from that or other players making separate bets.

7 Q Okay. You've completed your answer?

8 A Yes.

9 Q All right. Thank you.

10 So if we can -- I'm sorry, I went out
11 of order. If you go back up to paragraph 152,
12 which I have on page 98.

13 A Yes, I'm here.

14 Q Okay. I can't see you anymore. Are
15 you okay?

16 A Yeah, I was just leaning over to read
17 the paragraph. Sorry about that.

18 Q No problem. No problem.

19 Okay. So paragraph 152 comes under a
20 heading for claim 14.

21 Do you see that?

22 A Yes.

1 Q And this one says, in part, determining
2 odds of winning with respect to the wager from the
3 first player and the second wager from the second
4 player.

5 Do you see that?

6 A Yes.

7 Q So this is also a claim that requires a
8 second wager from the second player?

9 A Yes.

10 Q And I believe you provided an example
11 of a horse race in paragraph 154. It's a pretty
12 long paragraph, if you want to look at it.

13 A Okay.

14 Q Yes, so right at the end of the
15 paragraph, at the bottom of page 99, it says
16 "since the player has wagered a hundred dollars
17 for A to win and the pay off for this bet is
18 \$1,000 (at 9:1 odds) the expectation of this wager
19 is .87."

20 Do you see that?

21 A Yes.

22 Q And then, the next paragraph, next

1 sentence talks about placing a second wager.
2 That's also made by the same player, correct; the
3 player who made wager A?

4 A It doesn't specify that the second
5 wager is coming from the same player. It's
6 identifying the odds.

7 Q So you think that paragraph is two
8 players making two separate wagers?

9 A Because we were talking about a
10 parimutuel basis, as in the beginning of the
11 paragraph 154, we're referring back to 18 in
12 Schugar, parimutuel betting, you do have to have
13 multiple players and multiple wagers. You cannot
14 have a parimutuel bet between one person.

15 Q I understand. I guess we have to go
16 back, back referring to Schugar paragraph 118,
17 which is where I think you took the example from.

18 Would you like to look at that
19 paragraph? That would be Exhibit 1005.

20 A 118 talks about parimutuel betting,
21 calculating the odds on a parimutuel wager.

22 Q It doesn't specifically say that this

1 wager B was made by a second player, correct?

2 A A person of skill in the art knows that
3 parimutuel betting requires multiple players.

4 Q So you said you didn't have your CV.
5 I'm going to try to share my screen. Hopefully I
6 can do it right this time, and see -- hopefully
7 you can read it, but you let me know. So hold on
8 a second here.

9 MR. MINUTOLI: Can you guys see a
10 screen with a document that has Dwight E. Crevelt
11 at the top?

12 Q And I can make it bigger, Mr. Crevelt,
13 if you need to.

14 MR. WILSON: We can see it. Gianni,
15 can you share, just drop the file so Mr. Crevelt
16 can open that document on his end, so he has a
17 whole?

18 MR. MINUTOLI: Let me stop sharing. So
19 you just plop that into the chat? Is that how
20 that works?

21 MR. WILSON: I think so. Or
22 Mr. Crevelt, do you have an electronic copy of

1 Exhibit 128?

2 A I do not have it on this computer.

3 MR. WILSON: Okay.

4 THE WITNESS: Wait a minute. Maybe I
5 do, come to think of it.

6 Q Yeah, I think the questions can be
7 easy.

8 THE WITNESS: Oh, I'm sorry, yes, I do
9 have it on this computer. I'm sorry.

10 Q Don't be sorry.

11 A Yes, I have it on my computer. I have
12 it up. What can I --

13 Q Okay. Let me -- yeah, so you have
14 Exhibit 1008, that's a copy of your CV, correct?

15 A Correct.

16 Q First paragraph states that you provide
17 expert services for patent infringement cases.

18 Do you see that?

19 A Yes.

20 Q What kind of services do you provide?

21 A Over the years, I have provided expert
22 witness services both in trial for IPRs, court

1 cases. I've done source code reviews. I've done
2 analysis of gaming devices, reverse engineering,
3 did general consulting on cases, sometimes as a
4 non-testifying expert.

5 Q Do you know, roughly, about how many
6 cases that would be?

7 A Over the last 30-some years, about,
8 probably, 40-some cases. I don't have a number
9 off the top of my head.

10 Q No, ballpark's good. I appreciate
11 that.

12 About how many IPRs have you worked on?

13 A Quite a few. Again, I don't know, off
14 the top of my head, exactly how many, but over,
15 again, the last decade they've started doing IPRs,
16 I've probably done them for six or seven clients.

17 Q And in this case you've done eight for
18 DraftKings against the Diogenes patents, correct?

19 A Correct.

20 Q And you have done other IPRs, you said;
21 is that correct?

22 A Correct.

1 Q Have you ever worked with DraftKings
2 before?

3 A Not that I recall.

4 Q Have you ever done any consulting work
5 for DraftKings?

6 A Not that I recall.

7 Q And this would be a ballpark, but about
8 how many hours do you think you've worked on the
9 IPRs against Diogenes?

10 A I have not added it up. It's been
11 dozens, I'm sure.

12 Q All right. So we can go -- let's go
13 back to Exhibit 1005, which is Schugar.

14 So I say Schugar, you say Schugar. Do
15 we know the right way to say that?

16 A Doesn't matter to me.

17 Q But you understand what I've been
18 saying all day, right?

19 A Yeah.

20 Q Okay.

21 A I have that patent.

22 Q Okay. Thank you. I was just trying to

1 find my spot.

2 So, Figure 4 in the Schugar patent, up
3 front, there's a block diagram, or system diagram,
4 I guess you would call it.

5 A Yes.

6 Q And what are the components in this
7 system?

8 A It's showing three specific components
9 in an example. Do you want me to specifically
10 give you have those components?

11 Q Yes, please.

12 A It's showing a -- what's described
13 as -- listed as a machine game, number 400, comp
14 card reader, 402, and a database, 404.

15 Q Okay. And so, Schugar describes the
16 machine game can be any wagering machine game, in
17 paragraph 104, if you wanted to turn there.

18 A Yes, 104 says a machine game 400 can be
19 a wagering machine, such as slot machine, video
20 poker game, or any other game having multiple
21 states where they can wager a progression. The
22 machine game can be associated with a comp card

1 reader, which is the 402, that's your player
2 identification, and his or her -- to identify the
3 player, and 404, a database used to store values
4 banked for later use. So, a database for the
5 player record.

6 Q Okay. Thank you.

7 And then, I think paragraph 105
8 discusses a little bit more about the database.

9 Do you see that?

10 A Yes.

11 Q Says the database can be used to show
12 values banked for a later use.

13 Did I read that correctly?

14 A Yes.

15 Q Then it says that the database can be
16 accessible by all games in an individual casino or
17 a group of casinos.

18 Do you see that?

19 A Yes.

20 Q So how does Schugar do that?

21 MR. WILSON: Objection to form.

22 A Again, Schugar is designed to be

1 implemented using the current technology available
2 and can be implemented as such. DeWaal shows that
3 in their client server base system, but the use of
4 this and the comp cards storing data is very
5 common to the player-tracking systems that are
6 well known in the day, and all of these systems
7 would be tied together, machines tied together.
8 And a person skilled in the art would understand
9 that to be its honor system whatever the location
10 is, including multiple locations.

11 Q Okay. But those, whatever connections,
12 is not shown in Figure 4, right?

13 A The connection to the database would be
14 to the central system that is monitoring player
15 tracking, for example, the comp cards, so although
16 Schugar doesn't -- almost shows the database as a
17 system. And as someone skilled in the art, I
18 would read that to be the online system in a
19 casino for player tracking or accounting.

20 Q So you wouldn't consider this, like, a
21 stand-alone system?

22 MR. WILSON: Objection to form.

1 A Because 404 also says other -- let's
2 see. Where is it? The database being accessible
3 by all games in an individual casino or group of
4 casinos, that would lead me, as a person skilled
5 in the art, to say this is more of a central
6 system, in itself, so that a player can go to
7 multiple machines and still be able to access his
8 database.

9 Q Do you know if any of these games, for
10 the machine game 400, could be used for a sporting
11 event?

12 MR. WILSON: Objection to form.

13 A There's no reason why it could not be
14 used for a sporting event, real or simulated.

15 Q What was the last part you said about
16 simulated?

17 A Real or simulated.

18 Q And how would that be accomplished?

19 MR. WILSON: Objection to form.

20 A You would program the device to handle
21 the functions Schugar's showing.

22 Q And the device, would that be the game

1 machine or something else?

2 A The game machine.

3 Q Would you need a network connection to
4 implement a sporting event in this system?

5 MR. WILSON: Objection to form.

6 A The implication of lag at this figure
7 and this description, there is a network
8 connection already in place in the casino that
9 they would be using.

10 Q Would that network connection be able
11 to get real-time sports updates?

12 A A network system like this, which a
13 person skilled in the art would look as, like,
14 their player tracker accounting system that exists
15 in a casino, could easily be programmed to collect
16 that data from whatever source was required.

17 Q But Schugar doesn't say any of that,
18 right?

19 MR. WILSON: Objection to form.

20 A Actually, Schugar does talk about
21 monitoring the events of the game and the
22 activities, whether it's the -- I believe they

1 give an example of a football game or at halftime.
2 To be able to monitor, you'd have to record or
3 keep track of the activity. So you would have to
4 have some sort of a connection to do that.

5 Q Okay. So that would be based on the
6 understanding of a POSITA?

7 A Yes.

8 Q Okay. Do player-tracking systems
9 typically have connections to third-party systems
10 that are not affiliated with the casino?

11 MR. WILSON: Objection to form.

12 A In my experience with player-tracking
13 systems, promotional games, et cetera in a casino,
14 there are connections to various other systems in
15 and around the casino and, possibly, externally.

16 Q And so, I said it, but what's the
17 function of a player-tracking system?

18 A Player-tracking systems have been
19 around since 1984, in casinos. They are the basic
20 system where all the gaming devices in a casino is
21 connected to a central database and server to
22 allow for the monitoring and accounting of player

1 activity to rely -- to provide benefits, comps,
2 for example, complementaries and rewards to
3 players, for their player and their activity,
4 keeps track of their accounting. In the 2000s,
5 those same systems controlled all the cashless
6 operations because most casinos are cashless, so
7 they handle all of the funds, transfers back and
8 forth to the machine, to the player's account and
9 all that banking. So, they provide the control
10 and security for the systems. And that is
11 well-known in the art. And any person of skill in
12 the art would be very familiar with these systems.

13 Q Do player-tracking systems control the
14 actual functioning of the game?

15 MR. WILSON: Object to form.

16 A The answer to that question is a yes
17 and a no.

18 Q Okay. You know, can you explain that
19 answer, please?

20 A Yes. In terms of legal gaming
21 operations in the United States, for example, and
22 the various states that authorized (inaudible due

1 to audio cutting out) of the device. Such as it
2 cannot tell you which cards to put on the screen.
3 It cannot tell you which positions to stop the
4 reels on a slot machine.

5 However, through the expansion of
6 technology over the years with bonus games, as
7 identified in DeWaal, and other shared games,
8 pooled games, progressives, there are additional
9 jackpots and awards that are controlled by the
10 central system, determined by the central system,
11 and, in turn, paid through the machine.

12 So, in that way, it does control some
13 functionality of the machine within the specific
14 jurisdiction and its regulatory compliance.

15 Q I hate to do this to you. At least on
16 my end, you dropped out a little bit at the
17 beginning. Judy's shaking her head too. Can you
18 repeat the beginning part when you were talking
19 about legal part.

20 A Okay.

21 Q You started saying, in terms of legal
22 gaming operations in the United States, for

1 example, and then you sort of cut out. I'm not
2 sure if we got the full answer.

3 A In the United States, the gaming
4 jurisdictions have their own regulations and, in
5 general, those regulations state that the system
6 attached to it cannot control the random functions
7 of that device. So the central system cannot tell
8 you which cards to put up on a player -- on a
9 poker game or it cannot tell you the random
10 positions to stop on a slot machine.

11 That's that functionality that is
12 typically reserved for the device.

13 Now, did you get the rest of the
14 information about the bonus games and all of that?
15 Okay.

16 Q Okay. Good. Thank you. And I
17 apologize for that.

18 Do player tracking systems set odds?

19 A Let's see. I'll give you a qualified
20 answer. The player-tracking system, itself, is
21 designed to track the player activity and what is
22 happening there. The bonus games that are

1 implemented on some of these systems do have odds
2 and set odds and control those bonus games, such
3 as those identified in DeWaal.

4 Q Okay. So I'm about to turn to DeWaal.

5 MR. MINUTOLI: Andrew, we've been going
6 on just under an hour. Do you want to take a
7 break here before we start a new line of
8 questioning or do you want to keep going?

9 MR. WILSON: It probably makes sense.
10 Mr. Crevelt, what works for you?

11 THE WITNESS: Yeah, if you can give me
12 about 10 or 15 minutes.

13 MR. MINUTOLI: So we'll see you about
14 12:20, maybe, if that works.

15 MR. WILSON: Okay. Sounds good.

16 (Recess taken from 12:06 p.m. to
17 12:22 p.m.)

18 BY MR. MINUTOLI:

19 Q Welcome back.

20 So, if you can turn to Exhibit 1007,
21 paragraph 76, and you'll also need Exhibit 1004,
22 which is DeWaal, at some point.

1 So, in paragraph 76, you list a few
2 reasons why prior art would have motivated the
3 POSITA to implement Schugar's wagering system --
4 sorry, wagering games and events in a centrally
5 controlled wagering system, as disclosed by
6 DeWaal.

7 Do you see that?

8 A Yes.

9 Q And as we mentioned before, DeWaal is
10 Exhibit 1004, correct?

11 A Yeah, I believe so.

12 Q And it's publication, patent
13 publication 2008/0113765, just for the record?

14 A Correct.

15 Q Thank you.

16 And in paragraph 76, second sentence,
17 you start with, "For example, DeWaal explicitly
18 teaches that the central production will control
19 and assist a gaming establishment or other entity
20 in performing several central functions of a
21 gaming operator, such as maintaining appropriate
22 records, controlling gaming, reducing and

1 preventing cheating, or electronic or other
2 errors, reducing or eliminating win-loss
3 volatility and the like."

4 Do you see that?

5 MR. WILSON: Sorry, Mr. Crevelt, it
6 looks like you're on mute.

7 A Sorry. Did that by accident.

8 Q That's okay. I don't know if you were
9 saying anything, but you were on mute.

10 A Could you repeat the question?

11 Q Do you see the second sentence lists a
12 bunch of reasons you would combine DeWaal with
13 Schugar?

14 A Yes, it does.

15 Q And I think you called them essential
16 functions.

17 These are from DeWaal, paragraph 88,
18 correct?

19 A Correct.

20 Q So, does Schugar disclose a need for
21 maintaining appropriate records?

22 MR. WILSON: Objection to form.

1 Mr. Crevelt I'm sorry, I think you're back on mute
2 for some reason.

3 THE WITNESS: That's weird.

4 MR. WILSON: Now you're off. We can
5 hear you again.

6 A Computer has a life of its own.

7 Yes, Schugar does indicate that with
8 keeping records, that diagram 4 we looked at
9 before, the database, talking about where that's
10 storing banking information of the player's
11 activity as wagers, so it's accessible, that is
12 one piece of storing records. It would also be
13 maintaining those records and monitoring the
14 sporting event so you can know the status of the
15 states of the game, so you could produce cash-out
16 awards, or cash-out offers. So, yeah, storing
17 records, maintaining records is part of Schugar
18 and this goes a step further by putting central
19 control at the central server and doing additional
20 functions as listed here.

21 Q And when you said "this," you meant
22 DeWaal?

1 A DeWaal, yes.

2 Q And does Schugar disclose the need for
3 reducing or preventing cheating or electronic or
4 other errors?

5 A Schugar does not specifically state the
6 central system in it, but that is a desirable
7 feature that any person of skill in the art would
8 want in their system.

9 Q Would that be the same for reducing or
10 eliminating win-loss volatility?

11 A Yes.

12 Q And -- oops, something happened there.
13 But Schugar does not have a centrally
14 controlled wager system, correct? That's why
15 you're combining it with DeWaal?

16 A Schugar does not specifically state a
17 centrally controlled system, and that's the
18 combination, to provide those additional features.

19 Q So some of these essential functions
20 that you list in this paragraph, they're really
21 directed to issues with having a centrally
22 controlled wagering system, correct, in paragraph

1 76?

2 A Yes.

3 Q Okay. So I guess we should look at
4 DeWaal Figure 2B, which is also mentioned in your
5 paragraph 66 of Exhibit 1007.

6 So if you could take out Exhibit 1004
7 and go to Figure 2B.

8 A Okay.

9 Q What were the components -- what are
10 the components in Figure 2B of DeWaal?

11 A It is showing essential control in
12 number 56, gaming devices, number 10, and what
13 appear to be communication lines, number 58. I'll
14 have to go look at the text to determine details
15 on those.

16 It was 2B you're referring to, right?

17 Q Right. I'm looking for the paragraph,
18 too, to help you out.

19 Looks like maybe the beginning of 84,
20 which is around the 30th page. But, you know,
21 feel free to keep looking. I see 2B starting at
22 page -- paragraph 84.

1 A Yes, paragraph 84 does show that 2B,
2 you've got gaming devices listed as number 10,
3 they're in communications over some sort of
4 network, that leads to a central server. And it
5 says this embodiment, the central server, central
6 controller or remote host is a suitable server
7 able with one processor, et cetera.

8 Do you want me to continue for the rest
9 of that paragraph?

10 Q No. No. You mentioned you wanted to
11 know what the links were, that's fine with me. I
12 can ask you some questions.

13 A 56 says a data network or a remote
14 communications link.

15 Q 58, I think, right?

16 A I'm sorry. 58, yes.

17 Q Don't be sorry. Thanks.

18 So in that same paragraph, it's --
19 DeWaal states that the process of each gaming
20 device is designed to transmit and receive events,
21 messages, commands, or any suitable data or signal
22 between the individual gaming devices and the

1 central server.

2 Did you see that in there?

3 A Yes.

4 Q And the processors, it goes on, the
5 processor of the central server is designed to
6 transfer, receive events -- I'm sorry. That's the
7 same sentence.

8 So DeWaal only contemplates
9 communications, too, from the central controller
10 56 and the gaming devices, correct?

11 MR. WILSON: Objection to form.

12 Q That's all right. I can rephrase that.

13 A Yeah.

14 Q So, also in that paragraph is a
15 statement that the processor of the central server
16 is designed to transmit and receive events,
17 messages, commands, or any other suitable data or
18 signal between the central server and each of the
19 individual gaming devices.

20 Do you see that? It's a long
21 paragraph, but do you see that?

22 A Yes.

1 Q Okay. So my question was, probably
2 said it wrong, so, according to paragraph 84 of
3 DeWaal, DeWaal's only contemplating communications
4 to and from the central controller 56 and the
5 gaming devices; is that correct?

6 MR. WILSON: Objection to form.

7 A In this specific embodiment, it's
8 describing the communications between that. As an
9 example of the configuration, I would not say
10 that's limited to only those specific functions.

11 Q Okay. But based on the examples shown
12 in 84, that's the communication types, right?

13 A Yeah. It communicates events and other
14 activities and information between the devices,
15 yes.

16 Q Does this Figure 2B show any data
17 network or remote communication links between the
18 controller, essential controller, and anything
19 else, aside from the gaming device 10?

20 A This particular figure is showing the
21 connections to the gaming devices, whether they be
22 centrally located or remote. It is not describing

1 any other connection in it at the moment.

2 Q Okay. Thank you.

3 And I apologize. I went outside for
4 five minutes and now I've got my allergies kicked
5 in. So if you hear me sniffing, I apologize.

6 So, other than the data network or the
7 links 58 between the devices and central
8 controller, Figure 2B of DeWaal does not show any
9 other interfaces, communications with third-party
10 systems, does it?

11 A In this one embodiment, no.

12 Q And if we scroll up a little bit in
13 your -- well, in your declaration, paragraph 68,
14 I'll scroll up. I think you have it on paper,
15 right? You discuss paragraph 42 of DeWaal.

16 Do you see that?

17 A Yes, I see that.

18 Q Okay. And according to DeWaal, we
19 have -- there are computerized instructions for
20 controlling any games that are executed by a
21 central server, central controller or remote host
22 such as a thin client.

1 Do you see that?

2 A Yes.

3 Q And in DeWaal, according to the thin
4 client embodiment, the central server remotely
5 controls any games or suitable interfaces, and the
6 gaming devices are utilized to display such games
7 or suitable interfaces and receive one or more
8 inputs or commands from a player.

9 Do you see that in DeWaal, paragraph
10 42?

11 A Yes, I do.

12 Q Okay. And DeWaal distinguishes a thin
13 client from a thick; is that correct?

14 A Yes, it says it can communicate with
15 either a thin client or a thick client, yes.

16 Q And according to DeWaal, it
17 distinguishes the thick client embodiment because
18 the gaming device, local processor executes the
19 communicated computerized instructions to control
20 any games on the suitable interfaces provided to a
21 player.

22 Do you see that?

1 A Yes.

2 Q So the difference, between a thin
3 client and thick client embodiments, is that the
4 thin client embodiment involves a centralized
5 control of the gaming devices by the controller
6 whereas the processor of the gaming devices
7 themselves control each gaming device in the thick
8 client.

9 Sound right?

10 MR. WILSON: Objection to form.

11 A Essentially a thin client is getting
12 all of its control or programs that it's executing
13 from the central server, the thick client has some
14 of that on its device.

15 Q Okay. Thank you.

16 In paragraph 42 of DeWaal, does this
17 paragraph state that the central controller of the
18 thin client embodiment is connected to anything
19 other than the gaming devices?

20 A This embodiment is describing the
21 central controller as being able to use both a
22 thin client or a thick client and communicate, as

1 necessary, for those devices.

2 Q I know it's a long paragraph, but the
3 thin client embodiment is only communication
4 between the central controller and the gaming
5 devices, I believe; is that correct?

6 MR. WILSON: Objection to form.

7 A In terms of the art and what
8 understanding, as a person skilled in the art, the
9 communications between both devices would be
10 similar, in a similar installation of a game,
11 product, or whatever. The thin client is one that
12 has less processing power and capabilities and
13 gets all of its additional programming from the
14 central host, while the thick client has some of
15 that there, as far as control, operations, data;
16 that all is dependent upon what is implemented on
17 it.

18 Q Okay. But the only communications
19 described in this paragraph are between the
20 central controller and the gaming devices, for the
21 thin client embodiment?

22 MR. WILSON: Objection to form.

1 A This is discussing that the central
2 controller is communicating with both thin clients
3 and thick clients, yes.

4 Q And paragraph 43 is also describing the
5 thin client embodiment. Does this paragraph
6 mention the central controller talking to anything
7 else, other than the gaming devices?

8 A Paragraph 43 talks about the central
9 server communicating to the thin and/or thick
10 client to control, configure, and run secondary
11 games, or any games on that -- onto the system.

12 I'll rephrase that to control any
13 secondary games or bonus functions that are on the
14 central server.

15 Q Are you still reading or --

16 A No, I'm fine. I'm done.

17 Q Sorry. It's hard to tell.

18 And the paragraph is still talking
19 about communications between the controller and
20 the games, gaming devices, correct?

21 A Correct.

22 Q And I think there's one more mention of

1 thin client embodiment in paragraph 123, which is,
2 maybe, the 36th page in your packet.

3 A I'm at 123.

4 Q Thanks. So does this paragraph state
5 that the central controller in the thin client
6 embodiment is connected to anything other than the
7 gaming devices?

8 A This embodiment is describing the
9 connection between the central server and the thin
10 client or thick client.

11 Q And only between the central controller
12 and the device, game devices, correct?

13 A Yes. Communication between the central
14 controller and the gaming devices, yes.

15 Q Sorry about that.

16 Let's look at your declaration,
17 Exhibit 1007, paragraph 78.

18 A Okay. I'm there.

19 Q So, it's a long paragraph, but in
20 there, there's a sentence that says a POSITA would
21 have recognized that centrally-controlled wagering
22 systems are particularly useful and efficient for

1 multiple-player wagering on a common external
2 sporting event, like horse racing, football.

3 Do you see that?

4 A Yes.

5 Q There's a cite to Schugar, paragraph
6 19 -- 109. I'm sorry.

7 Do you see that too?

8 A Yes.

9 Q So if you look at the word, focusing on
10 the use of the word "external" in there, we just
11 discussed how the thin client embodiment, the
12 wall, only shows communications between the
13 controller and the gaming devices, correct?

14 MR. WILSON: Objection to form.

15 A The specific embodiments were
16 discussing the communication structure.

17 Q Right.

18 A Yes.

19 Q And earlier today, we discussed that
20 Schugar doesn't show external connections to other
21 devices either, right, at least in Figure 4?

22 A Schugar doesn't -- Schugar does not

1 specifically show a connection to such device. It
2 talks about monitoring and recording the
3 information so it can do an analysis of the state
4 of a game, such as a football game or a basketball
5 game, et cetera, to provide a cash-out award.

6 As such, there has to be some method of
7 collecting that data and monitoring it, that a
8 person skilled in the art would use to implement.
9 And, in this case, using a central server, as
10 DeWaal has, which has the communications to each
11 of the gaming devices, an external device,
12 communications from that server to whatever
13 source, to get those sporting event information,
14 is the most efficient, logical, method to
15 implement it.

16 Q So, according to a POSITA and your
17 combination of DeWaal and Schugar, correct?

18 A Correct.

19 Q Sorry, my notes messed up.

20 So if we go back to limitation 1d, in
21 Exhibit 1007. I think it was paragraph 97.

22 Do you see that?

1 A Yes.

2 Q So, around paragraph 104 to 106, you
3 start describing the combination of Schugar with
4 DeWaal.

5 Do you see that?

6 A Okay. Which paragraph are we at now?
7 I thought you said 97.

8 Q Yeah, 97, just so you can see we're
9 talking about the limit, 1d?

10 A Right.

11 Q Two, later you discuss DeWaal in 104,
12 page 69. I'm not trying to trick you, I'm just
13 trying to give you the context.

14 A Okay. I'm at 104 now.

15 Q So, in these sections you're, and
16 correct me if I'm wrong, you're, basically,
17 describing the central server of DeWaal and why
18 you would use it in Schugar, the Schugar system,
19 correct?

20 A Yes.

21 Q So you're not offering an opinion that
22 DeWaal teaches anything in limitation 1d, except

1 for the central server part, correct? I think
2 that's the conclusion in paragraph 106.

3 A In combination, both Schugar and
4 DeWaal, the central server is coming from DeWaal,
5 and Schugar does do the cash-out on offers, but --
6 or buyout offers, depending on the terminology
7 used. DeWaal also does -- initiating those
8 offers, so it's not an only piece.

9 Q So, you're relying on DeWaal for more
10 than just the central server in limitation 1d? Is
11 that what I just heard?

12 A The primary reliance is that there's a
13 central server there, but DeWaal also does do --
14 initiates payouts during the states. So they're
15 very similar in operation. So, in combination,
16 they would be relying on them to meet the claim.

17 Q Okay. So just to be clear.

18 So, you're relying on DeWaal for
19 central server and some of the cashout
20 functionality -- some of its cashout
21 functionality?

22 MR. WILSON: Objection to form.

1 A My primary reliance is on DeWaal for
2 the central server.

3 Q Okay. And you said "primary."
4 Do you rely on DeWaal for anything
5 else?

6 MR. WILSON: Objection. Asked and
7 answered.

8 A DeWaal has analogous functions which
9 fit and make it overall, a good choice. But in
10 this particular claim, the central server is the
11 primary reliance.

12 Q Okay. Thank you. Thanks for
13 clarifying that.

14 We're getting close here. I just want
15 to make sure I didn't miss anything.

16 So let's go to paragraph 74 of
17 Exhibit 1007, which is your declaration.

18 A Okay. I'm there.

19 Q Okay. Thank you.

20 So, at the end of -- the first sentence
21 is really long, but at the end there's a portion
22 that says "and that functionalities may be

1 performed at a central server and serve two local
2 machines."

3 Do you see that?

4 A Yes, I see that.

5 Q Sorry. I lost my train of thought.

6 In that, there's a citation to the
7 Schugar 694 patent at 10:48-55.

8 Do you see that?

9 A Yes.

10 Q And that's a reference to Exhibit 1027,
11 which is Schugar's 7 -- U.S. patent number
12 7,909,694; is that correct?

13 (Crevelt Exhibit 1027 marked for
14 identification and attached to the transcript.)

15 A Yes. I see that, yes.

16 Q Do you have that with you also?

17 A Yes.

18 Q Okay. So if you can, and go over to
19 column 10, about lines 48 to 55, please.

20 A 48 to 55, okay.

21 Q So, my question --

22 A I'm there.

1 Q -- for you -- sorry. My question for
2 you, what are the functionalities that are
3 described in that part of Schugar, I'll refer to
4 it as Schugar '694.

5 MR. WILSON: Objection to form.

6 A It's describing that the components of
7 the -- any description of components of this
8 herein includes hardware, software configurations
9 that already exist in the prior art and may be
10 necessary in the operation of the components or
11 the embodiments and can be applied to any type of
12 gaming machine.

13 Q Sure.

14 And then, the sentence after that
15 mentions random numbers can be generated instantly
16 at the local level or generated and stored at a
17 central server and served to local machines.

18 Do you see that?

19 A Yes.

20 Q So, as far as I can tell, that's the
21 only functionality that's referred to in this
22 section of Schugar '694.

1 Do you agree?

2 A No, I disagree.

3 Q So you're saying, in the prior sentence
4 that you write, to mean because it could be any
5 functionality, any hardware, software, this is
6 right as to Schugar through this?

7 A This could be used for -- the keyword
8 being, you know, hardware, software, and
9 configurations which already exist in the prior
10 art and necessary to complete the operation and
11 components of the embodiment.

12 A couple of examples they gave, such as
13 class 2 or class 3 gaming or serving a random
14 number generator, are examples of types of things,
15 but not limited to those items. A person of skill
16 in the art would understand that.

17 Q Okay. So a POSITA would know -- I'll
18 scratch that.

19 A POSITA would have understood this is
20 more than just random number generators, from that
21 incorporation?

22 A A POSITA would understand that this

1 reference is referring to the -- Schugar could be
2 implemented on any of the existing technologies
3 that's out there and could be used to serve random
4 number generators, if that environment allowed
5 such activities.

6 Q But the only specific example is random
7 number generators, right?

8 A Class 2, class 3 gaming, which are
9 types of gaming devices, and some of which have
10 centrally-controlled random number generators.
11 But there are also different types of games. So
12 it's not just random number generators. That was
13 just an example of what could be done.

14 Q Just -- I'm sorry, I started talking
15 over you.

16 So, just an example?

17 A Just an example.

18 Q Okay. So if you can turn to paragraph
19 107 of Exhibit 1007.

20 I promise you, we're getting near the
21 end.

22 A Okay. I'm there. Yes, I'm there.

1 Q In this paragraph, and the paragraphs
2 after are referring to limitation 1e of claim 1.

3 Do you agree?

4 A Yes.

5 Q Okay. I'm sorry.

6 And in this paragraph, you state that a
7 POSITA would have understood that recording the
8 event's states is a way of monitoring the progress
9 of the sporting event, i.e., the monitoring of the
10 state of the sporting event because the recording
11 of the progress involves monitoring activities,
12 such as listening to and recording.

13 Did I read that correctly?

14 A I think you read that correctly, yes.

15 Q I hope so.

16 So, you didn't cite to anything here.

17 Is that based upon Schugar, paragraph
18 110, that was listed in the sentence before?

19 A If you follow on down to 108, the fact
20 that Schugar is offering cashout offers based on
21 the state of the game, you would have to be
22 monitoring the game to know what state it's in.

1 And that is a logical method, is to monitor it,
2 monitoring of gaming, gaming devices is well-known
3 in the industry. Schugar system, with the
4 database, number 4, showing the database out
5 there, which is banking information, that's also
6 monitoring what's going on there. So it's used to
7 monitoring items in the casino and it would have
8 to monitor the external gain to be able to provide
9 the functionality described.

10 Q Okay. So some of the support comes in
11 paragraph 108, is what you're saying?

12 A Yes.

13 Q So, can you -- if a system -- let me
14 rephrase that. Can a system record something
15 without actually just monitoring it?

16 MR. WILSON: Objection to form.

17 A Can you rephrase that question?

18 Q Yeah, I'll rephrase that. I get worse
19 as the day goes on.

20 So, can a system record something
21 without monitoring it?

22 A If you're recording something, you have

1 to have a source for it.

2 Q So if I monitor something, the Giants
3 game on my -- let me restart that.

4 If I record the Giants game on Thursday
5 without actually looking at the TV, have I
6 monitored that game?

7 MR. WILSON: Objection to form.

8 A There has to be a monitoring or input
9 source to determine the game states. That data
10 must come from somewhere, and the only way you can
11 get it is to input it, monitor it, record it from
12 somewhere that you can, then, use it to generate
13 those game states, or know those game states.

14 Q So, does monitoring require a real-time
15 action?

16 MR. WILSON: Objection to form.

17 A The action would have to be an
18 appropriate time frame for the cashout offer. So,
19 the term real-time has other implications. But at
20 halftime, if you're trying to do a halftime
21 buyout, obviously, you have to get that
22 information into the system by halftime and before

1 the start of the third quarter. So there is a
2 time implication there, but I would not mandatory
3 say it has to be real time.

4 Q Okay. So, monitoring requires more
5 than just recording, you'd need to have some type
6 of information, correct?

7 A You have to have some information to
8 monitor and input into the system.

9 Q Thank you.

10 MR. MINUTOLI: So I think I'm done. I
11 appreciate your time. I'll pass you over to
12 Mr. Wilson.

13 MR. WILSON: Thank you. I'm going to
14 ask for, probably, a five or ten-minute recess,
15 just to go over things.

16 MR. MINUTOLI: Sure. That works. So
17 we'll see you -- I'll just wait for you to pop
18 back up.

19 MR. WILSON: Thank you.

20 (Recess taken from 1:04 p.m. to
21 1:06 p.m.)

22 MR. WILSON: No redirect, or direct.

1 MR. MINUTOLI: All right. Thank you.
2 Thank you for your time, Mr. Crevelt. It was very
3 much appreciated.

4 We'd like a rough, whenever you can get
5 it, and then I think we have about ten days to
6 file our reply, so if we can get the final, you
7 know, within five to seven days, would be
8 appreciated.

9 THE STENOGRAPHER: Mr. Wilson?

10 MR. WILSON: Yeah, I assume that you
11 guys will file the transcript with the --

12 MR. MINUTOLI: Yeah.

13 MR. WILSON: I don't know that we need
14 it.

15 MR. MINUTOLI: Normally you guys don't
16 get it until we file it, to save yourself some
17 money.

18 MR. WILSON: That's fine with me.

19 THE STENOGRAPHER: Do you need a rough?

20 MR. WILSON: No.

21 (Off the record at 1:08 p.m.)
22

1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

2
3 I, Judith E. Bellinger, Certified Reporter and
4 Notary Public within and for the State of Maryland
5 do hereby certify:

6 That Dwight Crevelt, the
7 witness whose deposition is hereinbefore set
8 forth, was duly sworn by me before the
9 commencement of such deposition and that such
10 deposition was taken before me and is a true
11 record of the testimony given by such witness.

12 I further certify that the adverse
13 party, DK Crown Holdings Inc., was represented by
14 counsel at the deposition.

15 I further certify that the deposition
16 of Dwight Crevelt, occurred virtually
17 on Tuesday, September 19, 2023, commencing at
18 10:01 a.m. to 1:08 p.m.

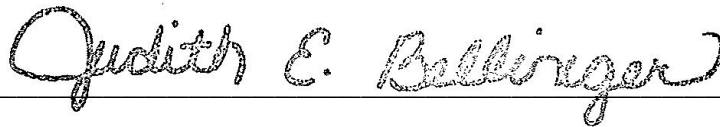
19 I further certify the inspection,
20 reading and signing of said deposition was not
21 discussed on the record.

22 I further certify that I am not related

1 to any of the parties to this action by blood or
2 marriage, I am not employed by or an attorney to
3 any of the parties to this action, and that I am
4 in no way interested, financially or otherwise, in
5 the outcome of this matter.

6 IN WITNESS WHEREOF, I have hereunto set
7 my hand this 25th day of September, 2023.

8
9 My commission expires: November 3, 2024
10
11

12 
13 _____

14 E-NOTARY PUBLIC IN AND FOR
15 THE STATE OF MARYLAND
16
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