

FIRST AMENDED INVALIDITY CHARTS FOR U.S. PATENT NO. 8,105,149 (DEWAAL '149)

As set forth below, DraftKings contends that U.S. Patent No. 8,105,149 (hereinafter "DeWaal '149") anticipates one or more claims of U.S. Patent Nos. 10,970,969 (the "'969 Patent"); 10,997,822 (the "'822 Patent"); 11,200,779 (the "'779 Patent"); 9,424,716 (the "'716 Patent"); 9,275,516 (the "'516 Patent"); 8,721,439 (the "'439 Patent"); 9,117,341 (the "'341 Patent"); and 9,704,338 (the "'338 Patent") (collectively, the "Asserted Patents") or renders the Asserted Patents obvious, either alone or in combination with other prior art and/or the knowledge of a person of ordinary skill in the art ("POSITA").

DeWaal '149, filed on November 10, 2006, published on May 15, 2008, and issued on January 31, 2012, qualifies as and is admitted prior art to the Asserted Patents under at least 35 U.S.C. §§ 102(a), 102(b), 102(e), and/or 102(g)(2) (pre-AIA); U.S. Patent No. 8,398,483 (hereinafter "Brook '483"), filed on March 6, 2012, and issued on March 19, 2013, qualifies as prior art to the Asserted Patents under at least 35 U.S.C. §§ 102(a), 102(e), and/or 102(g)(2) (pre-AIA); U.S. Publication No. 2008/0311981 (hereinafter "Schugar '981"), filed on April 8, 2008 and published on December 18, 2008, qualifies as prior art to the Asserted Patents under at least 35 U.S.C. §§ 102(a), 102(b), 102(e), and/or 102(g)(2) (pre-AIA); U.S. Patent No. 5,511,781 (hereinafter "Wood '781"), filed on February 17, 1993 and issued on April 30, 1996, qualifies as prior art to the Asserted Patents under at least 35 U.S.C. §§ 102(a), 102(b), 102(e), and/or 102(g)(2) (pre-AIA); CA Patent No. 3,564,305 (hereinafter "Amaitis '305"), filed on April 29, 2005, published on November 17, 2005, and issued on November 20, 2018, qualifies as prior art to the Asserted Patents under at least 35 U.S.C. §§ 102(a), 102(b), 102(e), and/or 102(g)(2) (pre-AIA); and U.S. Publication No. 2011/0183737A1 (hereinafter "Suttle '737"), filed on January 25, 2010 and issued on July 28, 2011, qualifies as prior art to the Asserted Patents under at least 35 U.S.C. §§ 102(a), (b), (e), and/or (g)(2) (pre-AIA);

Specifically, the '969 Patent was filed July 18, 2019; the '822 Patent was filed December 2, 2020; the '779 Patent was filed June 10, 2021; the '716 Patent was filed January 27, 2016; the '516 Patent was filed August 24, 2015; the '439 Patent was filed August 2, 2013; the '341 Patent was filed May 12, 2014; and the '338 Patent was filed July 18, 2016. DraftKings reserves the right to challenge any claim to a priority date earlier than the filing date for each claim of each Asserted Patent.

DraftKings' contentions are based upon information available to it at the time of serving these contentions. In the absence of a claim construction order from the Court, DraftKings has based the invalidity contentions on a reasonable interpretation of the claim language itself under currently controlling U.S. patent law or the meaning ascribed to the claim by Plaintiffs in their infringement contentions (which sometimes appears broader, narrower, vague, and/or ambiguous). DraftKings' invalidity contentions do not reflect, and nothing in these contentions should be construed as reflecting, DraftKings' endorsement or assertion of any particular claim construction. DraftKings reserves the right to propose alternative claim constructions and to challenge claim constructions offered by Plaintiffs in accordance with the Scheduling Order.

In the following claim charts, DraftKings has cited representative portions of the identified prior art reference, even where the cited reference may contain additional support for a particular

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claim element.¹ A POSITA would have known to read references as a whole, and in the context of other publications and literature and the knowledge of a POSITA. DraftKings may rely on all such information, including uncited portions of the prior art references identified herein and on other publications and testimony to provide context and as aids to understanding and interpreting the identified prior art references. Furthermore, DraftKings may rely on all such information to establish that a POSITA would have been motivated to modify or combine any of the identified references so as to render the claims obvious. Additionally, citations to a particular figure in a prior art reference encompass all text relating to the figure, and citations to text encompass all figures relating to that text. Further, where the limitations of a claim of an Asserted Patent are the same or substantively the same as other claim limitations of that Asserted Patent or other Asserted Patents, DraftKings provides a cross-reference to such limitations and hereby incorporates the referenced material as if fully set forth at the location of the cross-reference.

¹ All citations to or cross-references to claim elements within a respective section refer to the claim elements of the Asserted Patent addressed in that section unless otherwise indicated.

I. U.S. Patent No. 8,721,439

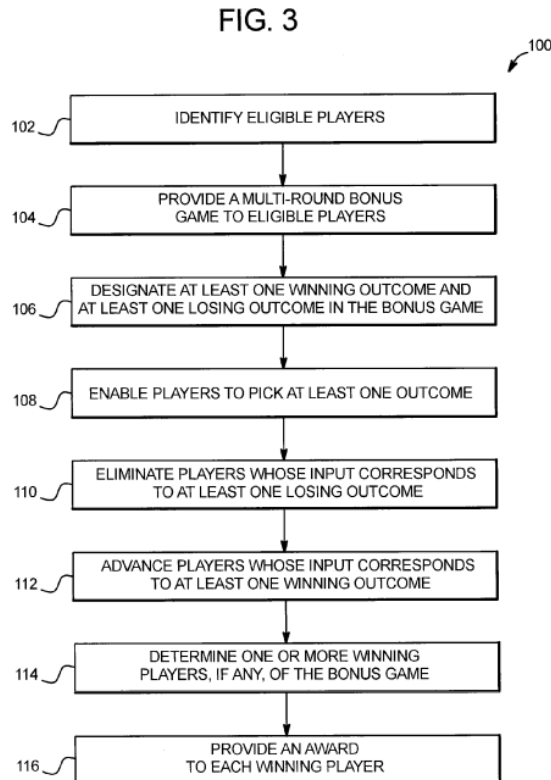
A. Claim 1

[1a] - A method of conducting a multi-outcome wagering event for one or more players, wherein the wagering event comprises a defined number of legs, and wherein at least one of the one or more players is presented with at least one of a buy-out offer and a partial buy-out offer prior to completion of all of the defined number of legs, the method comprising the steps of:

DeWaal '149 discloses this limitation. For example, corresponding to “a method of conducting a multi-outcome wagering event for one or more players,” DeWaal '149 discloses:

“In one embodiment, the gaming system and method disclosed herein substantially simultaneously provides a multi-round bonus event to a plurality of players. Each players' input(s) determine, at least in part, an award, if any, provided to that player for the bonus event. In one embodiment, upon an occurrence of a suitable triggering event, a central controller of the gaming system identifies at least one player and preferably a plurality of players who are eligible for the bonus event. The central controller causes the bonus event to be provided to those eligible players. In one such embodiment, the bonus event enables one or more eligible players in the gaming system to simultaneously (or substantially simultaneously) attempt to win the award in the bonus event. In this embodiment, the outcome of the bonus event is determined, at least in part, by one or more player inputs, choices or decisions in the bonus event.” * Abstract.

Fig. 3:



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Fig. 7:

FIG. 7

TOTAL AWARD PER ROUND: \$10,000

ROUND	ELIGIBLE PLAYERS	ADVANCING PLAYERS	AWARD WON PER ADVANCING PLAYER	CONTINUING PLAYERS	INELIGIBLE PLAYERS	TOTAL ACCUMULATED AWARD
1	800	400	\$25	300	400	\$25
2	300	200	\$50	100	100	\$75
3	100	50	\$200	20	50	\$275
4	20	5	\$2,000	2	15	\$2,245
5	2	1	\$10,000	0	1	\$12,275

Total Accumulated Award Provided to the
Player Who Advanced in Round 5.

“It should be appreciated that the central controller may provide the bonus event to a plurality of or each of the eligible players and/or gaming machines.” * 5:9-12.

“In one embodiment wherein a player wagers on one or more reels, a player's wager of one credit may activate each of the three symbol positions on a first reel, wherein one default symbol position is activated on each of the remaining four reels. In this example, as described above, the gaming device provides the player three ways to win (i.e., 3 symbols on the first reel×1 symbol on the second reel×1 symbol on the third reel×1 symbol on the fourth reel×1 symbol on the fifth reel). In another example, a player's wager of nine credits may activate each of the three symbol positions on a first reel, each of the three symbol positions on a second reel and each of the three symbol positions on a third reel wherein one default symbol position is activated on each of the remaining two reels. In this example, as described above, the gaming device provides the player twenty-seven ways to win (i.e., 3 symbols on the first reel×3 symbols on the second reel×3 symbols on the third reel×1 symbol on the fourth reel×1 symbol on the fifth reel).” * 15:40-57.

“Once a suitable triggering event occurs, the central controller substantially simultaneously provides a multi-round bonus event to at least one and preferably each eligible player. In one embodiment, the bonus event is a multi-round selection game that includes a plurality of rounds and a number of available outcomes in each round. In one embodiment, the players must pick a designated outcome (i.e., a winning outcome) in each round to win all or a share of an award associated with the bonus event. For example, the multi-round selection game includes four rounds and ten outcomes per round.” * 27:26-36.

“The multi-round bonus event includes a plurality of outcomes in each round.” 29:51-52.

For example, corresponding to “the wagering event comprises a defined number of legs,” DeWaal '149 discloses:

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“In one example embodiment, the bonus event includes a bonus game, such as a non-skill based selection game having a plurality of rounds.” * 4:11-13.

“In the bonus game, which may be any suitable multi-round bonus or secondary game, the eligible players compete with one another to win at least one award.” * 3:14-17.

“In one embodiment, the bonus event includes a plurality of rounds, wherein each round has a number of available selections. In this embodiment, players must pick a designated selection (i.e., a winning outcome) in each round to win all or a share of the award.” * 5:13-16.

“It should be appreciated that the number of selections in each round, the number of rounds and the number of designated selections in each round may be set by the game implementer to any suitable numbers.” * 44:14-17.

For example, corresponding to “at least one of the one or more players is presented with at least one of a buy-out and a partial buy-out offer prior to the completion of all of the defined number of legs,” DeWaal '149 discloses:

“In this embodiment, if the player picks the designated selection in one of the rounds, the central controller offers that player to either quit the bonus event and keep the total award accumulated in the bonus event or continue the bonus event and play a subsequent round. If the player chooses to quit, the central controller provides (or causes that player to be provided) with the accumulated award. If the player chooses to continue and does not pick the designated selection in a subsequent round, that player loses or forfeits any awards accumulated in the bonus event. In this embodiment, the total accumulated award is offered to each advancing player along with the option to quit as described above. In one embodiment, the total accumulated award offered to the players increases with each round, which creates excitement for those players who continue playing the bonus event for one or more subsequent rounds.” * 5:57-6:5.

“FIG. 7 is a chart of one embodiment of a multi-round bonus event, wherein a plurality of players compete for an award at substantially the same time and the bonus event includes an offer and acceptance feature. In this embodiment, the multi-round bonus event includes five rounds. Each round is associated with an award, such as \$10,000. As illustrated, eight hundred players are eligible for the bonus event in this embodiment. Of the eight hundred players, four hundred players qualified to advance from the first round to a second round (i.e., by making an input associated with the winning outcome in the first round). Prior to the second round, the central controller offers each advancing player an additional award to quit the bonus event. For example, since four hundred players advanced to the second round, the additional award for the first round would be equal to \$25 for each advancing player (i.e., the total amount of the award, such as \$10,000, divided by the number of advancing players, such as 400). As illustrated, one hundred players who qualified to advance to the second round, accepted the offered additional award and quit the bonus event. Three hundred player who qualified for the second round rejected the offered additional award and continue to the second round of the bonus event.

In the second round, two hundred players qualify to advance to the third round. The central controller offers those players to either quit the bonus event and accept the second additional award or continue the bonus event and play the third round. The second additional award offered to each

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advancing player is \$50 (i.e., the total amount of the award, such as \$10,000, divided by the number of advancing players, such as 200). The central controller offers the second additional award to each of the two hundred players who qualified to advance to the third round. In this embodiment, one hundred players chose to quit and accept the offered second additional award, such as \$50. The central controller provides those players with the second additional award and eliminates those players from the bonus event. Accordingly, one hundred players rejected the offered second additional award and continue to the third round of the bonus event.

As illustrated, this process continues for each round until the central controller determines one or more winning players for the bonus event. In one embodiment, each player is required to make an input associated with the winning outcome in each round including the final round to be determined as a winning player. The central controller provides the winning player or players the additional award associated with the final round of the bonus event.

In one embodiment, the additional awards accumulate as the players advance through each round of the bonus event. For example, as illustrated, the total accumulated award for the second round (e.g., \$75) equals the amount won by each advancing player in the first and second rounds (e.g., \$25 and \$50, respectively). In this embodiment, if a player chooses to continue the bonus event and does not advance in a subsequent round, that player loses or forfeits any additional awards accumulated in the bonus event. The total accumulated award for each round is offered to each advancing player along with the option to quit the bonus event. In one embodiment, as illustrated, the total accumulated award offered to the players increases with each round. It should be appreciated that the award values associated with each round may be set to any suitable values by the implementer of the gaming system. In one embodiment, the awards associated with each round include bonus awards or progressive awards. In one such embodiment, each round is associated with a different level of a multi-level progressive configuration (MLP).” * 33:10-34:7.

“Accordingly, the bonus event enables players to make inputs or choices that affect the award, if any, that will be provided to those players in the bonus event. Such a configuration provides increased excitement and enjoyment for players because the players are provided with the ability to make inputs or choices in the bonus game that affect the outcome of the bonus game.” * 4:34-41.

“Accordingly, one advantage of the gaming system and method disclosed herein is to provide a bonus event to a plurality of players at substantially the same time, wherein choices and input of the players in the bonus event affects the outcome of the bonus event. This provides increased excitement and enjoyment for players.” * 8:11-16.

“As players are eliminated from the bonus event, the award share associated with each eligible player increases. This provides increased potential awards for the players, which increases excitement and enjoyment for the players.” * 8:28-32.

“In one embodiment, in addition to winning credits or other awards in a base or primary game, the gaming device may also give players the opportunity to win credits in a bonus or secondary game or bonus or secondary round. The bonus or secondary game enables the player to obtain a prize or payout in addition to the prize or payout, if any, obtained from the base or primary game. In general, a bonus or secondary game produces a significantly higher level of player

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excitement than the base or primary game because it provides a greater expectation of winning than the base or primary game and is accompanied with more attractive or unusual features than the base or primary game. In one embodiment, the bonus or secondary game may be any type of suitable game, either similar to or completely different from the base or primary game.” * 17:37-51.

See also * Claims 18, 33, 34.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See* above.

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by one or more of Wood '781, Schugar '981, and Suttle '737.

See, e.g.:

Wood '781 at 1:5-10 (“The present invention relates generally to wagering and gaming devices and, more particularly, is concerned with improvements to existing games and gaming devices to include more opportunities for player choices during each round of the game by offering the player an award as an inducement to complete play prior to the end of the round.”); *id.* at 2:16-18 (“Given this, one popular approach taken in developing new games is to make modifications to existing, well known games in an effort to increase their popularity.”); *id.* at 2:32-35 (“Therefore, a need has existed in the prior art for ways of modifying existing well known wagering games so that they are more interesting and popular with players but without decreasing the hold percentage of the game.”); *id.* at 2:59-3:3 (“Specifically, none of the games of which Applicant is aware, provide an offer of an award during the round itself thereby providing the player the choice of selecting between a guaranteed award, the value of which is based on what the player holds, or continuing to play the round and receiving an award at the end of the round. In order to rectify these shortcomings, Applicant has developed the following invention that will provide such a decision for the players during the course of the round.”); *id.* at 7:13-15 (“As can also be appreciated by a person familiar with the gaming industry, it may be desirable to provide the option of a ‘stop play’ award.”);

Schugar '981 at [0003] (“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.”); *id.* at [0079] (“[T]he player can also bank a portion of the expected profit the player has earned for later use 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.”); and

Suttle '737 at [0005] (“The embodiments of the present invention are ideally suited for poker games facilitated by electronic devices (e.g., smart phone) or computer networks (e.g., the internet) which implement computer software to quickly calculate the true odds of players willing to utilize the pot allocation option and present players with a simple to use game interface to accept

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or decline the pot allocation option. However, live poker games held in brick and mortar casinos and card rooms may also benefit from the embodiments of the present invention as detailed below.”).

See also '439 Patent limitation [1a] of Wood '781 (Ex. A27), Schugar '981 (Ex. A14), and/or Suttle '737 (Ex. A31) (DraftKings' Initial Invalidity Contentions).

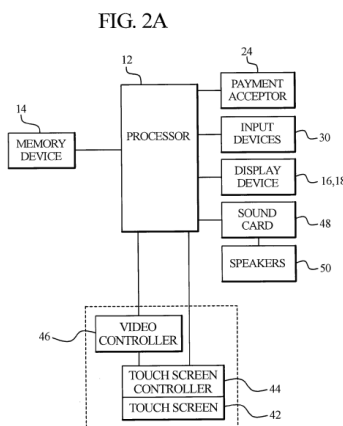
[1b] - providing one or more wagering input devices in communication with a system controller through which the one or more players may participate in the multi-outcome wagering event, said system controller being adapted for:

DeWaal '149 discloses this limitation. For example, corresponding to “one or more wagering input devices,” DeWaal '149 discloses:

“Gaming machines which provide players awards in primary or base games are well known.” * 1:18-21.

“The present disclosure may be implemented in various configurations for gaming machines or gaming devices, including but not limited to: (1) a dedicated gaming machine or gaming device, wherein the computerized instructions for controlling any games (which are provided by the gaming machine or gaming device) are provided with the gaming machine or gaming device prior to delivery to a gaming establishment; and (2) a changeable gaming machine or gaming device, where the computerized instructions for controlling any games (which are provided by the gaming machine or gaming device) are downloadable to the gaming machine or gaming device through a data network when the gaming machine or gaming device is in a gaming establishment.” * 9:28-40.

Fig. 2A:



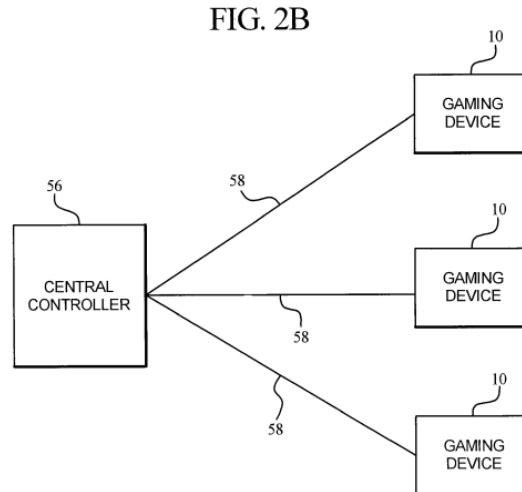
For example, corresponding to the wagering input devices being “in communication with a system controller through which the one or more players may participate in the multi-outcome wagering event,” DeWaal '149 discloses:

“In one embodiment, the computerized instructions for controlling any games are executed by a central server, central controller or remote host. In such a “thin client” embodiment, the central

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server remotely controls any games (or other suitable interfaces) and the gaming device is utilized to display such games (or suitable interfaces) and receive one or more inputs or commands from a player. In another embodiment, the computerized instructions for controlling any games are communicated from the central server, central controller or remote host to a gaming device local processor and memory devices. In such a “thick client” embodiment, the gaming device local processor executes the communicated computerized instructions to control any games (or other suitable interfaces) provided to a player.” * 9:40-54.

Fig. 2B:



“In one embodiment, as illustrated in FIG. 2B, one or more of the gaming devices 10 are in communication with each other and/or at least one central server, central controller or remote host 56 through a data network or remote communication link 58. In this embodiment, the central server, central controller or remote host is any suitable server or computing device which includes at least one processor and at least one memory or storage device. In different such embodiments, the central server is a progressive controller or a processor of one of the gaming devices in the gaming system. In these embodiments, the processor of each gaming device is designed to transmit and receive events, messages, commands or any other suitable data or signal between the individual gaming device and the central server. The gaming device processor is operable to execute such communicated events, messages or commands in conjunction with the operation of the gaming device. Moreover, the processor of the central server is designed to transmit and receive events, messages, commands or any other suitable data or signal between the central server and each of the individual gaming devices. The central server processor is operable to execute such communicated events, messages or commands in conjunction with the operation of the central server. It should be appreciated that one, more or each of the functions of the central controller as disclosed herein may be performed by one or more gaming device processors. It should be further appreciated that one, more or each of the functions of one or more gaming device processors as disclosed herein may be performed by the central controller.” * 18:41-19:2.

“In one embodiment, upon an occurrence of a suitable triggering event, a central controller of the gaming system identifies at least one player and preferably a plurality of players who are eligible for the bonus event. The central controller causes the bonus event to be provided to those

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eligible players. In one such embodiment, the bonus event enables one or more eligible players in the gaming system to simultaneously (or substantially simultaneously) attempt to win the award in the bonus event.” * Abstract.

“Central production or control can assist a gaming establishment or other entity in maintaining appropriate records, controlling gaming, reducing and preventing cheating or electronic or other errors, reducing or eliminating win-loss volatility and the like.” * 19:46-51.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. See above.

[1c] - initiating the multi-outcome wagering event for the one or more players, said multi-outcome wagering event comprised of the defined number of legs, wherein one or more jackpots, or a portion thereof, is awarded at least where a particular number of the defined number of legs are completed;

DeWaal '149 discloses this limitation. For example, corresponding to “initiating the multi-outcome wagering event for the one or more players,” DeWaal '149 discloses:

“The central controller causes the bonus event to be provided to those eligible players.” * Abstract.

“In one embodiment, upon appropriate funding, the gaming device begins the game play automatically. In another embodiment, upon the player engaging one of the play buttons, the gaming device automatically activates game play.” * 12:58-62.

“The central controller provides the multi-round bonus event (or causes the gaming machines to provide the multi-round bonus event) to those eligible players as indicated by block 104.” * 29:17-20.

“In one embodiment, the central controller determines one or more eligible players for the bonus event in association with a player tracking system.” 28:12-14.

“In one embodiment, once the central controller detects an occurrence of a suitable triggering event, the central controller determines which players are eligible for the bonus event in association with a suitable player tracking system. In one embodiment, the central controller determines which players of the gaming machines in the gaming system are eligible for the bonus event by tracking when players insert and remove their player tracking card into one of the gaming machines in the gaming system. In another embodiment, the central controller determines which players of the gaming machines in the gaming system are eligible for the bonus event by determining which system gaming machines will provide the bonus event and designating the players at these system gaming machines as eligible players. It should be appreciated that the central controller may provide the bonus event to a plurality of or each of the eligible players and/or gaming machines.” * 26:61-27:14.

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See * FIG. 3.

For example, corresponding to “said multi-outcome wagering event comprised of the defined number of legs,” DeWaal ’149 discloses:

“In one example embodiment, the bonus event includes a bonus game, such as a non-skill based selection game having a plurality of rounds.” * 4:11-13.

“In the bonus game, which may be any suitable multi-round bonus or secondary game, the eligible players compete with one another to win at least one award.” * 3:14-17.

“In one embodiment, the bonus event includes a plurality of rounds, wherein each round has a number of available selections. In this embodiment, players must pick a designated selection (i.e., a winning outcome) in each round to win all or a share of the award.” * 5:13-16.

“It should be appreciated that the number of selections in each round, the number of rounds and the number of designated selections in each round may be set by the game implementer to any suitable numbers.” * 44:14-17.

For example, corresponding to “wherein one or more jackpots, or a portion thereof, is awarded at least where a particular number of the defined number of legs are completed,” DeWaal ’149 discloses:

“In one embodiment, the progressive gaming system host site computer is maintained for the overall operation and control of the progressive gaming system. In this embodiment, a progressive gaming system host site computer oversees the entire progressive gaming system and is the master for computing all progressive jackpots.” * 23:15-20.

“When a designated number of eligible players remain in the bonus game, the central controller determines which eligible player or players win the award (or a portion of the award).” * 3:29-32.

“In one alternative embodiment, the central controller is operable to maintain at least one award pool for each round of the bonus event.” * 6:55-57.

“The gaming device compares the final five-card hand to a payout table which utilizes conventional poker hand rankings to determine the winning hands. The gaming device provides the player with an award based on a winning hand and the credits the player wagered.” * 17:5-10.

“As players are eliminated from the bonus event, the award share associated with each eligible player increases. This provides increased potential awards for the players, which increases excitement and enjoyment for the players.” * 8:28-32.

“In one embodiment, in addition to winning credits or other awards in a base or primary game, the gaming device may also give players the opportunity to win credits in a bonus or secondary game or bonus or secondary round. The bonus or secondary game enables the player to obtain a prize or payout in addition to the prize or payout, if any, obtained from the base or primary game. In general, a bonus or secondary game produces a significantly higher level of player

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excitement than the base or primary game because it provides a greater expectation of winning than the base or primary game and is accompanied with more attractive or unusual features than the base or primary game. In one embodiment, the bonus or secondary game may be any type of suitable game, either similar to or completely different from the base or primary game.” * 17:37-51.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See* above.

[1d] - receiving the wager via the one or more wagering input devices in response to the one or more players desiring to participate in the multi-outcome wagering event, wherein the wager coincides with each of the defined number of legs;

DeWaal '149 discloses this limitation. For example, corresponding to “receiving the wager via the one or more wagering input devices in response to the one or more players desiring to participate in the multi-outcome wagering event,” DeWaal '149 discloses:

“As illustrated in FIG. 2A, in one embodiment, the gaming device includes at least one payment acceptor 24 in communication with the processor. As seen in FIGS. 1A and 1B, the payment acceptor may include a coin slot 26 and a payment, note or bill acceptor 28, where the player inserts money, coins or tokens. The player can place coins in the coin slot or paper money, a ticket or voucher into the payment, note or bill acceptor. In other embodiments, devices such as readers or validators for credit cards, debit cards or credit slips may accept payment. In one embodiment, a player may insert an identification card into a card reader of the gaming device. In one embodiment, the identification card is a smart card having a programmed microchip or a magnetic strip coded with a player's identification, credit totals (or related data) and other relevant information. In another embodiment, a player may carry a portable device, such as a cell phone, a radio frequency identification tag or any other suitable wireless device, which communicates a player's identification, credit totals (or related data) and other relevant information to the gaming device. In one embodiment, money may be transferred to a gaming device through electronic funds transfer. When a player funds the gaming device, the processor determines the amount of funds entered and displays the corresponding amount on the credit or other suitable display as described above.” * 12:22-46.

“In the various bingo embodiments, as each gaming device is enrolled in the bingo game, such as upon an appropriate wager or engaging an input device, the enrolled gaming device is provided or associated with a different bingo card.” * 19:64-67.

“During one or more gaming sessions, the gaming device and/or player tracking system tracks any suitable information, such as any amounts wagered, average wager amounts and/or the time these wagers are placed.” * 21:36-39.

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For example, corresponding to “wherein the wager coincides with each of the defined number of legs,” DeWaal ’149 discloses:

“In another embodiment, the gaming device enables a player to wager on and thus activate symbol positions. In one such embodiment, the symbol positions are on the reels. In this embodiment, if based on the player's wager, a reel is activated, then each of the symbol positions of that reel will be activated and each of the active symbol positions will be part of one or more of the ways to win. In one embodiment, if based on the player's wager, a reel is not activated, then a designated number of default symbol positions, such as a single symbol position of the middle row of the reel, will be activated and the default symbol position(s) will be part of one or more of the ways to win. This type of gaming machine enables a player to wager on one, more or each of the reels and the processor of the gaming device uses the number of wagered on reels to determine the active symbol positions and the number of possible ways to win. In alternative embodiments, (1) no symbols are displayed as generated at any of the inactive symbol positions, or (2) any symbols generated at any inactive symbol positions may be displayed to the player but suitably shaded or otherwise designated as inactive.” *15:20-39.

“In another embodiment, qualification of the bonus or secondary game is accomplished through a simple “buy in” by the player, for example, if the player has been unsuccessful at qualifying through other specified activities. In another embodiment, the player must make a separate side-wager on the bonus game or wager a designated amount in the primary game to qualify for the secondary game. In this embodiment, the secondary game triggering event must occur and the side-wager (or designated primary game wager amount) must have been placed to trigger the secondary game.” * 18:30-40.

“In the various bingo embodiments, as each gaming device is enrolled in the bingo game, such as upon an appropriate wager or engaging an input device, the enrolled gaming device is provided or associated with a different bingo card. Each bingo card consists of a matrix or array of elements, wherein each element is designated with a separate indicia, such as a number. It should be appreciated that each different bingo card includes a different combination of elements. For example, if four bingo cards are provided to four enrolled gaming devices, the same element may be present on all four of the bingo cards while another element may solely be present on one of the bingo cards.” * 19:64-20:8.

“In one embodiment, the players must pick a designated outcome (i.e., a winning outcome) in each round to win all or a share of an award associated with the bonus event. For example, the multi-round selection game includes four rounds and ten outcomes per round. If at least one of the players picks (or makes an input associated with) the designated outcome in a first round, that player advances to a second round. In the second round, the advancing players make an input in association with, or from, a plurality of available outcomes in an attempt to advance to a third round. In the third round, the advancing players pick from a plurality of available outcomes in an attempt to advance to a final round. During any of the plurality of rounds, once a player does not make an input associated with the designated selection, that player is eliminated from the bonus event and is disqualified from winning the award. If none of the players reach the final round, the central controller ends the bonus event (or causes the bonus event to end). In the final round, the central controller causes the gaming machines to provide a number of available outcomes to each player that reaches the final round. If one or more of the players make an input associated with the

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designated outcome (i.e., a winning outcome) in the final round, the central controller provides the award (or causes the award to be provided) to those one or more players.” * 27:31-55.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. See above.

[1e] - identifying one or more winners of each of the defined number of legs based on the wager from among the one or more players participating in the multi-outcome wagering event, wherein players winning at least one leg are eligible to win at least one jackpot or a portion thereof;

DeWaal '149 discloses this limitation. For example, corresponding to “identifying one or more winners of each of the defined number of legs based on the wager from among the one or more players participating in the multi-outcome wagering event,” DeWaal '149 discloses:

“The central controller selects the winning player for the one or more awards based on choices or decisions input by the players during the bonus event. As the bonus event progresses, the players make inputs that determine their eligibility for the award. Player inputs from certain players cause the central controller to eliminate those players from the bonus event. The central controller designates the eliminated players to be ineligible for the award. After these certain players are eliminated from the bonus event, any of the eligible players remaining in the bonus event have a chance to win the award. In one embodiment, the bonus game continues until a designated number of players, such as one player, remains in the bonus game. When a designated number of eligible players remain in the bonus game, the central controller determines which eligible player or players win the award (or a portion of the award). In various embodiments, the designated number is one, two or any other suitable number. The bonus game ends when the central controller provides the award (or a portion of the award) to the determined winning player or players. In one embodiment, as players are eliminated from the bonus game, each eligible player remaining in the bonus game has an opportunity to win a greater share or portion of the award.” * 3:17-39.

“In one embodiment, the bonus event includes a plurality of rounds. In this embodiment, each of the eligible players makes inputs from a plurality of outcomes in each round. The central controller of the gaming system designates (or causes a designation of) at least one of the available outcomes in each round as a designated outcome (i.e., a winning outcome). The available outcomes also include non-designated outcomes (i.e., losing outcomes). If one of the players' inputs is associated with the winning outcome in an initial round, that player advances to a subsequent round of the bonus game. In one embodiment, the central controller provides each player who advances to the subsequent round with an additional award. For each player whose input is associated with a losing outcome (i.e., picks a non-designated outcome), the central controller eliminates that player from the bonus game. In one embodiment, any remaining players continue to make inputs in each subsequent round until a designated number of players advance to a final round. In the final round, if one of the remaining players makes an input that is associated with the winning outcome, the central controller provides that player (or causes the player to be provided) with the

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award (or a portion of the award if a plurality of the remaining players make inputs associated with the winning outcome). Accordingly, the bonus event enables players to make inputs or choices that affect the award, if any, that will be provided to those players in the bonus event. Such a configuration provides increased excitement and enjoyment for players because the players are provided with the ability to make inputs or choices in the bonus game that affect the outcome of the bonus game.” * 3:48-4:10.

“In one embodiment, the bonus event includes a plurality of rounds, wherein each round has a number of available selections. In this embodiment, players must pick a designated selection (i.e., a winning outcome) in each round to win all or a share of the award. If at least one player picks the designated selection in a first round, that player advances to a second round. If at least one player does not pick the designated selection in the first round, that player is eliminated from the bonus event and does not advance to the second round. In the second round, the advancing players pick from a plurality of available selections in an attempt to advance to a third round. Similarly, players who pick the designated selection in the second round advance to the third round. Players who do not pick the designated selection in the second round are eliminated from the bonus event and do not advance to the third round. During the plurality of rounds, once a player does not pick the designated selection in a given round, that player is eliminated from the bonus event and is thus disqualified from winning the award. In this embodiment, this process continues for a number of rounds until at least one player reaches a final round. If none of the players reach the final round, the central controller ends the bonus event. For each player that reaches the final round, the award associated with the bonus event is available to one or more of those players. To be provided the available award, the one or more players must pick the designated selection in the final round. In one embodiment, the award is divided or split among a plurality of the players if those players pick the designated selection in each round including the final round.” * 5:13-41.

“The central controller enables each eligible player to make an input in association with the plurality of outcomes in each round as indicated by block 108. In one embodiment, the central controller enables each player to pick at least one of the selections via any suitable input device of the gaming machine, such as a touch screen. The central controller receives a signal from gaming machines in the gaming system corresponding to an input from each player in each round. Based on the players' input, the central controller designates (or causes a designation of) certain players to be ineligible (i.e., if the player's input is associated with the losing outcome) and eliminates (or causes an elimination of) those players from the bonus event as indicated by block 110. That is, when one or more of the players are deemed ineligible for one of the rounds, the central controller eliminates those players from the bonus event. For example, the bonus event may include a selection bonus game. In this example, the selection bonus game includes a plurality of rounds, a plurality of selections in each round and at least one designated selection (i.e., a winning outcome) in each round. During play of the selection bonus game, players who do not pick the designated selection (i.e., a winning outcome) in an initial round may be deemed ineligible for a subsequent round.” * 29:64-30:19.

“Based on the players' input, the central controller designates (or causes a designation of) certain players to advance to a subsequent round as indicated by block 112. That is, when one or more of the players make an input that is associated with the winning outcome in one of the rounds, the central controller advances these players to a subsequent round of the bonus event. For example, the bonus event may include a selection bonus game. In this example, the selection bonus

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game includes a plurality of rounds, a plurality of selections in each round and at least one designated selection (i.e., a winning outcome) in each round. During play of the selection bonus game, players who pick the designated selection (i.e., a winning outcome) in an initial round may be deemed eligible for advancement to a subsequent round. That is, only eligible players may advance to the subsequent round of the bonus event.” * 30:20-35.

For example, corresponding to “wherein players winning at least one leg are eligible to win at least one jackpot or a portion thereof,” DeWaal ’149 discloses:

“In one embodiment, any remaining players continue to make inputs in each subsequent round until a designated number of players advance to a final round. In the final round, if one of the remaining players makes an input that is associated with the winning outcome, the central controller provides that player (or causes the player to be provided) with the award (or a portion of the award if a plurality of the remaining players make inputs associated with the winning outcome).” * 3:62-4:3.

“In this embodiment, players must pick a designated selection (i.e., a winning outcome) in each round to win all or a share of the award.” * 5:15-17.

“If one of the players' inputs is associated with the winning outcome in an initial round, that player advances to a subsequent round of the bonus game.” * 3:48-4:10.

“This process continues for a designated number of rounds until a final round. In the final round, the central controller determines one or more winning players, if any, of the bonus event as indicated by block 114.” * 30:45-49.

Viewing DeWaal ’149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal ’149, DeWaal ’149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See* above.

[1f] - initiating at least one of the buy-out offer and partial buy-out offer to any number of the one or more players that are eligible to win at least one jackpot for at least a portion of said at least one jackpot, said buy-out offer being initiated at any time before the multi-outcome wagering event has been completed;

DeWaal ’149 discloses this limitation. For example, corresponding to “initiating at least one of the buy-out offer and partial buy-out offer to any number of the one or more players that are eligible to win at least one jackpot for at least a portion of said at least one jackpot,” DeWaal ’149 discloses:

“In this embodiment, if the player picks the designated selection in one of the rounds, the central controller offers that player to either quit the bonus event and keep the total award accumulated in the bonus event or continue the bonus event and play a subsequent round. If the player chooses to quit, the central controller provides (or causes that player to be provided) with the accumulated award. If the player chooses to continue and does not pick the designated selection

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in a subsequent round, that player loses or forfeits any awards accumulated in the bonus event. In this embodiment, the total accumulated award is offered to each advancing player along with the option to quit as described above. In one embodiment, the total accumulated award offered to the players increases with each round, which creates excitement for those players who continue playing the bonus event for one or more subsequent rounds.” * 5:57-6:5.

“FIG. 7 is a chart of one embodiment of a multi-round bonus event, wherein a plurality of players compete for an award at substantially the same time and the bonus event includes an offer and acceptance feature. In this embodiment, the multi-round bonus event includes five rounds. Each round is associated with an award, such as \$10,000. As illustrated, eight hundred players are eligible for the bonus event in this embodiment. Of the eight hundred players, four hundred players qualified to advance from the first round to a second round (i.e., by making an input associated with the winning outcome in the first round). Prior to the second round, the central controller offers each advancing player an additional award to quit the bonus event. For example, since four hundred players advanced to the second round, the additional award for the first round would be equal to \$25 for each advancing player (i.e., the total amount of the award, such as \$10,000, divided by the number of advancing players, such as 400). As illustrated, one hundred players who qualified to advance to the second round, accepted the offered additional award and quit the bonus event. Three hundred player who qualified for the second round rejected the offered additional award and continue to the second round of the bonus event.

In the second round, two hundred players qualify to advance to the third round. The central controller offers those players to either quit the bonus event and accept the second additional award or continue the bonus event and play the third round. The second additional award offered to each advancing player is \$50 (i.e., the total amount of the award, such as \$10,000, divided by the number of advancing players, such as 200). The central controller offers the second additional award to each of the two hundred players who qualified to advance to the third round. In this embodiment, one hundred players chose to quit and accept the offered second additional award, such as \$50. The central controller provides those players with the second additional award and eliminates those players from the bonus event. Accordingly, one hundred players rejected the offered second additional award and continue to the third round of the bonus event.

As illustrated, this process continues for each round until the central controller determines one or more winning players for the bonus event. In one embodiment, each player is required to make an input associated with the winning outcome in each round including the final round to be determined as a winning player. The central controller provides the winning player or players the additional award associated with the final round of the bonus event.

In one embodiment, the additional awards accumulate as the players advance through each round of the bonus event. For example, as illustrated, the total accumulated award for the second round (e.g., \$75) equals the amount won by each advancing player in the first and second rounds (e.g., \$25 and \$50, respectively). In this embodiment, if a player chooses to continue the bonus event and does not advance in a subsequent round, that player loses or forfeits any additional awards accumulated in the bonus event. The total accumulated award for each round is offered to each advancing player along with the option to quit the bonus event. In one embodiment, as illustrated, the total accumulated award offered to the players increases with each round. It should be appreciated that the award values associated with each round may be set to any suitable values

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by the implementer of the gaming system. In one embodiment, the awards associated with each round include bonus awards or progressive awards. In one such embodiment, each round is associated with a different level of a multi-level progressive configuration (MLP).” * 33:10-34:7.

“In one embodiment, the central controller is operable to maintain at least one award pool for each bonus event. The central controller offers a portion of the award pool (or causes a portion of the award pool to be offered) to each player who picked the designated selection in one of the rounds. If a player accepts the offered portion of the award pool, the player is eliminated from the bonus event (i.e., the player accepts the offered portion of the award pool in exchange for quitting the bonus event). If a player rejects the offered portion of the award, that player risks the offered portion of the award to play a subsequent round of the bonus event. For example, an award pool having a value of \$1000 may be associated with a first round of the bonus event. In this example, one hundred eligible players advance from the first round by making an input of a designated or winning outcome in the first round. Each of the one hundred advancing players is thus associated with \$10 of the \$1000 award pool (e.g., $\$1000 \text{ award pool} / 100 \text{ players} = \$10$ portion for each advancing player). The central controller may cause the display device to display an offer of \$10 to the advancing players. The display may include appropriate messages, such as “YOU HAVE WON \$10 FOR ROUND 1! YOU MAY QUIT THE BONUS EVENT AND KEEP THE \$10 OR RISK THE \$10 AND PLAY ANOTHER ROUND!” If fifty players accept the offer and quit the bonus event, the central controller provides these fifty players with an award portion of \$10. The award pool decreases in value based on the number of players who accept the offered portion of the award pool. For example, since fifty players accepted the offer, the award pool decreases to a value of \$500 (e.g., $\$1000 - (50 \text{ players} \times \$10) = \$500$). In this example, fifty players rejected the offer (i.e., risked their \$10 portion of the award pool) to play a second round. In the second round, forty players make inputs associated with a losing or non-designate outcome. The award portion (e.g., \$10) risked by these forty players is forfeited and the value of the award pool (e.g., \$500) is divided between the ten remaining eligible players. Thus, each player is associated with an award share equal to \$50.” * 34:15-52.

“33. The method of claim 18, which includes, after each round, causing the at least one controller to make an offer to each eligible player who made an input associated with the winning outcome in the round, the offer including either an additional award to quit the bonus event or another round to continue playing the bonus event.” * Claim 33.

For example, corresponding to “said buy-out offer being initiated at any time before the multi-outcome wagering event has been completed,” DeWaal '149 discloses:

“In this embodiment, if the player picks the designated selection in one of the rounds, the central controller offers that player to either quit the bonus event and keep the total award accumulated in the bonus event or continue the bonus event and play a subsequent round.” *:57-65.

“Prior to the second round, the central controller offers each advancing player an additional award to quit the bonus event.” * 33:20-22.

“As illustrated, this process continues for each round until the central controller determines one or more winning players for the bonus event.” 33:48-50.

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Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See* above.

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by one or more of Wood '781, Schugar '981, and Suttle '737.

See, e.g.:

Wood '781 at 1:5-10 ("The present invention relates generally to wagering and gaming devices and, more particularly, is concerned with improvements to existing games and gaming devices to include more opportunities for player choices during each round of the game by offering the player an award as an inducement to complete play prior to the end of the round."); *id.* at 2:16-18 ("Given this, one popular approach taken in developing new games is to make modifications to existing, well known games in an effort to increase their popularity."); *id.* at 2:32-35 ("Therefore, a need has existed in the prior art for ways of modifying existing well known wagering games so that they are more interesting and popular with players but without decreasing the hold percentage of the game."); *id.* at 2:59-3:3 ("Specifically, none of the games of which Applicant is aware, provide an offer of an award during the round itself thereby providing the player the choice of selecting between a guaranteed award, the value of which is based on what the player holds, or continuing to play the round and receiving an award at the end of the round. In order to rectify these shortcomings, Applicant has developed the following invention that will provide such a decision for the players during the course of the round."); *id.* at 7:13-15 ("As can also be appreciated by a person familiar with the gaming industry, it may be desirable to provide the option of a 'stop play' award.");

Schugar '981 at [0003] ("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."); *id.* at [0079] ("[T]he player can also bank a portion of the expected profit the player has earned for later use 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."); and

Suttle '737 at [0005] ("The embodiments of the present invention are ideally suited for poker games facilitated by electronic devices (e.g., smart phone) or computer networks (e.g., the internet) which implement computer software to quickly calculate the true odds of players willing to utilize the pot allocation option and present players with a simple to use game interface to accept or decline the pot allocation option. However, live poker games held in brick and mortar casinos and card rooms may also benefit from the embodiments of the present invention as detailed below.").

See also '439 Patent limitation [1f] of Wood '781 (Ex. A27), Schugar '981 (Ex. A14), and/or Suttle '737 (Ex. A31) (DraftKings' Initial Invalidity Contentions).

[1g] - whereupon receiving an acceptance of the buy-out offer from at least one of the players

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eligible to win at least one jackpot, each of the players accepting the buy-out offer will no longer be eligible to exclusively win the at least one jackpot, wherein each of the players not accepting the buy-out offer will remain eligible to win the at least one jackpot, and wherein each of the players accepting the partial buy-out offer remains eligible to win at least a portion of the at least one jackpot;

DeWaal '149 discloses this limitation. For example, corresponding to “whereupon receiving an acceptance of the buy-out offer from at least one of the players eligible to win at least one jackpot,” DeWaal '149 discloses:

“FIG. 7 is a chart of one embodiment of a multi-round bonus event, wherein a plurality of players compete for an award at substantially the same time and the bonus event includes an offer and acceptance feature.” 33:10-13.

“As illustrated, one hundred players who qualified to advance to the second round, accepted the offered additional award and quit the bonus event. Three hundred player who qualified for the second round rejected the offered additional award and continue to the second round of the bonus event.” * 33:27-31.

For example, corresponding to “each of the players accepting the buy-out offer will no longer be eligible to exclusively win the at least one jackpot,” DeWaal '149 discloses:

“If the player chooses to quit, the central controller provides (or causes that player to be provided) with the accumulated award.” * 5:61-63.

“If a player accepts the offered portion of the award pool, the player is eliminated from the bonus event (i.e., the player accepts the offered portion of the award pool in exchange for quitting the bonus event).” * 34:19-23.

For example, corresponding to “wherein each of the players not accepting the buy-out offer will remain eligible to win the at least one jackpot,” DeWaal '149 discloses:

“If the player chooses to continue and does not pick the designated selection in a subsequent round, that player loses or forfeits any awards accumulated in the bonus event.” * 5:63-66.

“If a player ejects the offered portion of the award, that player risks the offered portion of the award to play a subsequent round of the bonus event.” * 34:23-25.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See* above.

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by one or more of Wood '781, Schugar '981 and Suttle '737.

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See, e.g.:

Wood '781 at 1:5-10 ("The present invention relates generally to wagering and gaming devices and, more particularly, is concerned with improvements to existing games and gaming devices to include more opportunities for player choices during each round of the game by offering the player an award as an inducement to complete play prior to the end of the round."); *id.* at 2:16-18 ("Given this, one popular approach taken in developing new games is to make modifications to existing, well known games in an effort to increase their popularity."); *id.* at 2:32-35 ("Therefore, a need has existed in the prior art for ways of modifying existing well known wagering games so that they are more interesting and popular with players but without decreasing the hold percentage of the game."); *id.* at 2:59-3:3 ("Specifically, none of the games of which Applicant is aware, provide an offer of an award during the round itself thereby providing the player the choice of selecting between a guaranteed award, the value of which is based on what the player holds, or continuing to play the round and receiving an award at the end of the round. In order to rectify these shortcomings, Applicant has developed the following invention that will provide such a decision for the players during the course of the round."); *id.* at 7:13-15 ("As can also be appreciated by a person familiar with the gaming industry, it may be desirable to provide the option of a 'stop play' award.");

Schugar '981 at [0003] ("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."); *id.* at [0079] ("[T]he player can also bank a portion of the expected profit the player has earned for later use 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."); and

Suttle '737 at [0005] ("The embodiments of the present invention are ideally suited for poker games facilitated by electronic devices (e.g., smart phone) or computer networks (e.g., the internet) which implement computer software to quickly calculate the true odds of players willing to utilize the pot allocation option and present players with a simple to use game interface to accept or decline the pot allocation option. However, live poker games held in brick and mortar casinos and card rooms may also benefit from the embodiments of the present invention as detailed below.").

See also '439 Patent limitation [1g] of Wood '781 (Ex. A27), Schugar '981 (Ex. A14), and/or Suttle '737 (Ex. A31) (DraftKings' Initial Invalidity Contentions).

[1h] - completing the remainder of the defined number of legs to finish the multi-outcome wagering event; and

DeWaal '149 discloses this limitation. For example, DeWaal '149 discloses:

"This process continues for each round until the central controller determines one or more winning players for the bonus event." 33:48-50.

"This process continues for a designated number of rounds until a final round. In the final round, the central controller determines one or more winning players, if any, of the bonus event as indicated by block 114." * 30:45-48.

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“In one embodiment, the bonus event ends after a designated number of rounds including a final round.” * 3:40-41.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See* above.

[1i] - determining if any of the players have won the at least one jackpot or portion thereof.

DeWaal '149 discloses this limitation. For example, DeWaal '149 discloses:

“In one embodiment, any remaining players continue to make inputs in each subsequent round until a designated number of players advance to a final round. In the final round, if one of the remaining players makes an input that is associated with the winning outcome, the central controller provides that player (or causes the player to be provided) with the award (or a portion of the award if a plurality of the remaining players make inputs associated with the winning outcome).” * 3:62-4:3.

“All participating gaming sites report to, and receive information from, the progressive gaming system host site computer. Each central server computer is responsible for all data communication between the gaming device hardware and software and the progressive gaming system host site computer. In one embodiment, an individual gaming machine may trigger a progressive award win. In another embodiment, a central server (or the progressive gaming system host site computer) determines when a progressive award win is triggered. In another embodiment, an individual gaming machine and a central controller (or progressive gaming system host site computer) work in conjunction with each other to determine when a progressive win is triggered, for example through an individual gaming machine meeting a predetermined requirement established by the central controller.” * 23:25-35.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See* above.

B. Claim 2

[2] - The method of claim 1, wherein each of the defined number of legs comprises one or more selected from the group consisting of sporting events, lotteries, real games and virtual games, and wherein the wager comprises a potential outcome for each of the legs.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1c]. For example, corresponding to “wherein each of the defined number of legs comprises one or more selected

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from the group consisting of sporting events, lotteries, real games and virtual games,” DeWaal ’149 discloses:

“For example, in different embodiments, the bonus event includes, but is not limited to, reel/slot games, card games (e.g., poker, blackjack), lottery games, selection games, offer and acceptance games, wheel games, dice games, free spin games, competition games, skill games, perceived skill games or games that include one or more rounds of game play.” * 29:30-35.

For example, corresponding to “and wherein the wager comprises a potential outcome for each of the legs,” DeWaal ’149 discloses:

“In this embodiment, each of the eligible players makes selections from a number of available selections (such as from a plurality of potential outcomes or selections) in each round.” * 4:13-16.

“Players must pick a designated selection (i.e., a winning outcome) in each round to win all or a share of the award.” 5:15-17.

Viewing DeWaal ’149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal ’149, DeWaal ’149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings’ First Election of Prior Art. *See* above.

To the extent it is determined that DeWaal ’149 does not disclose this limitation, either literally or inherently, it is disclosed by Schugar ’981.

See, e.g.:

Schugar ’981 at [0070] (“In a further embodiment, the equity concept described herein can be applied to craps.”); *id.* at [0072] (“The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.”).

See also ’439 Patent limitation [2] of Schugar ’981 (Ex. A14) (DraftKings’ Initial Invalidity Contentions).

C. Claim 3

[3] - The method of claim 2, wherein the wager is one or more of selectable by being handpicked by at least one of the one or more players, provided electronically on request of the at least one of the one or more players through communication between the one or more wagering input devices and the system controller, provided via a random number generator associated with the system controller, a quick pick or a smart pick.

DeWaal ’149 discloses this limitation. *See e.g.*, limitation [1d]. For example, DeWaal ’149 discloses:

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“In this embodiment, each of the eligible players makes selections from a number of available selections (such as from a plurality of potential outcomes or selections) in each round.” * 4:13-16.

“Players must pick a designated selection (i.e., a winning outcome) in each round to win all or a share of the award.” 5:15-17.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See* above.

D. Claim 4

[4] - The method of claim 2, wherein the games comprise one or more selected from the group consisting of slot machines, keno, poker, video games and racing.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1c]. For example, DeWaal '149 discloses:

“For example, in different embodiments, the bonus event includes, but is not limited to, reel/slot games, card games (e.g., poker, blackjack), lottery games, selection games, offer and acceptance games, wheel games, dice games, free spin games, competition games, skill games, perceived skill games or games that include one or more rounds of game play.” * 29:30-35.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See* above.

E. Claim 5

[5] - The method of claim 1, wherein accepting the partial buy-out offer comprises at least one of the one or more players accepting less than the buy-out offer amount, said acceptance resulting in the at least one of the one or more players remaining eligible to win at least a portion of at least one jackpot.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1g].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination

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with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

F. Claim 7

[7] - The method of claim 1, wherein the system controller is further programmed to award the jackpot, or any fractional portion thereof, upon the completion of the multi-outcome event pool.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1i]. For example, DeWaal '149 discloses:

“If one or more of the players make an input associated with the designated outcome (i.e., a winning outcome) in the final round, the central controller provides the award (or causes the award to be provided) to those one or more players.” * 27:51-55.

“The bonus game ends when the central controller provides the award (or a portion of the award) to the determined winning players.” * 3:34-35.

“After the central controller provides the award to Player C, the bonus event ends.” 44:2-3.

“In one alternative embodiment, the central controller is operable to maintain at least one award pool for each round of the bonus event. The central controller provides a portion of the award pool (or causes a portion of the award pool to be provided) to each player who picked the designated selection in one of the rounds. If one player picks the designated selection in one of the rounds, that player is provided with the entire award pool. If a plurality of players pick the designated selection in one of the rounds, those players are provided with respective portions of the award pool (i.e., the award pool is split between these players). In one embodiment, the bonus event is associated with a primary award pool and each round is associated with a secondary award pool.” * 6:55-67.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See above.*

G. Claim 8

[8a] - The method of claim 1, wherein the multi-outcome wagering event comprises one or more virtual games, said method further comprising:

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1c]. For example, corresponding to “one or more virtual games,” DeWaal '149 discloses:

“The display devices of the gaming device are configured to display at least one and preferably a plurality of game or other suitable images, symbols and indicia such as any visual

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representation or exhibition of the movement of objects such as mechanical, virtual or video reels and wheels, dynamic lighting, video images, images of people, characters, places, things and faces of cards, and the like.” * 12:8-14.

“In one embodiment, a base or primary game may be a poker game wherein the gaming device enables the player to play a conventional game of video draw poker and initially deals five cards all face up from a virtual deck of fifty-two card deck.” * 16:60-64.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. See above.

[8b] - initiating the buy-out offer prior to completion of the one or more virtual games, but after an outcome of the one or more virtual games has been determined, said buy-out offer including a price that is at least partially based on random-number-generated probabilities.

DeWaal '149 discloses this limitation. See e.g., limitation [1g]. For example, corresponding to “initiating the buy-out offer prior to completion of the one or more virtual games, but after an outcome of the one or more virtual games has been determined,” DeWaal '149 discloses:

“In this embodiment, if the player picks the designated selection in one of the rounds, the central controller offers that player to either quit the bonus event and keep the total award accumulated in the bonus event or continue the bonus event and play a subsequent round.” *:57-65.

“Prior to the second round, the central controller offers each advancing player an additional award to quit the bonus event.” * 33:20-22.

“As illustrated, this process continues for each round until the central controller determines one or more winning players for the bonus event.” 33:48-50.

“In one embodiment, the game outcome provided to the player is determined by a central server or controller and provided to the player at the gaming device. In this embodiment, each of a plurality of such gaming devices are in communication with the central server or controller. Upon a player initiating game play at one of the gaming devices, the initiated gaming device communicates a game outcome request to the central server or controller.” 19:3-10.

For example, corresponding to “said buy-out offer including a price that is at least partially based on random-number-generated probabilities,” DeWaal '149 discloses:

“In one embodiment, as discussed in more detail below, the gaming device randomly generates awards and/or other game outcomes based on probability data. In one such embodiment, this random determination is provided through utilization of a random number generator (RNG), such as a true random number generator, a pseudo random number generator or other suitable

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randomization process. In one embodiment, each award or other game outcome is associated with a probability and the gaming device generates the award or other game outcome to be provided to the player based on the associated probabilities. In this embodiment, since the gaming device generates outcomes randomly or based upon one or more probability calculations, there is no certainty that the gaming device will ever provide the player with any specific award or other game outcome.” * 11:1-15.

“In one embodiment, the central server or controller receives the game outcome request and randomly generates a game outcome for the primary game based on probability data. In another embodiment, the central server or controller randomly generates a game outcome for the secondary game based on probability data. In another embodiment, the central server or controller randomly generates a game outcome for both the primary game and the secondary game based on probability data. In this embodiment, the central server or controller is capable of storing and utilizing program code or other data similar to the processor and memory device of the gaming device.” * 19:11-22.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See* above.

H. Claim 10

[10] - The method of claim 1, wherein one or more interim jackpots are awarded where a particular number of the defined number of legs are completed prior to completion of the multi-outcome wagering event.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1i]. For example, DeWaal '149 discloses:

“In one embodiment, the central controller provides each player who advances to the subsequent round with an additional award.” * 3:57-60.

“In an alternative embodiment, each round of the bonus event is associated with an additional award. The central controller provides each player who picks the designated selection in one of the rounds with the additional award associated with that round. That is, each time one of the players picks the designated selection in one of the rounds, the central controller provides that player (or causes the player to be provided) with the additional award associated with that pick. In one embodiment, the central controller provides a consolation award (or causes the consolation award to be provided) to each player who did not pick the designated selection in one of the rounds.” * 5:42-53.

“If a plurality of players pick the designated selection in one of the rounds, those players are provided with respective portions of the award pool (i.e., the award pool is split between these players). In one embodiment, the bonus event is associated with a primary award pool and each round is associated with a secondary award pool. The secondary award pools may collectively

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form the primary award pool. For example, in a two round bonus event with 10 players, the primary award pool may be \$200. In this example, the first and second rounds may each be associated with a portion (e.g., \$100) of the primary award pool. Alternatively, a first round may be associated with a lower portion of the award pool than a second round.” * 6:63-7:7.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See above.*

I. Claim 17

[17] - The method of claim 1, wherein the one or more wagering input devices is adapted for generating the wager for at least one of the one or more players reflecting one or more predicted outcomes of the multi-outcome wagering event.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1b] and [1d]. For example, corresponding to “wherein the one or more wagering input devices is adapted for generating the wager for at least one of the one or more players,” DeWaal '149 discloses:

“In one embodiment, money may be transferred to a gaming device through electronic funds transfer. When a player funds the gaming device, the processor determines the amount of funds entered and displays the corresponding amount on the credit or other suitable display as described above.” *12:41-46.

“In another embodiment, one or more of the gaming devices are in communication with a central server or controller for monitoring purposes only. That is, each individual gaming device randomly generates the game outcomes to be provided to the player and the central server or controller monitors the activities and events occurring on the plurality of gaming devices. In one embodiment, the gaming network includes a real-time or on-line accounting and gaming information system operably coupled to the central server or controller. The accounting and gaming information system of this embodiment includes a player database for storing player profiles, a player tracking module for tracking players and a credit system for providing automated casino transactions.” * 21:4-17.

“During one or more gaming sessions, the gaming device and/or player tracking system tracks any suitable information, such as any amounts wagered, average wager amounts and/or the time these wagers are placed.” * 21:36-39.

“The central controller receives a signal from gaming machines in the gaming system corresponding to an input from each player in each round. Based on the players' input, the central controller designates (or causes a designation of) certain players to be ineligible (i.e., if the player's input is associated with the losing outcome) and eliminates (or causes an elimination of) those players from the bonus event as indicated by block 110.” * 30:2-9.

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For example, corresponding to “reflecting one or more predicted outcomes of the multi-outcome wagering event,” DeWaal ’149 discloses:

“In this embodiment, each of the eligible players makes selections from a number of available selections (such as from a plurality of potential outcomes or selections) in each round.” * 4:13-16.

“Players must pick a designated selection (i.e., a winning outcome) in each round to win all or a share of the award.” 5:15-17.

“In another embodiment, the gaming device enables a player to wager on and thus activate symbol positions. In one such embodiment, the symbol positions are on the reels. In this embodiment, if based on the player's wager, a reel is activated, then each of the symbol positions of that reel will be activated and each of the active symbol positions will be part of one or more of the ways to win. In one embodiment, if based on the player's wager, a reel is not activated, then a designated number of default symbol positions, such as a single symbol position of the middle row of the reel, will be activated and the default symbol position(s) will be part of one or more of the ways to win. This type of gaming machine enables a player to wager on one, more or each of the reels and the processor of the gaming device uses the number of wagered on reels to determine the active symbol positions and the number of possible ways to win. In alternative embodiments, (1) no symbols are displayed as generated at any of the inactive symbol positions, or (2) any symbols generated at any inactive symbol positions may be displayed to the player but suitably shaded or otherwise designated as inactive.” *15:20-39.

“In another embodiment, qualification of the bonus or secondary game is accomplished through a simple “buy in” by the player, for example, if the player has been unsuccessful at qualifying through other specified activities. In another embodiment, the player must make a separate side-wager on the bonus game or wager a designated amount in the primary game to qualify for the secondary game. In this embodiment, the secondary game triggering event must occur and the side-wager (or designated primary game wager amount) must have been placed to trigger the secondary game.” * 18:30-40.

“In the various bingo embodiments, as each gaming device is enrolled in the bingo game, such as upon an appropriate wager or engaging an input device, the enrolled gaming device is provided or associated with a different bingo card. Each bingo card consists of a matrix or array of elements, wherein each element is designated with a separate indicia, such as a number. It should be appreciated that each different bingo card includes a different combination of elements. For example, if four bingo cards are provided to four enrolled gaming devices, the same element may be present on all four of the bingo cards while another element may solely be present on one of the bingo cards.” * 19:64-20:8.

“In one embodiment, the players must pick a designated outcome (i.e., a winning outcome) in each round to win all or a share of an award associated with the bonus event. For example, the multi-round selection game includes four rounds and ten outcomes per round. If at least one of the players picks (or makes an input associated with) the designated outcome in a first round, that player advances to a second round. In the second round, the advancing players make an input in association with, or from, a plurality of available outcomes in an attempt to advance to a third

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round. In the third round, the advancing players pick from a plurality of available outcomes in an attempt to advance to a final round. During any of the plurality of rounds, once a player does not make an input associated with the designated selection, that player is eliminated from the bonus event and is disqualified from winning the award. If none of the players reach the final round, the central controller ends the bonus event (or causes the bonus event to end). In the final round, the central controller causes the gaming machines to provide a number of available outcomes to each player that reaches the final round. If one or more of the players make an input associated with the designated outcome (i.e., a winning outcome) in the final round, the central controller provides the award (or causes the award to be provided) to those one or more players.” * 27:31-55.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. See above.

J. Claim 20

[20] - The method of claim 1, wherein the wager further comprises a list that is at least one of printed on a ticket, printed on a voucher, and displayed via the one or more wagering input devices.

DeWaal '149 discloses this limitation. See e.g., limitation [1d]. For example, DeWaal '149 discloses:

“In one embodiment, gaming device includes a bet display 22 which displays a player's amount wagered.” * 11:55-57.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. See above.

K. Claim 21

[21] - The method of claim 1, wherein the one or more wagering devices comprises at least one of a wagering terminal, a wagering workstation, a personal computer, a smart phone, a tablet computing device, a gaming machine, a slot machine, and a lottery machine.

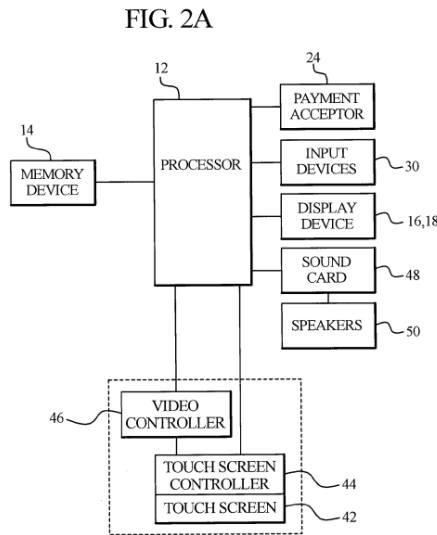
DeWaal '149 discloses this limitation. See e.g., limitation [1b]. For example, DeWaal '149 discloses:

“Gaming machines which provide players awards in primary or base games are well known.” * 1:18-21.

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“The present disclosure may be implemented in various configurations for gaming machines or gaming devices, including but not limited to: (1) a dedicated gaming machine or gaming device, wherein the computerized instructions for controlling any games (which are provided by the gaming machine or gaming device) are provided with the gaming machine or gaming device prior to delivery to a gaming establishment; and (2) a changeable gaming machine or gaming device, where the computerized instructions for controlling any games (which are provided by the gaming machine or gaming device) are downloadable to the gaming machine or gaming device through a data network when the gaming machine or gaming device is in a gaming establishment.” * 9:28-40.

Fig. 2A:



“In one embodiment, an operator or a player can use such a removable memory device in a desktop computer, a laptop personal computer, a personal digital assistant (PDA), portable computing device, or other computerized platform to implement the present disclosure. In one embodiment, the gaming device or gaming machine disclosed herein is operable over a wireless network, such as part of a wireless gaming system. In this embodiment, the gaming machine may be a hand held device, a mobile device or any other suitable wireless device that enables a player to play any suitable game at a variety of different locations. It should be appreciated that a gaming device or gaming machine as disclosed herein may be a device that has obtained approval from a regulatory gaming commission or a device that has not obtained approval from a regulatory gaming commission. It should be appreciated that the processor and memory device may be collectively referred to herein as a “computer” or “controller.”” * 10:51-67.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See* above.

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L. Claim 24

[24] - The method of claim 1, wherein at least one of the one or more jackpots comprises a monetary award provided to at least one winning player in the form of at least one of currency, tokens and credit.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1i]. For example, DeWaal '149 discloses:

“For instance, if ten players advance to a final round of a bonus event associated with an award of \$50,000 and only two of the players make inputs associated with the winning outcome in the final round, the central controller provides each of these two players with \$25,000.” * 6:9-14.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See above.*

M. Claim 26

[26a] - A wagering system including one or more wagering input devices for allowing the placement of a wager on a multi-outcome wagering event, the wagering system comprising:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1a] and [26b]-[26i].

[26b] - a system controller configured to communicate with the one or more wagering input devices, said system controller configured to:

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1b].

[26c] - initiate the multi-outcome wagering event for one or more players, said multi-outcome wagering event comprised of a defined number of legs, wherein one or more jackpots, or a portion thereof, is awarded at least where a particular number of the defined number of legs are completed;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1c].

[26d] - receive the wager via the one or more wagering input devices in response to at least one of the one or more players desiring to participate in the multi-outcome wagering event, wherein the wager coincides with each of the defined number of legs;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1d].

[26e] - identify one or more winners of each of the defined number of legs based on the wager from among the one or more players participating in the multi-outcome wagering event, wherein

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players winning at least one leg remain eligible to win at least one jackpot or a portion thereof;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1e].

[26f] - initiate at least one of a buy-out offer and a partial buy-out offer to any number of the one or more players that remain eligible to win at least one jackpot, or portion thereof, for at least a portion of said at least one jackpot, said buy-out offer being initiated before the multi-outcome wagering event has been completed;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1f].

[26g] - receive an acceptance of at least one of the buy-out offer and partial buy-out offer from at least one of the one or more players eligible to win the at least one jackpot or portion thereof, wherein each of the one or more players accepting the buy-out offer will no longer be eligible to exclusively win the at least one jackpot, wherein each of the one or more players not accepting the buy-out offer will remain eligible to win the at least one jackpot, and wherein each of the one or more players accepting the partial buy-out offer remains eligible to win at least a portion of the at least one jackpot;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1g].

[26h] - complete the remainder of the defined number of legs to finish the multi-outcome wagering event; and

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1h].

[26i] - determine if any of the players have won the jackpot or portion thereof.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1i].

N. Claim 27

[27] - The wagering system of claim 26, wherein the multi-outcome wagering event comprises the defined number of legs, each comprising at least one of an entire sporting event, a partial sporting event, a divisible component of a sporting event, multiple independent sporting events occurring sequentially or concurrently, and a compilation of related sporting events.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1c]. For example, corresponding to “each comprising at least one of an entire sporting event, a partial sporting event, a divisible component of a sporting event, multiple independent sporting events occurring sequentially or concurrently, and a compilation of related sporting events,” DeWaal '149 discloses:

“The bonus event may be any bonus or secondary game or sequence. For example, in different embodiments, the bonus event includes, but is not limited to, reel/slot games, card games (e.g., poker, blackjack), lottery games, selection games, offer and acceptance games, wheel games, dice games, free spin games, competition games, skill games, perceived skill games or games that include one or more rounds of game play.” * 24:45-52.

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Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See* above.

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by Schugar '981.

See, e.g.:

Schugar '981 at [0070] (“In a further embodiment, the equity concept described herein can be applied to craps.”); *id.* at [0072] (“The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.”).

See also '439 Patent limitation [2] of Schugar '981 (Ex. A14) (DraftKings' Initial Invalidity Contentions).

O. Claim 28

[28a] - The wagering system of claim 27, wherein the system controller is further configured to:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [26a]–[26i].

[28b] - initiate the one or more buy-out offers or partial buy-out offers for any combination of the defined number of legs at any time prior to completion of the multi-outcome wagering event; and

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1f] and [26f].

[28c] - receive the acceptance of said one or more buy-out offers or partial buy-out offers.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1g] and [26g].

P. Claim 30

[30] - The wagering system of claim 26, wherein the wager comprises at least one of an accumulator and parlay wager comprising at least one or more combinations of at least a portion of the defined number of legs, wherein the one or more combinations are selectable by at least one of any of the one or more players, a third party, and the wagering system, and wherein at any time before all legs included in the wager have been completed, at least one partial buy-out offer is initiated to any number of the one or more players remaining eligible to win at least one of a jackpot, a portion of a jackpot or an award.

DeWaal '149 discloses this limitation. *See* limitations [3]. For example, corresponding to “wherein the wager comprises at least one of an accumulator and parlay wager comprising at least

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one or more combinations of at least a portion of the defined number of legs,” DeWaal ’149 discloses:

“In the first round, the central controller enables Players A, B, C, D and E to make an input. The central controller receives a signal from gaming machines in the gaming system corresponding to an input from Players A, B, C, D and E. Based on the input, the central controller determines whether any of the players will advance to the second round. As illustrated, Player A was eliminated in the first round and Players B, C, D and E advanced to the second round. In one embodiment, the Players B, C, D and E are provided with the additional award associated with the first round. The central controller offers Players B, C, D and E to quit the bonus event prior to the second round. If any of the players quit the bonus event, the central controller provides the additional award associated with the first round (or causes this additional award to be provided) to these players. If the players reject the offer, these players are risking the additional award associated with the first round to play the second round of the bonus event. As illustrated, Players B, C, D and E each rejected the offer and advance to the second round.” * 38:18-36.

Viewing DeWaal ’149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal ’149, DeWaal ’149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings’ First Election of Prior Art. *See above.*

II. U.S. Patent No. 9,117,341

A. Claim 1

[1a] - A method of conducting a wagering event for one or more players, wherein a player is presented with at least one of a buy-out offer and a partial buy-out offer prior to completion of the wagering event, the method comprising the steps of:

DeWaal ’149 discloses this limitation. *See e.g., ’439 Patent limitation [1a].*

Viewing DeWaal ’149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal ’149, DeWaal ’149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings’ First Election of Prior Art. *See id.*

[1b] - providing one or more wagering input devices in communication with a system controller through which one or more players may participate in a wagering event, said system controller being adapted for:

DeWaal ’149 discloses this limitation. *See e.g., ’439 Patent limitation [1b].*

Viewing DeWaal ’149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the

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limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1c] - initiating the wagering event for one or more players;

DeWaal '149 discloses this limitation. *See e.g., '439 Patent limitation [1c].*

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1d] - receiving a wager via the one or more wagering input devices in response to a player desiring to participate in the wagering event;

DeWaal '149 discloses this limitation. *See e.g., '439 Patent limitation [1d].*

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1e] - identifying one or more players eligible to win from among players participating in the wagering event;

DeWaal '149 discloses this limitation. *See e.g., '439 Patent limitation [1e].*

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1f] - initiating at least one of a buy-out offer and partial buy-out offer to any number of the one or more players that are eligible to win, said buy-out offer or partial buy-out offer being initiated at any time before the wagering event has been completed;

DeWaal '149 discloses this limitation. *See e.g., '439 Patent limitation [1f].*

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the

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limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1g] - identifying any acceptances of said at least one of a buy-out offer and partial buy-out offer that have been initiated;

DeWaal '149 discloses this limitation. *See e.g., '439 Patent limitation [1g].*

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1h] - completing the wagering event; and

DeWaal '149 discloses this limitation. *See e.g., '439 Patent limitation [1h].*

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1i] - determining if any of the players have won.

DeWaal '149 discloses this limitation. *See e.g., '439 Patent limitation [1i].*

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

B. Claim 2

[2] - The method of claim 1, wherein the one or more players are eligible to win an award comprising one or more selected from the group consisting of monetary awards, nonmonetary awards, a prize, a payment, a designated currency, virtual currency, tokens, credits, coupons, services, personal property, real property, virtual property, assets, investments, negotiable instruments, commodities, food, lodging, entertainment, alleviation of obligations, gaming opportunities and wager enhancement.

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DeWaal '149 discloses this limitation. *See e.g.*, '439 Patent limitation [24].

C. Claim 3

[3] - The method of claim 1, wherein identifying any acceptances of said at least one of a buy-out offer and partial buy-out offer further comprises that each of the players accepting the buy-out offer will no longer be eligible to at least exclusively win an award, wherein each of the players not accepting the buy-out offer will remain eligible to win an award, and wherein each of the players accepting a partial buy-out offer remains eligible to win at least a portion of an award.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1g] and '439 Patent limitation [1g].

D. Claim 4

[4] - The method of claim 1, wherein each the wagering event comprises one or more selected from the group consisting of sporting events, lotteries, real games and virtual games, and wherein the wager comprises a potential outcome.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1c] and '439 Patent limitation [2].

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by Schugar '981.

See, e.g.:

Schugar '981 at [0070] ("In a further embodiment, the equity concept described herein can be applied to craps."); *id.* at [0072] ("The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.").

See also '341 Patent limitation [4] of Schugar '981 (Ex. A14) (DraftKings' Initial Invalidity Contentions).

E. Claim 5

[5] - The method of claim 4, wherein the wager is one or more of selectable by being handpicked by the player, provided electronically on request of the player through communication between the one or more wagering input devices and the system controller, provided via a random number generator associated with the system controller, a quick pick or a smart pick.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1d] and '439 Patent limitation [3].

F. Claim 6

[6] - The method of claim 4, wherein the games comprise one or more selected from the group

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consisting of slot machines, keno, poker, video games and racing.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1c] and '439 Patent limitation [4].

G. Claim 7

[7] - The method of claim 1, wherein accepting a partial buy-out offer comprises a player accepting less than the buy-out offer amount, said acceptance resulting in the player remaining eligible to win at least a portion of at least one award.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1g] and '439 Patent limitation [5].

H. Claim 9

[9] - The method of claim 1, wherein the system controller is further programmed to provide an award, or any fractional portion thereof, upon the completion of the wagering event.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [2] and '439 Patent limitation [7].

I. Claim 10

[10a] - The method of claim 1, wherein the multi outcome wagering event comprises one or more virtual games, said method further comprising:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1c] and '439 Patent limitation [8a].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[10b] - initiating the buy-out offer prior to completion of the one or more virtual games, but after an outcome of the one or more virtual games has been determined, said buy-out offer including a price that is at least partially based on random-number-generated probabilities.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1f] and '439 Patent limitation [8b].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination

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with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

J. Claim 18

[18] - The method of claim 1, wherein the one or more wagering input devices are adapted for generating a wager for a player reflecting one or more predicted outcomes of the wagering event.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1b] and '439 Patent limitation [17].

K. Claim 20

[20] - The method of claim 1, wherein the wager further comprises a list that is at least one of printed on a ticket, printed on a voucher, and displayed via the one or more wagering input devices.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1d] and '439 Patent limitation [20].

L. Claim 21

[21] - The method of claim 1, wherein the one or more wagering devices comprise at least one of a wagering terminal, a wagering workstation, a personal computer, a smart phone, a tablet computing device, a gaming machine, a slot machine, and a lottery machine.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1b] and '439 Patent limitation [21].

M. Claim 25

[25a] - A wagering system including one or more wagering input devices for allowing the placement of a wager on a wagering event, the wagering system comprising:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1a], [1b], [25b]–[25h] and '439 Patent limitations [1a] and [26a].

[25b] - a system controller configured to communicate with the one or more wagering input devices, said system controller configured to:

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1b] and '439 Patent limitations [1b] and [26b].

[25c] - initiate the wagering event for one or more players;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1c] and '439 Patent limitations [1c] and [26c].

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[25d] - receive a wager via the one or more wagering input devices in response to a player desiring to participate in the wagering event;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1d] and '439 Patent limitations [1d] and [26d].

[25e] - initiate one or more of at least one of a buy-out offer and a partial buy-out offer to any number of the one or more players before the wagering event has been completed;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1f] and '439 Patent limitations [1f] and [26f].

[25f] - identify any acceptances of the at least one of a buy-out offer and partial buy-out offer;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1g] and '439 Patent limitations [1g] and [26g].

[25g] - complete the wagering event; and

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1h] and '439 Patent limitations [1h] and [26h].

[25h] - determine if any players have won.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1i] and '439 Patent limitations [1i] and [26i].

N. Claim 26

[26] - The wagering system of claim 25, wherein the wagering event comprises at least one of an entire sporting event, a partial sporting event, a divisible component of a sporting event, multiple independent sporting events occurring sequentially or concurrently, and a compilation of related sporting events.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1c] and '439 Patent limitation [2] and [27].

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by Schugar '981.

See, e.g.:

Schugar '981 at [0070] ("In a further embodiment, the equity concept described herein can be applied to craps."); *id.* at [0072] ("The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.").

See also '341 Patent limitation [26] of Schugar '981 (Ex. A14) (DraftKings' Initial Invalidity Contentions).

O. Claim 28

[28] - The wagering system of claim 25, wherein the wager comprises at least one of an accumulator and parlay wager comprising at least one or more combinations, wherein the one or more combinations are selectable by at least one of a player, a third party, and the wagering system, and wherein at any time before the wager has been completed, at least one partial buy-out offer is initiated to any number of the one or more players remaining eligible to win at least one of an award or a portion of an award.

DeWaal '149 discloses this limitation. See e.g., limitation [1d] and '439 Patent limitation [30].

P. Claim 29

[29] - The wagering system of claim 25, wherein the one or more players are eligible to win an award comprising one or more selected from the group consisting of monetary awards, nonmonetary awards, a prize, a payment, a designated currency, virtual currency, tokens, credits, coupons, services, personal property, real property, virtual property, assets, investments, negotiable instruments, commodities, food, lodging, entertainment, alleviation of obligations, gaming opportunities and wager enhancement.

DeWaal '149 discloses this limitation. See e.g., limitation [2] and '439 Patent limitation [24].

Q. Claim 30

[30] - The wagering system of claim 25, wherein identifying any acceptances of said at least one of a buy-out offer and partial buy-out offer further comprises that each of the players accepting the buy-out offer will no longer be eligible to at least exclusively win an award, wherein each of the players not accepting the buy-out offer will remain eligible to win an award, and wherein each of the players accepting a partial buy-out offer remains eligible to win at least a portion of an award.

DeWaal '149 discloses this limitation. See e.g., limitations [1g]–[1h] and '439 Patent limitation [1g].

R. Claim 31

[31a] - A wagering system including one or more wagering input devices for allowing the placement of a wager on a wagering event, the wagering system comprising:

DeWaal '149 discloses this limitation. See e.g., limitations [1a], [1b], [25a], [31b]–[31f], and '439 Patent limitation [26a].

[31b] - a system controller configured to communicate with the one or more wagering input devices, said system controller configured to:

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DeWaal '149 discloses this limitation. *See e.g.*, limitations [1b], [25b], and '439 Patent limitation [26b].

[31c] - initiate the wagering event for one or more players;

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1c], [25c], and '439 Patent limitation [26c].

[31d] - receive a wager via the one or more wagering input devices in response to a player desiring to participate in the wagering event;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1d], [25d], and '439 Patent limitation [26d].

[31e] - initiate one or more of at least one of a buy-out offer and a partial buy-out offer to any number of the one or more players before the wagering event has been completed; and

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1f], [25e], and '439 Patent limitation [26f].

[31f] - identify any acceptances of the at least one of a buy-out offer and partial buy-out offer.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1g], [25f], and '439 Patent limitation [26g].

S. Claim 32

[32] - The wagering system of claim 31, wherein the one or more players are eligible to win an award and the system controller is further configured to determine if any of the one or more players have won the award.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1i], [25h], and '439 Patent limitations [1e] and [1i].

T. Claim 33

[33] - The wagering system of claim 32, wherein the award comprises one or more selected from the group consisting of monetary awards, nonmonetary awards, a prize, a payment, a designated currency, virtual currency, tokens, credits, coupons, services, personal property, real property, virtual property, assets, investments, negotiable instruments, commodities, food, lodging, entertainment, alleviation of obligations, gaming opportunities and wager enhancement.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [2] and '439 Patent limitation [24].

U. Claim 34

[34] - The wagering system of claim 31, wherein the wagering event comprises one or more selected from the group consisting of sporting events, lotteries, real games, virtual games, live

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events, pre-recorded events, online events, broadcast events, slot machines, card games, keno, video games and racing.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1c] and '439 Patent limitation [2].

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by Schugar '981.

See, e.g.:

Schugar '981 at [0070] (“In a further embodiment, the equity concept described herein can be applied to craps.”); *id.* at [0072] (“The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.”).

See also '341 Patent limitation [34] of Schugar '981 (Ex. A14) (DraftKings' Initial Invalidity Contentions).

V. Claim 35

[35] - The wagering system of claim 31 wherein the wagering event and wager comprises one or more of fixed odds single wagers, multiple wagers, full cover wagers, full cover wagers with singles, 'Any to Come' (ATC) or 'if cash' wagers, specialty wagers, forecasts, fixed, variable, guaranteed, parimutuel wagering, fixed-odds wagering, accumulator or parlay wagering, fixed odds, a pool, progressive, fixed pool, variable pool or guaranteed pool.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1d] and '439 Patent limitation [30]. For example, DeWaal '149 discloses:

“For example, in different embodiments, the bonus event includes, but is not limited to, reel/slot games, card games (e.g., poker, blackjack), lottery games, selection games, offer and acceptance games, wheel games, dice games, free spin games, competition games, skill games, perceived skill games or games that include one or more rounds of game play.” * 24:46-52.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See* above.

W. Claim 36

[36a] - A method of conducting a wagering event for one or more players, wherein a player is presented with at least one of a buy-out offer and a partial buy-out offer prior to completion of the wagering event, the method comprising the steps of:

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DeWaal '149 discloses this limitation. *See e.g.*, limitations [1a], [36b]–[36g], and '439 Patent limitation [1a].

[36b] - providing one or more wagering input devices in communication with a system controller through which one or more players may participate in a wagering event, said system controller being adapted for:

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1b] and '439 Patent limitation [1b].

[36c] - initiating the wagering event for one or more players;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1c] and '439 Patent limitation [1c].

[36d] - receiving a wager via the one or more wagering input devices in response to a player desiring to participate in the wagering event;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1d] and '439 Patent limitation [1d].

[36e] - identifying one or more players eligible to win from among players participating in the wagering event;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1e] and '439 Patent limitation [1e].

[36f] - initiating at least one of a buy-out offer and partial buy-out offer to any number of the one or more players that are eligible to win, said buy-out offer or partial buy-out offer being initiated at any time before the wagering event has been completed; and

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1f] and '439 Patent limitation [1f].

[36g] - identifying any acceptances of said at least one of a buy-out offer and partial buy-out offer that have been initiated.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1g] and '439 Patent limitation [1g].

X. Claim 37

[37] - The method of claim 36, further comprising completing the wagering event and determining if any of the players have won.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1h], [1i], and '439 Patent limitation [1h].

Y. Claim 38

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[38] - *The method of claim 37, wherein the one or more players are eligible to win an award comprising one or more selected from the group consisting of monetary awards, nonmonetary awards, a prize, a payment, a designated currency, virtual currency, tokens, credits, coupons, services, personal property, real property, virtual property, assets, investments, negotiable instruments, commodities, food, lodging, entertainment, alleviation of obligations, gaming opportunities and wager enhancement.*

DeWaal '149 discloses this limitation. *See e.g.*, limitation [2] and '439 Patent limitation [24].

Z. Claim 39

[39] - *The method of claim 36, wherein the wagering event comprises one or more selected from the group consisting of sporting events, lotteries, real games, virtual games, live events, pre-recorded events, online events, broadcast events, slot machines, card games, keno, video games and racing.*

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1c] and '439 Patent limitation [2].

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by Schugar '981.

See, e.g.:

Schugar '981 at [0070] ("In a further embodiment, the equity concept described herein can be applied to craps."); *id.* at [0072] ("The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.").

See also '341 Patent limitation [39] of Schugar '981 (Ex. A14) (DraftKings' Initial Invalidity Contentions).

AA. Claim 40

[40] - *The method of claim 36, wherein the wagering event and wager comprises one or more of fixed odds single wagers, multiple wagers, full cover wagers, full cover wagers with singles, 'Any to Come' (ATC) or 'if cash' wagers, specialty wagers, forecasts, fixed, variable, guaranteed, parimutuel wagering, fixed-odds wagering, accumulator or parlay wagering, fixed odds, a pool, progressive, fixed pool, variable pool or guaranteed pool.*

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1c], [1d], [35], and '439 Patent limitation [30].

III. U.S. Patent No. 9,275,516

A. Claim 1

[1a] - *A method of conducting a multi-outcome wagering event for one or more players, wherein*

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the wagering event comprises a defined number of legs, and wherein a player is presented with at least one of a buy-out offer and a partial buy-out offer prior to completion of all of the defined number of legs, the method comprising the steps of:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1a]–[1p] and '439 Patent limitation [1a].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1b] - providing one or more wagering input devices in communication with a system controller through which one or more players may participate in a multi-outcome wagering event, said system controller being adapted for:

DeWaal '149 discloses this limitation. *See e.g.*, '439 Patent limitation [1b].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1c] - initiating the multi-outcome wagering event for one or more players, said multi-outcome wagering event comprised of a defined number of legs, wherein one or more jackpots, or a portion thereof, is awarded at least where a particular number of the defined number of legs are completed;

DeWaal '149 discloses this limitation. *See e.g.*, '439 Patent limitation [1c].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1d] - receiving a wager via the one or more wagering input devices in response to input from a player desiring to participate in the multi-outcome wagering event, wherein the wager coincides with each of the defined number of legs;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1b] and '439 Patent limitation [1d].

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Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1e] - generating a record reflecting the wager associated with the player at the system controller;

DeWaal '149 discloses this limitation. For example, DeWaal '149 discloses:

“During one or more gaming sessions, the gaming device and/or player tracking system tracks any suitable information, such as any amounts wagered, average wager amounts and/or the time these wagers are placed.” * 21:36-39.

“In another embodiment, one or more of the gaming devices are in communication with a central server or controller for monitoring purposes only. That is, each individual gaming device randomly generates the game outcomes to be provided to the player and the central server or controller monitors the activities and events occurring on the plurality of gaming devices. In one embodiment, the gaming network includes a real-time or on-line accounting and gaming information system operably coupled to the central server or controller. The accounting and gaming information system of this embodiment includes a player database for storing player profiles, a player tracking module for tracking players and a credit system for providing automated casino transactions.” * 21:4-17.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See above.*

[1f] - receiving input of an outcome of each of the defined number of legs corresponding to the multi-outcome wager event;

DeWaal '149 discloses this limitation. For example, DeWaal '149 discloses:

“In another embodiment, one or more of the gaming devices are in communication with a central server or controller for monitoring purposes only. That is, each individual gaming device randomly generates the game outcomes to be provided to the player and the central server or controller monitors the activities and events occurring on the plurality of gaming devices. In one embodiment, the gaming network includes a real-time or on-line accounting and gaming information system operably coupled to the central server or controller. The accounting and gaming information system of this embodiment includes a player database for storing player profiles, a player tracking module for tracking players and a credit system for providing automated casino transactions.” * 21:4-17.

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Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See* above.

[1g] - generating and causing display via the one or more wagering input devices the outcome of each of the defined number of legs to a player;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1b]. For example, DeWaal '149 discloses:

“The central server or controller communicates the generated or selected game outcome to the initiated gaming device. The gaming device receives the generated or selected game outcome and provides the game outcome to the player. In an alternative embodiment, how the generated or selected game outcome is to be presented or displayed to the player, such as a reel symbol combination of a slot machine or a hand of cards dealt in a card game, is also determined by the central server or controller and communicated to the initiated gaming device to be presented or displayed to the player. Central production or control can assist a gaming establishment or other entity in maintaining appropriate records, controlling gaming, reducing and preventing cheating or electronic or other errors, reducing or eliminating win-loss volatility and the like.” * 19:37-51.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See* above.

[1h] - identifying one or more players eligible to win each of the defined number of legs based on the wager from among players participating in the multi-outcome wagering event,

DeWaal '149 discloses this limitation. For example, DeWaal '149 discloses:

“In one embodiment, upon an occurrence of a suitable triggering event, a central controller of the gaming system identifies at least one player and preferably a plurality of players who are eligible for the bonus event.” * Abstract.

“Upon an occurrence of a suitable triggering event, the central controller of the gaming system identifies at least one player and preferably a plurality of players who are eligible to play the bonus event. In one embodiment, the central controller identifies (or causes the identification of) one or more eligible players at gaming machines in the gaming system. The central controller causes a display device of a plurality of gaming machines to display the bonus event to those eligible players. That is, the central controller enables one or more eligible players at gaming machines in the gaming system to substantially simultaneously attempt to win the award in the bonus event, wherein the award or outcome of the bonus event is determined, at least in part, by player input, choices or decisions in the bonus event. It should be appreciated that the eligibility

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of the players at gaming machines in the gaming system may be displayed on a display device of the gaming machines or another display device associated with those gaming machines, such as a player tracking display screen or any other suitable display device.” * 24:53-25:4.

“Upon an occurrence of a suitable triggering event, the central controller identifies (or causes an identification of) at least one player and preferably a plurality of players who are eligible for the multi-round bonus event as indicated by block 102. In one embodiment, the eligible players include each player enrolled at one of the gaming machines in the gaming system.” * 28:66-29:5.

“In one embodiment, once the central controller determines that a suitable triggering event has occurred, the central controller determines which system gaming machines will provide the bonus event. The central controller designates players at these gaming machines as eligible players. Such a determination is based in part on the individual status of each of the gaming machines in the gaming system. That is, the individual status of each gaming machine determines whether the player of that gaming machine is eligible to play in the bonus event.” * 26:27-36.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See* above.

[1i] - determining any players eligible to win at least one jackpot or a portion thereof based on the potential outcome of each of the defined number of legs in comparison against the record reflecting the wager from among players participating in the multi-outcome wagering event, wherein players eligible to win at least one leg are eligible to win at least one jackpot or a portion thereof;

DeWaal '149 discloses this limitation. For example, corresponding to “determining any players eligible to win at least one jackpot or a portion thereof based on the potential outcome of each of the defined number of legs in comparison against the record reflecting the wager from among players participating in the multi-outcome wagering event,” DeWaal '149 discloses:

“The central controller selects the winning player for the one or more awards based on choices or decisions input by the players during the bonus event. As the bonus event progresses, the players make inputs that determine their eligibility for the award. Player inputs from certain players cause the central controller to eliminate those players from the bonus event. The central controller designates the eliminated players to be ineligible for the award. After these certain players are eliminated from the bonus event, any of the eligible players remaining in the bonus event have a chance to win the award. In one embodiment, the bonus game continues until a designated number of players, such as one player, remains in the bonus game. When a designated number of eligible players remain in the bonus game, the central controller determines which eligible player or players win the award (or a portion of the award). In various embodiments, the designated number is one, two or any other suitable number. The bonus game ends when the central controller provides the award (or a portion of the award) to the determined winning player or players. In one embodiment, as players are eliminated from the bonus game, each eligible player

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remaining in the bonus game has an opportunity to win a greater share or portion of the award.” * 3:17-39.

“In one embodiment, the bonus event includes a plurality of rounds. In this embodiment, each of the eligible players makes inputs from a plurality of outcomes in each round. The central controller of the gaming system designates (or causes a designation of) at least one of the available outcomes in each round as a designated outcome (i.e., a winning outcome). The available outcomes also include non-designated outcomes (i.e., losing outcomes). If one of the players' inputs is associated with the winning outcome in an initial round, that player advances to a subsequent round of the bonus game. In one embodiment, the central controller provides each player who advances to the subsequent round with an additional award. For each player whose input is associated with a losing outcome (i.e., picks a non-designated outcome), the central controller eliminates that player from the bonus game. In one embodiment, any remaining players continue to make inputs in each subsequent round until a designated number of players advance to a final round. In the final round, if one of the remaining players makes an input that is associated with the winning outcome, the central controller provides that player (or causes the player to be provided) with the award (or a portion of the award if a plurality of the remaining players make inputs associated with the winning outcome). Accordingly, the bonus event enables players to make inputs or choices that affect the award, if any, that will be provided to those players in the bonus event. Such a configuration provides increased excitement and enjoyment for players because the players are provided with the ability to make inputs or choices in the bonus game that affect the outcome of the bonus game.” * 3:48-4:10.

“In one embodiment, the bonus event includes a plurality of rounds, wherein each round has a number of available selections. In this embodiment, players must pick a designated selection (i.e., a winning outcome) in each round to win all or a share of the award. If at least one player picks the designated selection in a first round, that player advances to a second round. If at least one player does not pick the designated selection in the first round, that player is eliminated from the bonus event and does not advance to the second round. In the second round, the advancing players pick from a plurality of available selections in an attempt to advance to a third round. Similarly, players who pick the designated selection in the second round advance to the third round. Players who do not pick the designated selection in the second round are eliminated from the bonus event and do not advance to the third round. During the plurality of rounds, once a player does not pick the designated selection in a given round, that player is eliminated from the bonus event and is thus disqualified from winning the award. In this embodiment, this process continues for a number of rounds until at least one player reaches a final round. If none of the players reach the final round, the central controller ends the bonus event. For each player that reaches the final round, the award associated with the bonus event is available to one or more of those players. To be provided the available award, the one or more players must pick the designated selection in the final round. In one embodiment, the award is divided or split among a plurality of the players if those players pick the designated selection in each round including the final round.” * 5:13-41.

“The central controller enables each eligible player to make an input in association with the plurality of outcomes in each round as indicated by block 108. In one embodiment, the central controller enables each player to pick at least one of the selections via any suitable input device of the gaming machine, such as a touch screen. The central controller receives a signal from gaming machines in the gaming system corresponding to an input from each player in each round. Based

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on the players' input, the central controller designates (or causes a designation of) certain players to be ineligible (i.e., if the player's input is associated with the losing outcome) and eliminates (or causes an elimination of) those players from the bonus event as indicated by block 110. That is, when one or more of the players are deemed ineligible for one of the rounds, the central controller eliminates those players from the bonus event. For example, the bonus event may include a selection bonus game. In this example, the selection bonus game includes a plurality of rounds, a plurality of selections in each round and at least one designated selection (i.e., a winning outcome) in each round. During play of the selection bonus game, players who do not pick the designated selection (i.e., a winning outcome) in an initial round may be deemed ineligible for a subsequent round.” * 29:64-30:19.

“Based on the players' input, the central controller designates (or causes a designation of) certain players to advance to a subsequent round as indicated by block 112. That is, when one or more of the players make an input that is associated with the winning outcome in one of the rounds, the central controller advances these players to a subsequent round of the bonus event. For example, the bonus event may include a selection bonus game. In this example, the selection bonus game includes a plurality of rounds, a plurality of selections in each round and at least one designated selection (i.e., a winning outcome) in each round. During play of the selection bonus game, players who pick the designated selection (i.e., a winning outcome) in an initial round may be deemed eligible for advancement to a subsequent round. That is, only eligible players may advance to the subsequent round of the bonus event.” * 30:20-35.

For example, corresponding to “wherein players eligible to win at least one leg are eligible to win at least one jackpot or a portion thereof,” DeWaal '149 discloses:

“In one embodiment, any remaining players continue to make inputs in each subsequent round until a designated number of players advance to a final round. In the final round, if one of the remaining players makes an input that is associated with the winning outcome, the central controller provides that player (or causes the player to be provided) with the award (or a portion of the award if a plurality of the remaining players make inputs associated with the winning outcome).” * 3:62-4:3.

“In this embodiment, players must pick a designated selection (i.e., a winning outcome) in each round to win all or a share of the award.” * 5:15-17.

“If one of the players' inputs is associated with the winning outcome in an initial round, that player advances to a subsequent round of the bonus game.” * 3:48-4:10.

“This process continues for a designated number of rounds until a final round. In the final round, the central controller determines one or more winning players, if any, of the bonus event as indicated by block 114.” * 30:45-49.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination

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with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See above.*

[1j] - initiating and causing display of at least one of a buy-out offer and partial buy-out offer via the one or more wagering input devices to any number of the one or more players that are eligible to win at least one jackpot for at least a portion of said at least one jackpot, said buy-out offer or partial buy-out offer being initiated at any time before the multi-outcome wagering event has been completed;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1b] and '439 Patent limitation [1f]. For example, corresponding to "causing display" of the buy-out offer and partial buy-out offer, DeWaal '149 discloses:

"The central controller may cause the display device to display an offer of \$10 to the advancing players. The display may include appropriate messages, such as "YOU HAVE WON \$10 FOR ROUND 1! YOU MAY QUIT THE BONUS EVENT AND KEEP THE \$10 OR RISK THE \$10 AND PLAY ANOTHER ROUND!" * 34:33-38.

"In one embodiment, this offer and acceptance process continues for a designated number of rounds." 34:53-54.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See above.*

[1k] - receiving an acceptance of the buy-out offer or partial buy-out offer via the one or more wagering input devices in response to input from a particular number of the players eligible to win at least one jackpot that have accepted the buy-out offer or partial buy-out offer, each of the players accepting the buy-out offer will no longer be eligible to exclusively win the at least one jackpot, wherein each of the players not accepting the buy-out offer will remain eligible to win the at least one jackpot, and wherein each of the players accepting a partial buy-out offer remains eligible to win at least a portion of the at least one jackpot;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1b] and '439 Patent limitation [1g].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1l] - issuing a credit, tokens, currency or an award to the one or more players accepting the buy-out offer or partial buy-out offer;

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DeWaal '149 discloses this limitation. For example, DeWaal '149 discloses:

“If the player chooses to quit, the central controller provides (or causes that player to be provided) with the accumulated award.” * 5:61-63.

“If a player accepts the offered portion of the award pool, the player is eliminated from the bonus event (i.e., the player accepts the offered portion of the award pool in exchange for quitting the bonus event).” 34:19-23.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See above.*

[1m] - completing the remainder of the defined number of legs to finish the multi-outcome wagering event;

DeWaal '149 discloses this limitation. *See e.g., '439 Patent limitation [1h].*

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1n] - determining if any of the players have won the at least one jackpot or portion thereof;

DeWaal '149 discloses this limitation. *See e.g., '439 Patent limitation [1i].*

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1o] - notifying the players that have won the jackpot or portion thereof; and

DeWaal '149 discloses this limitation. For example, DeWaal '149 discloses:

“The central server or controller communicates the generated or selected game outcome to the initiated gaming device. The gaming device receives the generated or selected game outcome and provides the game outcome to the player. In an alternative embodiment, how the generated or selected game outcome is to be presented or displayed to the player, such as a reel symbol combination of a slot machine or a hand of cards dealt in a card game, is also determined by the

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central server or controller and communicated to the initiated gaming device to be presented or displayed to the player. Central production or control can assist a gaming establishment or other entity in maintaining appropriate records, controlling gaming, reducing and preventing cheating or electronic or other errors, reducing or eliminating win-loss volatility and the like.” * 19:37-51.

“In FIG. 11F, the central controller designated the selection 210 as the designated selection. The designated selection 210 is illuminated as indicated on the display devices 16 a and 16 c. The central controller determines whether Player A or Player C picked the designated selection 210. As illustrated, Player A picked a non-designated selection 206 while Player C picked the designated selection 210. Accordingly, Player C wins the award (i.e., \$10,000) of the bonus event while Player A is eliminated from the bonus event. As described above, appropriate messaging may be provided to the players visually, or through suitable audio or audiovisual displays. Such messages include “CONGRATULATIONS! YOU HAVE WON \$10,000.” or “SORRY! YOU HAVE BEEN ELIMINATED. BETTER LUCK NEXT TIME.” As illustrated, the round display 218 displays such messages although a separate display area of the display devices 16 a, 16 b and 16 c may be used.” * 43:44-59.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See above.*

[1p] - issuing a credit, tokens, currency or an award to the players that have won the jackpot or portion thereof.

DeWaal '149 discloses this limitation. *See e.g., '439 Patent limitations [7] and [24].*

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

B. Claim 2

[2] - The method of claim 1, wherein the multi-outcome wagering event comprises one or more wagering events, the defined number of legs comprises one or more legs, and wherein each of the defined number of legs comprises at least one of an entire wagering event, a partial wagering event, a divisible component of a wagering event, multiple independent wagering events occurring sequentially or concurrently, and a compilation of related wagering events, wherein the one or more wagering events comprises one or more selected from the group consisting of sporting events, eSports, e-sports, competitive gaming, electronic sports, fantasy events, real games, virtual games, and fantasy games, and wherein the wager comprises a potential outcome for each of the legs.

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DeWaal '149 discloses this limitation. *See e.g.*, limitation [1c] and '439 Patent limitations [1a], [2], and [27]. For example, corresponding to “wherein the multi-outcome wagering event comprises one or more wagering events,” DeWaal '149 discloses:

“In one embodiment, the gaming system and method disclosed herein substantially simultaneously provides a multi-round bonus event to a plurality of players. Each players' input(s) determine, at least in part, an award, if any, provided to that player for the bonus event. In one embodiment, upon an occurrence of a suitable triggering event, a central controller of the gaming system identifies at least one player and preferably a plurality of players who are eligible for the bonus event. The central controller causes the bonus event to be provided to those eligible players. In one such embodiment, the bonus event enables one or more eligible players in the gaming system to simultaneously (or substantially simultaneously) attempt to win the award in the bonus event. In this embodiment, the outcome of the bonus event is determined, at least in part, by one or more player inputs, choices or decisions in the bonus event.” * Abstract.

Fig. 3:

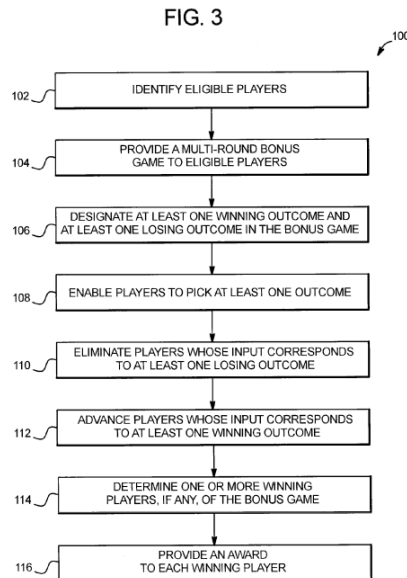


Fig. 7:

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FIG. 7

TOTAL AWARD PER ROUND: \$10,000

ROUND	ELIGIBLE PLAYERS	ADVANCING PLAYERS	AWARD WON PER ADVANCING PLAYER	CONTINUING PLAYERS	INELIGIBLE PLAYERS	TOTAL ACCUMULATED AWARD
1	800	400	\$25	300	400	\$25
2	300	200	\$50	100	100	\$75
3	100	50	\$200	20	50	\$275
4	20	5	\$2,000	2	15	\$2,245
5	2	1	\$10,000	0	1	\$12,275

Total Accumulated Award Provided to the
Player Who Advanced in Round 5.

“It should be appreciated that the central controller may provide the bonus event to a plurality of or each of the eligible players and/or gaming machines.” * 5:9-12.

“In one embodiment wherein a player wagers on one or more reels, a player's wager of one credit may activate each of the three symbol positions on a first reel, wherein one default symbol position is activated on each of the remaining four reels. In this example, as described above, the gaming device provides the player three ways to win (i.e., 3 symbols on the first reel×1 symbol on the second reel×1 symbol on the third reel×1 symbol on the fourth reel×1 symbol on the fifth reel). In another example, a player's wager of nine credits may activate each of the three symbol positions on a first reel, each of the three symbol positions on a second reel and each of the three symbol positions on a third reel wherein one default symbol position is activated on each of the remaining two reels. In this example, as described above, the gaming device provides the player twenty-seven ways to win (i.e., 3 symbols on the first reel×3 symbols on the second reel×3 symbols on the third reel×1 symbol on the fourth reel×1 symbol on the fifth reel).” * 15:40-57.

“Once a suitable triggering event occurs, the central controller substantially simultaneously provides a multi-round bonus event to at least one and preferably each eligible player. In one embodiment, the bonus event is a multi-round selection game that includes a plurality of rounds and a number of available outcomes in each round. In one embodiment, the players must pick a designated outcome (i.e., a winning outcome) in each round to win all or a share of an award associated with the bonus event. For example, the multi-round selection game includes four rounds and ten outcomes per round.” * 27:26-36.

“The multi-round bonus event includes a plurality of outcomes in each round.” 29:51-52.

For example, corresponding to “the defined number of legs comprises one or more legs,” DeWaal '149 discloses:

“In one example embodiment, the bonus event includes a bonus game, such as a non-skill based selection game having a plurality of rounds.” * 4:11-13.

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“In the bonus game, which may be any suitable multi-round bonus or secondary game, the eligible players compete with one another to win at least one award.” * 3:14-17.

“In one embodiment, the bonus event includes a plurality of rounds, wherein each round has a number of available selections. In this embodiment, players must pick a designated selection (i.e., a winning outcome) in each round to win all or a share of the award.” * 5:13-16.

“It should be appreciated that the number of selections in each round, the number of rounds and the number of designated selections in each round may be set by the game implementer to any suitable numbers.” * 44:14-17.

For example, corresponding to “wherein each of the defined number of legs comprises at least one of an entire wagering event, a partial wagering event, a divisible component of a wagering event, multiple independent wagering events occurring sequentially or concurrently, and a compilation of related wagering events,” DeWaal '149 discloses:

“In one embodiment, the bonus event includes a plurality of rounds, wherein each round has a number of available selections. In this embodiment, players must pick a designated selection (i.e., a winning outcome) in each round to win all or a share of the award.” * 5:13-16.

For example, corresponding to “wherein the one or more wagering events comprises one or more selected from the group consisting of sporting events, eSports, e-sports, competitive gaming, electronic sports, fantasy events, real games, virtual games, and fantasy games,” DeWaal '149 discloses:

“For example, in different embodiments, the bonus event includes, but is not limited to, reel/slot games, card games (e.g., poker, blackjack), lottery games, selection games, offer and acceptance games, wheel games, dice games, free spin games, competition games, skill games, perceived skill games or games that include one or more rounds of game play.” * 29:30-35.

For example, corresponding to “wherein the wager comprises a potential outcome for each of the legs,” DeWaal '149 discloses:

“In this embodiment, each of the eligible players makes selections from a number of available selections (such as from a plurality of potential outcomes or selections) in each round.” * 4:13-16.

“Players must pick a designated selection (i.e., a winning outcome) in each round to win all or a share of the award.” 5:15-17.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See* above.

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To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by Schugar '981.

See, e.g.:

Schugar '981 at [0070] ("In a further embodiment, the equity concept described herein can be applied to craps."); *id.* at [0072] ("The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.").

See also '516 Patent limitation [2] of Schugar '981 (Ex. A14) (DraftKings' Initial Invalidity Contentions).

C. Claim 3

[3] - The method of claim 2, wherein the wager is one or more of selectable by being handpicked by the player, provided electronically on request of the player through communication between the one or more wagering input devices and the system controller, provided via a random number generator associated with the system controller, a quick pick or a smart pick.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1d] and '439 Patent limitation [3].

D. Claim 4

[4] - The method of claim 2, wherein the games comprise one or more selected from the group consisting of slot machines, keno, poker, video games, football ("soccer"), American football, Australian rules football, baseball, cricket, basketball, golf, hockey, auto racing, legends, rugby, wrestling, surfing, mixed martial arts, racing, lotteries, live events, pre-recorded events, online events, broadcast events, card games, politics, sales, stocks, celebrity gossip, movies, and reality TV.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1c], [2], and '439 Patent limitation [4].

E. Claim 5

[5] - The method of claim 1, wherein accepting a partial buy-out offer comprises a player accepting less than the buy-out offer amount, said acceptance resulting in the player remaining eligible to win at least a portion of at least one jackpot.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1k] and '439 Patent limitations [1g] and [5].

F. Claim 7

[7] - The method of claim 1, wherein the system controller is further programmed to award the jackpot, or any fractional portion thereof, upon the completion of the multi-outcome event pool.

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DeWaal '149 discloses this limitation. *See e.g.*, limitation [11] and '439 Patent limitation [7].

G. Claim 8

[8a] - The method of claim 1, wherein the multi-outcome wagering event comprises one or more virtual games, said method further comprising:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1a]–[1p] and '439 Patent limitation [8a].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[8b] - initiating the buy-out offer prior to completion of the one or more virtual games, but after an outcome of the one or more virtual games has been determined,

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1j] and '439 Patent limitation [8b].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[8c] - said buy-out offer including a price that is at least partially based on random-number generated probabilities.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1j] and '439 Patent limitation [8b].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

H. Claim 17

[17] - The method of claim 1, wherein the one or more wagering input devices are adapted for generating a wager for a player reflecting one or more predicted outcomes of the multi-outcome

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wagering event.

DeWaal '149 discloses this limitation. See e.g., limitation [1d] and '439 Patent limitation [17].

I. Claim 20

[20] - The method of claim 1, wherein the wager further comprises a list that is at least one of printed on a ticket, printed on a voucher, and displayed via the one or more wagering input devices.

DeWaal '149 discloses this limitation. See e.g., limitation [1d] and '439 Patent limitation [20].

J. Claim 21

[21] - The method of claim 1, wherein the one or more wagering devices comprise at least one of a wagering terminal, a wagering workstation, a personal computer, a smart phone, a tablet computing device, a gaming machine, a slot machine, and a lottery machine.

DeWaal '149 discloses this limitation. See e.g., limitation [1b] and '439 Patent limitation [21].

K. Claim 24

[24] - The method of claim 1, wherein at least one of the one or more jackpots comprises a monetary award provided to the player in the form of at least one of currency, tokens and credit.

DeWaal '149 discloses this limitation. See e.g., limitations [11] and [1p] and '439 Patent limitation [24].

L. Claim 25

[25] - The method of claim 1, wherein the one or more jackpots, the portion thereof, or the award comprises one or more selected from the group consisting of monetary awards, nonmonetary awards, a prize, a payment, a designated currency, virtual currency, tokens, credits, coupons, services, personal property, real property, virtual property, assets, investments, negotiable instruments, commodities, food, lodging, entertainment, alleviation of obligations, gaming opportunities and wager enhancement.

DeWaal '149 discloses this limitation. See e.g., limitations [11] and [1p], and '341 Patent limitation [2].

M. Claim 27

[27] - The method of claim 1 wherein the wagering event and wager comprises one or more of fixed odds single wagers, multiple wagers, full cover wagers, full cover wagers with singles, 'Any to Come' (ATC) or 'if cash' wagers, specialty wagers, forecasts, fixed, variable,

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guaranteed, parimutuel wagering, fixed-odds wagering, accumulator or parlay wagering, fixed odds, a pool, progressive, fixed pool, variable pool or guaranteed pool.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1a]–[1c], '439 Patent limitation [24], and '341 Patent limitation [35].

N. Claim 28

[28a] - The method of claim 1, wherein upon acceptance of the buy-out offer or partial buy-out offer by a player, the method further comprises at least one or more of:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1a]–[1p].

[28b] - transferring an entitlement of the player to at least one third party or another player, so that the at least one third party or another player becomes eligible to win the at least one jackpot or portion thereof;

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[28c] - transferring ownership or partial ownership of the player, in at least a portion of the player's wager, to at least one third party or another player, so that the at least one third party or another player obtains ownership or partial ownership and becomes eligible to win the at least one jackpot or portion thereof;

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[28d] - relinquishing rights of the player, in at least a portion of the player's wager corresponding to the buy-out offer or partial buy-out offer, before the multi-outcome wagering event has been completed; and

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1k]. For example, DeWaal '149 discloses:

“If the player chooses to quit, the central controller provides (or causes that player to be provided) with the accumulated award.” * 5:61-63.

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“If a player accepts the offered portion of the award pool, the player is eliminated from the bonus event (i.e., the player accepts the offered portion of the award pool in exchange for quitting the bonus event).” 34:19-23.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See above.*

[28e] - initiating and causing display of at least a portion of the player's wager corresponding to the accepted buy-out offer or partial buy-out offer for at least one of bidding and selection by one or more third parties.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

O. Claim 29

[29a] - The method of claim 1, further comprising a cash out option, the system controller further configured to:

DeWaal '149 discloses this limitation. *See e.g.,* limitations [1a]–[1p] and '439 Patent limitations [1a]–[1i].

[29b] - receive a selection of the cash out option from any of the one or more players that desire to fully or partially end the wager, wherein the selection of the cash out option from any of the one or more players is provided via one or more of the one or more wagering input devices, a hand held device, a mobile device, a wireless device, a computing system, a smart phone, a telephone, a tablet computer, text messaging, a PDA, an interactive television, email, Internet browser or a cashier;

DeWaal '149 discloses this limitation. *See e.g.,* limitations [1b], [1k], and '439 Patent limitations [1b] and [1g].

[29c] - wherein any of the one or more players selecting the cash out option to fully end the wager no longer participates in the multi-outcome wagering event, and any of the one or more players selecting the cash out option to partially end the wager continues to participate in the multi-outcome wagering event; and

DeWaal '149 discloses this limitation. *See e.g.,* limitation [1k] and '439 Patent limitation [1g].

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[29d] - issue to the one or more players that selected the cash out option one or more of cash, tickets or credit slips redeemable by the player, funding of a player's electronically recordable identification card or online account, or an award.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [11].

P. Claim 30

[30] - The method of claim 1, wherein initiate and cause display of at least one of a buy-out offer and a partial buy-out offer comprises initiate and cause display of a partial buy-out offer.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1j] and '439 Patent limitation [1e].

Q. Claim 31

[31] - The method of claim 1, wherein initiate and cause display of at least one of a buy-out offer and a partial buy-out offer comprises initiate and cause display of a buy-out offer.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1j] and '439 Patent limitation [1e].

R. Claim 32

[32] - The method of claim 1, wherein the buy-out offer comprises a cash in offer or a cash out offer, and wherein the partial buy-out offer comprises a partial cash in offer or a partial cash out offer.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1j] and '439 Patent limitation [1e].

S. Claim 33

[33] - The method of claim 1, wherein the buy-out offer and partial buy-out offer comprises a full cash out on a single.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1j] and '439 Patent limitation [1e].

T. Claim 34

[34] - The method of claim 1, wherein the buy-out offer and partial buy-out offer comprises a partial cash out on a single.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1j] and '439 Patent limitation [1e].

U. Claim 35

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[35] - The method of claim 1, wherein the buy-out offer and partial buy-out offer comprises a full cash out on a multiple, accumulator, parlay or pool.

DeWaal '149 discloses this limitation. See e.g., limitation [1j] and '439 Patent limitation [30].

V. Claim 36

[36] - The method of claim 1, wherein the buy-out offer and partial buy-out offer comprises a partial cash out on a multiple, accumulator, parlay or pool.

DeWaal '149 discloses this limitation. See e.g., limitation 1[j] and '439 Patent limitation [30].

W. Claim 37

[37a] - A wagering system including one or more wagering input devices for allowing the placement of a wager on a multi-outcome wagering event comprising one or more wagering events, the wagering system comprising:

DeWaal '149 discloses this limitation. See e.g., limitations [1a], [1b], and [37b]–[37p], and '439 Patent limitations [1a] and [1b].

[37b] - a system controller configured to communicate with the one or more wagering input devices, said system controller configured to:

DeWaal '149 discloses this limitation. See e.g., limitation [1b] and '439 Patent limitation [1b].

[37c] - initiate the multi-outcome wagering event for one or more players, said multi-outcome wagering event comprised of a defined number of legs comprising one or more legs, wherein one or more jackpots, or a portion thereof, is awarded at least where a particular number of the defined number of legs are completed;

DeWaal '149 discloses this limitation. See e.g., limitation [1c] and '439 Patent limitation [1c].

[37d] - receive a wager via the one or more wagering input devices in response to input from a player desiring to participate in the multi-outcome wagering event, wherein the wager coincides with each of the defined number of legs;

DeWaal '149 discloses this limitation. See e.g., limitation [1d] and '439 Patent limitation [1d].

[37e] - generate a record reflecting the wager associated with the player at the system controller;

DeWaal '149 discloses this limitation. See e.g., limitation [1e].

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[37f] - receive input of an outcome of each of the defined number of legs corresponding to the multi-outcome wager event;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1f].

[37g] - generate and cause display via the one or more wagering input devices the outcome received of each of the defined number of legs to a player;

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1b] and [1g].

[37h] - identify one or more players eligible to win each of the defined number of legs based on the wager from among players participating in the multi-outcome wagering event,

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1h].

[37i] - determine any players eligible to win at least one jackpot or a portion thereof based on the potential outcome of each of the defined number of legs in comparison against the record reflecting the wager from among players participating in the multi-outcome wagering event, wherein players eligible to win at least one leg remain eligible to win at least one jackpot or a portion thereof;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1i].

[37j] - initiate and cause display of at least one of a buy-out offer and a partial buy-out offer via the one or more wagering input devices to any number of the one or more players that remain eligible to win at least one jackpot, or portion thereof, for at least a portion of said at least one jackpot, said buy-out offer or partial buy-out offer being initiated before the multi-outcome wagering event has been completed;

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1b], [1j] and '439 Patent limitation [1e].

[37k] - receive an acceptance of at least one of the buy-out offer and partial buy-out offer via the one or more wagering input devices in response to input from a particular number of the one or more players eligible to win the at least one jackpot or portion thereof that have accepted the buy-out offer or partial buy-out offer, wherein each of the one or more players accepting the buy-out offer will no longer be eligible to exclusively win the at least one jackpot, wherein each of the one or more players not accepting the buy-out offer will remain eligible to win the at least one jackpot, and wherein each of the one or more players accepting a partial buy-out offer remains eligible to win at least a portion of the at least one jackpot;

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1b], [1k] and '439 Patent limitation [1g].

[37l] - issue a credit, tokens, currency or an award to the one or more players accepting the buy-out offer or partial buy-out offer;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1l].

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[37m] - complete the remainder of the defined number of legs to finish the multi-outcome wagering event;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1m] and '439 Patent limitation [1h].

[37n] - determine if any of the players have won the jackpot or portion thereof;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1n] and '439 Patent limitation [1i].

[37o] - notify the players that have won the jackpot or portion thereof; and

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1o].

[37p] - issue a credit, tokens, currency or an award to the players that have won the jackpot or portion thereof.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1p] and '439 Patent limitations [7] and [24].

X. Claim 38

[38] - The wagering system of claim 37, wherein the multi-outcome wagering event comprises a plurality of legs, each comprising at least one of an entire sporting event, a partial sporting event, a divisible component of a sporting event, multiple independent sporting events occurring sequentially or concurrently, and a compilation of related sporting events.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1c] and '439 Patent limitation [27].

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by Schugar '981.

See, e.g.:

Schugar '981 at [0070] ("In a further embodiment, the equity concept described herein can be applied to craps."); *id.* at [0072] ("The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.").

See also '516 Patent limitation [38] of Schugar '981 (Ex. A14) (DraftKings' Initial Invalidity Contentions).

Y. Claim 39

[39a] - The wagering system of claim 38, wherein the system controller is further configured to:

DeWaal '149 discloses this limitation. *See e.g.*, limitation [38] and '439 Patent limitation [28a].

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[39b] - initiate one or more buy-out offers or partial buy-out offers for any combination of the plurality of legs at any time prior to completion of the multi-outcome wagering event; and receive an acceptance of said one or more buy-out offers or partial buy-out offers.

DeWaal '149 discloses this limitation. See e.g., limitation [1j] and '439 Patent limitations [28b] and [28c].

Z. Claim 41

[41] - The wagering system of claim 37, wherein the wager comprises at least one of an accumulator, parlay, fixed odds single or fixed odds multiple wager comprising at least one or more combinations of at least a portion of the defined number of legs, wherein the one or more combinations are selectable by at least one of a player, a third party, and the wagering system, and wherein at any time before all legs included in the wager have been completed, at least one partial buy-out offer is initiated to any number of the one or more players remaining eligible to win at least one of a jackpot, a portion of a jackpot or an award.

DeWaal '149 discloses this limitation. See e.g., limitation [1d] and '439 Patent limitation [30].

AA. Claim 42

[42] - The wagering system of claim 37, wherein the one or more jackpots, the portion thereof, or the award comprises one or more selected from the group consisting of monetary awards, nonmonetary awards, a prize, a payment, a designated currency, virtual currency, tokens, credits, coupons, services, personal property, real property, virtual property, assets, investments, negotiable instruments, commodities, food, lodging, entertainment, alleviation of obligations, gaming opportunities and wager enhancement.

DeWaal '149 discloses this limitation. See e.g., limitations [11] and [1p], and '439 Patent limitations [7] and [24].

BB. Claim 43

[43] - The wagering system of claim 37 wherein the wagering event and wager comprises one or more of fixed odds single wagers, multiple wagers, full cover wagers, full cover wagers with singles, 'Any to Come' (ATC) or 'if cash' wagers, specialty wagers, forecasts, fixed, variable, guaranteed, parimutuel wagering, fixed-odds wagering, accumulator or parlay wagering, fixed odds, a pool, progressive, fixed pool, variable pool or guaranteed pool.

DeWaal '149 discloses this limitation. See e.g., limitations [1c] and [1d], '341 Patent limitation [35], and '439 Patent limitation [30].

CC. Claim 44

[44a] - The wagering system of claim 37, wherein upon acceptance of the buy-out offer or partial buy-out offer by a player, the system further comprises at least one or more of:

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DeWaal '149 discloses this limitation. *See e.g.*, limitations [1k] and [28a].

[44b] - transferring an entitlement of the player to at least one third party or another player, so that the at least one third party or another player becomes eligible to win the at least one jackpot or portion thereof;

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1l] and [28b].

[44c] - transferring ownership or partial ownership of the player, in at least a portion of the player's wager, to at least one third party or another player, so that the at least one third party or another player obtains ownership or partial ownership and becomes eligible to win the at least one jackpot or portion thereof;

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1l] and [28c].

[44d] - relinquishing rights of the player, in at least a portion of the player's wager corresponding to the buy-out offer or partial buy-out offer, before the multi-outcome wagering event has been completed; and

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1l] and [28d].

[44e] - initiating and causing display of at least a portion of the player's wager corresponding to the accepted buy-out offer or partial buy-out offer for at least one of bidding and selection by one or more third parties.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1e] and [28e].

DD. Claim 45

[45a] - The wagering system of claim 37, further comprising a cash out option, the system controller further configured to:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1j]–[1l] and [29a], and '439 Patent limitations [1a]–[1i].

[45b] - receive a selection of the cash out option from any of the one or more players that desire to fully or partially end the wager, wherein the selection of the cash out option from any of the one or more players is provided via one or more of the one or more wagering input devices, a hand held device, a mobile device, a wireless device, a computing system, a smart phone, a telephone, a tablet computer, text messaging, a PDA, an interactive television, email, Internet browser or a cashier;

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1b], [1k], [1l], [29b], and '439 Patent limitations [1b] and [1g].

[45c] - wherein any of the one or more players selecting the cash out option to fully end the wager no longer participates in the multi-outcome wagering event, and any of the one or more players selecting the cash out option to partially end the wager continues to participate in the

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multi-outcome wagering event; and

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1k], [1l], [29c], and '439 Patent limitation [1g].

[45d] - issue to the one or more players that selected the cash out option one or more of cash, tickets or credit slips redeemable by the player, funding of a player's electronically recordable identification card or online account, or an award.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1l] and [29d].

EE. Claim 46

[46] - The wagering system of claim 37, wherein initiate and cause display of at least one of a buy-out offer and a partial buy-out offer comprises initiate and cause display of a partial buy-out offer.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1j] and [30].

FF. Claim 47

[47] - The wagering system of claim 37, wherein initiate and cause display of at least one of a buy-out offer and a partial buy-out offer comprises initiate and cause display of a buy-out offer.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1j] and [31].

GG. Claim 48

[48] - The wagering system of claim 37, wherein the buy-out offer comprises a cash in offer or a cash out offer, and wherein the partial buy-out offer comprises a partial cash in offer or a partial cash out offer.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1j] and [32].

HH. Claim 49

[49] - The wagering system of claim 37, wherein the buy-out offer and partial buy-out offer comprises a full cash out on a single.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1j] and [33].

II. Claim 50

[50] - The wagering system of claim 37, wherein the buy-out offer and partial buy-out offer comprises a partial cash out on a single.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1j] and [34].

JJ. Claim 51

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[51] - The wagering system of claim 37, wherein the buy-out offer and partial buy-out offer comprises a full cash out on a multiple, accumulator, parlay or pool.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1j] and [35].

KK. Claim 52

[52] - The wagering system of claim 37, wherein the buy-out offer and partial buy-out offer comprises a partial cash out on a multiple, accumulator, parlay or pool.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1j] and [35].

LL. Claim 53

[53] - The wagering system of claim 37, wherein the wagering events comprise one or more selected from the group consisting of slot machines, keno, poker, video games, racing, sporting events, eSports, e-sports, competitive gaming, electronic sports, lotteries, real games, virtual games, fantasy events, fantasy games, live events, pre-recorded events, online events, broadcast events, card games, politics, sales, stocks, celebrity gossip, movies, reality TV, football ("soccer"), American football, Australian rules football, baseball, cricket, basketball, golf, hockey, auto racing, legends, rugby, wrestling, surfing, mixed and martial arts.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1c], '341 Patent limitation [34], and '439 Patent limitation [2].

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by Schugar '981.

See, e.g.:

Schugar '981 at [0070] ("In a further embodiment, the equity concept described herein can be applied to craps."); *id.* at [0072] ("The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.").

See also '516 Patent limitation [53] of Schugar '981 (Ex. A14) (DraftKings' Initial Invalidity Contentions).

MM. Claim 54

[54a] - A wagering system including one or more wagering input devices for allowing the placement of a wager on one or more wagering events, the wagering system comprising:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1a], [1b], [37a], and [54b]–[54l], and '439 Patent limitations [1a] and [1b].

[54b] - a system controller configured to communicate with the one or more wagering input devices, said system controller configured to:

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DeWaal '149 discloses this limitation. See e.g., limitations [1b], [37b], and '439 Patent limitation [1b].

[54c] - initiate the one or more wagering events for one or more players;

DeWaal '149 discloses this limitation. See e.g., limitations [1c], [37c], and '439 Patent limitation [1c].

[54d] - receive a wager via the one or more wagering input devices in response to input from a player desiring to participate in the one or more wagering events;

DeWaal '149 discloses this limitation. See e.g., limitations [1d], [37d], and '439 Patent limitation [1d].

[54e] - generate a record reflecting the wager associated with the player at the system controller;

DeWaal '149 discloses this limitation. See e.g., limitations [1e] and [37e].

[54f] - receive input of an outcome of the one or more wagering events;

DeWaal '149 discloses this limitation. See e.g., limitations [1f] and [37f].

[54g] - generate and cause display via the one or more wagering input devices the outcome of the one or more wagering events to a player;

DeWaal '149 discloses this limitation. See e.g., limitations [1b], [1g] and [37g].

[54h] - identify one or more players eligible to win the one or more wagering events based on the wager from among players participating in the one or more wagering events;

DeWaal '149 discloses this limitation. See e.g., limitations [1h] and [37h].

[54i] - determine any winners of the one or more wagering events based on the outcome of one or more wagering events in comparison against the record reflecting the wager from among players participating in the one or more wagering events;

DeWaal '149 discloses this limitation. See e.g., limitations [1i], [1n], [37i], and '439 Patent limitations [1e] and [1i].

[54j] - initiate and cause display of at least one of a buy-out offer and a partial buy-out offer via the one or more wagering input devices to any number of the one or more players eligible to win before the one or more wagering events have been completed, wherein one or more additional buy-out offers or partial buy-out offers may be initiated and displayed via the one or more wagering input devices to any number of the one or more players that have not accepted a buy-out offer or a partial buy-out offer;

DeWaal '149 discloses this limitation. See e.g., limitations [1b], [1j], [37j], and '439 Patent limitation [1e]. For example, corresponding to “wherein one or more additional buy-out offers or

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partial buy-out offers may be initiated and displayed via the one or more wagering input devices to any number of the one or more players that have not accepted a buy-out offer or a partial buy-out offer,” DeWaal '149 discloses:

“FIG. 7 is a chart of one embodiment of a multi-round bonus event, wherein a plurality of players compete for an award at substantially the same time and the bonus event includes an offer and acceptance feature. In this embodiment, the multi-round bonus event includes five rounds. Each round is associated with an award, such as \$10,000. As illustrated, eight hundred players are eligible for the bonus event in this embodiment. Of the eight hundred players, four hundred players qualified to advance from the first round to a second round (i.e., by making an input associated with the winning outcome in the first round). Prior to the second round, the central controller offers each advancing player an additional award to quit the bonus event. For example, since four hundred players advanced to the second round, the additional award for the first round would be equal to \$25 for each advancing player (i.e., the total amount of the award, such as \$10,000, divided by the number of advancing players, such as 400). As illustrated, one hundred players who qualified to advance to the second round, accepted the offered additional award and quit the bonus event. Three hundred player who qualified for the second round rejected the offered additional award and continue to the second round of the bonus event.

In the second round, two hundred players qualify to advance to the third round. The central controller offers those players to either quit the bonus event and accept the second additional award or continue the bonus event and play the third round. The second additional award offered to each advancing player is \$50 (i.e., the total amount of the award, such as \$10,000, divided by the number of advancing players, such as 200). The central controller offers the second additional award to each of the two hundred players who qualified to advance to the third round. In this embodiment, one hundred players chose to quit and accept the offered second additional award, such as \$50. The central controller provides those players with the second additional award and eliminates those players from the bonus event. Accordingly, one hundred players rejected the offered second additional award and continue to the third round of the bonus event.

As illustrated, this process continues for each round until the central controller determines one or more winning players for the bonus event. In one embodiment, each player is required to make an input associated with the winning outcome in each round including the final round to be determined as a winning player. The central controller provides the winning player or players the additional award associated with the final round of the bonus event.

In one embodiment, the additional awards accumulate as the players advance through each round of the bonus event. For example, as illustrated, the total accumulated award for the second round (e.g., \$75) equals the amount won by each advancing player in the first and second rounds (e.g., \$25 and \$50, respectively). In this embodiment, if a player chooses to continue the bonus event and does not advance in a subsequent round, that player loses or forfeits any additional awards accumulated in the bonus event. The total accumulated award for each round is offered to each advancing player along with the option to quit the bonus event. In one embodiment, as illustrated, the total accumulated award offered to the players increases with each round. It should be appreciated that the award values associated with each round may be set to any suitable values by the implementer of the gaming system. In one embodiment, the awards associated with each

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round include bonus awards or progressive awards. In one such embodiment, each round is associated with a different level of a multi-level progressive configuration (MLP).” * 33:10-34:7.

“In one embodiment, this offer and acceptance process continues for a designated number of rounds.” 34:53-54.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See above.*

[54k] - receive any acceptances of the at least one of the buy-out offer and partial buy-out offer via the one or more wagering input devices in response to input from a particular number of the one or more players that have accepted the buy-out offer or partial buy-out offer; and

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1b], [1k], [37k], and '439 Patent limitation [1g].

[54l] - issue a credit, tokens, currency or an award to the one or more players accepting the buy-out offer or partial buy-out offer.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1l] and [37l].

NN. Claim 55

[55] - The wagering system of claim 54, wherein the one or more players are eligible to win an award and the system controller is further configured to determine if any of the one or more players have won the award.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1i] and 1[n], and '439 Patent limitations [1e] and [1i].

OO. Claim 56

[56] - The wagering system of claim 54, wherein the award comprises one or more selected from the group consisting of monetary awards, nonmonetary awards, a prize, a payment, a designated currency, virtual currency, tokens, credits, coupons, services, personal property, real property, virtual property, assets, investments, negotiable instruments, commodities, food, lodging, entertainment, alleviation of obligations, gaming opportunities and wager enhancement.

DeWaal '149 discloses this limitation. *See e.g.*, limitations 1[l] and [1p], '341 Patent limitation [2], and '439 Patent limitation [24].

PP. Claim 57

[57] - The wagering system of claim 54, wherein the wagering event comprises at least one of an

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entire wagering event, a partial wagering event, a divisible component of a wagering event, multiple independent wagering events occurring sequentially or concurrently, and a compilation of related wagering events, wherein the wagering event comprises one or more selected from the group consisting of sporting events, eSports, e-sports, competitive gaming, electronic sports, lotteries, real games, virtual games, fantasy events, fantasy games, live events, pre-recorded events, online events, broadcast events, slot machines, card games, keno, video games, racing, poker, politics, sales, stocks, celebrity gossip, movies, and reality TV, wherein the sporting events comprise at least one or more of any sport, including any sport selected from the group consisting of football ("soccer"), American football, Australian rules football, baseball, cricket, basketball, golf, hockey, auto racing, legends, rugby, wrestling, surfing, mixed martial arts.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1c], [2], '439 Patent limitations [2] and [27].

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by Schugar '981.

See, e.g.:

Schugar '981 at [0070] ("In a further embodiment, the equity concept described herein can be applied to craps."); *id.* at [0072] ("The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.").

See also '516 Patent limitation [57] of Schugar '981 (Ex. A14) (DraftKings' Initial Invalidity Contentions).

QQ. Claim 58

[58] - The wagering system of claim 54 wherein the wagering event and wager comprises one or more of fixed odds single wagers, multiple wagers, full cover wagers, full cover wagers with singles, 'Any to Come' (ATC) or 'if cash' wagers, specialty wagers, forecasts, fixed, variable, guaranteed, parimutuel wagering, fixed-odds wagering, accumulator or parlay wagering, fixed odds, a pool, progressive, fixed pool, variable pool or guaranteed pool.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1d], '341 Patent limitation [35], and '439 Patent limitation [30].

RR. Claim 59

[59a] - The wagering system of claim 54, wherein upon acceptance of the buy-out offer or partial buy-out offer by a player, the system further comprises at least one or more of:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1k] and [28a].

[59b] - transferring an entitlement of the player to at least one third party or another player, so that the at least one third party or another player becomes eligible to win the at least one jackpot or portion thereof;

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DeWaal '149 discloses this limitation. See e.g., limitations [11] and [28b].

[59c] - transferring ownership or partial ownership of the player, in at least a portion of the player's wager, to at least one third party or another player, so that the at least one third party or another player obtains ownership or partial ownership and becomes eligible to win the at least one jackpot or portion thereof;

DeWaal '149 discloses this limitation. See e.g., limitations [11] and [28c].

[59d] - relinquishing rights of the player, in at least a portion of the player's wager corresponding to the buy-out offer or partial buy-out offer, before the wagering event has been completed; and

DeWaal '149 discloses this limitation. See e.g., limitations [11] and [28d].

[59e] - initiating and causing display of at least a portion of the player's wager corresponding to the accepted buy-out offer or partial buy-out offer for at least one of bidding and selection by one or more third parties.

DeWaal '149 discloses this limitation. See e.g., limitations [11] and [28e].

SS. Claim 60

[60a] - The wagering system of claim 54, further comprising a cash out option, the system controller further configured to:

DeWaal '149 discloses this limitation. See e.g., limitations [1j], [29a], and '439 Patent limitations [1a]–[1i].

[60b] - receive a selection of the cash out option from any of the one or more players that desire to fully or partially end the wager, wherein the selection of the cash out option from any of the one or more players is provided via one or more of the one or more wagering input devices, a hand held device, a mobile device, a wireless device, a computing system, a smart phone, a telephone, a tablet computer, text messaging, a PDA, an interactive television, email, Internet browser or a cashier;

DeWaal '149 discloses this limitation. See e.g., limitations [1k], [29b], and '439 Patent limitations [1b] and [1g].

[60c] - wherein any of the one or more players selecting the cash out option to fully end the wager no longer participates in the one or more wagering events, and any of the one or more players selecting the cash out option to partially end the wager continues to participate in the one or more wagering events; and

DeWaal '149 discloses this limitation. See e.g., limitations [1k], [11], [29c], and '439 patent limitation [1g].

[60d] - issue to the one or more players that selected the cash out option one or more of cash,

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tickets or credit slips redeemable by the player, funding of a player's electronically recordable identification card or online account, or an award.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [11] and [29d].

TT. Claim 61

[61] - The wagering system of claim 54, wherein initiate and cause display of at least one of a buy-out offer and a partial buy-out offer comprises initiate and cause display of a partial buy-out offer.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1j], [30] and '439 Patent limitation [1e].

UU. Claim 62

[62] - The wagering system of claim 54, wherein initiate and cause display of at least one of a buy-out offer and a partial buy-out offer comprises initiate and cause display of a buy-out offer.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1j], [31], and '439 Patent limitation [1e].

VV. Claim 63

[63] - The wagering system of claim 54, wherein the buy-out offer comprises a cash in offer or a cash out offer, and wherein the partial buy-out offer comprises a partial cash in offer or a partial cash out offer.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1j], [32] and '439 Patent limitation [1e].

WW. Claim 64

[64] - The wagering system of claim 54, wherein the buy-out offer and partial buy-out offer comprises a full cash out on a single.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1j], [33] and '439 Patent limitation [1e].

XX. Claim 65

[65] - The wagering system of claim 54, wherein the buy-out offer and partial buy-out offer comprises a partial cash out on a single.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1j], [34], and '439 Patent limitation [1e].

YY. Claim 66

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[66] - The wagering system of claim 54, wherein the buy-out offer and partial buy-out offer comprises a full cash out on a multiple, accumulator, parlay or pool.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1j], [35], and '439 Patent limitation [30].

ZZ. Claim 67

[67] - The wagering system of claim 54, wherein the buy-out offer and partial buy-out offer comprises a partial cash out on a multiple, accumulator, parlay or pool.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1j], [36], and '439 Patent limitation [30].

AAA. Claim 68

[68a] - A wagering apparatus operative with one or more wagering devices for allowing a placement of a wager on an event comprised of one or more legs, the wagering apparatus comprising:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1a]–[1c], [37a], [68b]–[68j], and '439 Patent limitations [1a] and [1b].

[68b] - a server system controller configured to communicate with one or more wagering devices, said server system controller programmed to cause the wagering devices to:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1b], [37b], and '439 Patent limitation [1b].

[68c] - display one or more wagering events;

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1c]. For example, DeWaal '149 discloses:

“The display devices of the gaming device are configured to display at least one and preferably a plurality of game or other suitable images, symbols and indicia such as any visual representation or exhibition of the movement of objects such as mechanical, virtual or video reels and wheels, dynamic lighting, video images, images of people, characters, places, things and faces of cards, and the like.” * 12:8-14.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See* above.

[68d] - select, in response to input from one or more players, one or more wagering events upon

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which at least one wager is accepted, wherein the at least one wager associated with the selection, of the one or more wagering events, has an associated jackpot;

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1c] and [1d], and '439 Patent limitations [1d].

[68e] - generate a ticket and associated record within a database reflecting the wagering event selections from the one or more players;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1e] and '439 Patent limitations [20]. For example, DeWaal '149 discloses:

“During one or more gaming sessions, the gaming device and/or player tracking system tracks any suitable information, such as any amounts wagered, average wager amounts and/or the time these wagers are placed.” * 21:36-39.

“In another embodiment, one or more of the gaming devices are in communication with a central server or controller for monitoring purposes only. That is, each individual gaming device randomly generates the game outcomes to be provided to the player and the central server or controller monitors the activities and events occurring on the plurality of gaming devices. In one embodiment, the gaming network includes a real-time or on-line accounting and gaming information system operably coupled to the central server or controller. The accounting and gaming information system of this embodiment includes a player database for storing player profiles, a player tracking module for tracking players and a credit system for providing automated casino transactions.” * 21:4-17.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See* above.

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by Schugar '981.

See, e.g.:

Schugar '981 at [0105] (“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.”).

See also '516 Patent limitation [68e] of Schugar '981 (Ex. A14) (DraftKings' Initial Invalidity Contentions).

[68f] - receive input of an outcome of the wagering events;

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1f] and [1m].

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[68g] - determine whether one or more tickets have the potential to correctly select the outcome of at least one wagering event, thereby qualifying any of the one or more players to win the jackpot or a portion thereof;

DeWaal '149 discloses this limitation. See e.g., limitations [1h] and [1i].

[68h] - generate and cause display of a cash out option to fully or partially end the wager to any of the one or more players that are qualified to win the jackpot or a portion thereof;

DeWaal '149 discloses this limitation. See e.g., limitation [1j] and '439 Patent limitation [1e].

[68i] - receive a selection of the cash out option from any of the one or more players that desire to fully or partially end the wager; and

DeWaal '149 discloses this limitation. See e.g., limitation [1k] and '439 Patent limitation [1g].

[68j] - issue one or more of a credit, tokens, currency, coupon, voucher, credit slip, or prize, or funding of a player's electronically recordable identification card or online account to any of the one or more players selecting the cash out option.

DeWaal '149 discloses this limitation. See e.g., limitation [1l].

BBB. Claim 69

[69] - The wagering apparatus of claim 68, wherein the selection of the cash out option is provided via one or more of the one or more wagering devices, a hand held device, a mobile device, a wireless device, a computing system, a smart phone, a telephone, a tablet computer, text messaging, a PDA, an interactive television, email, Internet browser or a cashier.

DeWaal '149 discloses this limitation. See e.g., limitations [1b], [1k], [29b], and '439 Patent limitations [1b] and [1g].

CCC. Claim 70

[70] - The wagering apparatus of claim 68, wherein any of the one or more players selecting the cash out option to fully end the wager no longer participates in the multi-outcome wagering event, and any of the one or more players selecting the cash out option to partially end the wager continues to participate in the multi-outcome wagering event.

DeWaal '149 discloses this limitation. See e.g., limitations [1k], [1l], [29c], and '439 Patent limitation [1g].

DDD. Claim 71

[71a] - The wagering apparatus of claim 68, wherein the system controller is further programmed to cause the one or more wagering devices to:

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DeWaal '149 discloses this limitation. See e.g., limitation [1b] and '439 Patent limitation [1b].

[71b] - generate and cause display of at least one proposal to fully or partially buyout any number of the one or more players that are qualified to win the jackpot or a portion thereof; and

DeWaal '149 discloses this limitation. See e.g., limitation [1j] and '439 Patent limitation [1e].

[71c] - issue a credit, tokens, currency, coupon, voucher or prize to any of the one or more players accepting the at least one proposal.

DeWaal '149 discloses this limitation. See e.g., limitations [1k] and [1l], and '439 Patent limitation [1g].

EEE. Claim 72

[72a] - The wagering apparatus of claim 71, wherein the system controller is further programmed to cause the one or more wagering devices to:

DeWaal '149 discloses this limitation. See e.g., limitation [1b], [71a], and '439 Patent limitation [1b].

[72b] - generate and cause display of one or more additional proposals to fully or partially buyout to any number of the one or more players that have not accepted the at least one proposal to fully or partially buyout; and

DeWaal '149 discloses this limitation. See e.g., limitation [1j], [37j], [54j], [71b], and '439 Patent limitation [1e].

[72c] - issue a credit, tokens, currency, coupon, voucher or prize to any of the one or more players accepting the one or more additional proposals.

DeWaal '149 discloses this limitation. See e.g., limitations [1k], [1l], [37l], [71c], and [54l].

FFF. Claim 73

[73a] - The wagering apparatus of claim 68, wherein the system controller is further programmed to cause the one or more wagering devices to:

DeWaal '149 discloses this limitation. See e.g., limitation [1b] and '439 Patent limitation [1b].

[73b] - complete the one or more legs to finish the event;

DeWaal '149 discloses this limitation. See e.g., limitation [1m] and '439 Patent limitation [1h].

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[73c] - determine if any of the players have won a jackpot or portion thereof;

DeWaal '149 discloses this limitation. See e.g., limitation [1n] and '439 Patent limitation [1i].

[73d] - notify the players that have won a jackpot or portion thereof; and

DeWaal '149 discloses this limitation. See e.g., limitation [1o].

[73e] - issue a credit, tokens, currency coupon, voucher or prize to the one or more players that have won a jackpot or portion thereof.

DeWaal '149 discloses this limitation. See e.g., limitation [1p] and '439 Patent limitations [7] and [24].

GGG. Claim 74

[74] - The wagering apparatus of claim 68 wherein at least one of the event and wager comprises one or more of fixed odds single wagers, multiple wagers, full cover wagers, full cover wagers with singles, 'Any to Come' (ATC) or 'if cash' wagers, specialty wagers, forecasts, fixed, variable, guaranteed, parimutuel wagering, fixed-odds wagering, accumulator or parlay wagering, fixed odds, a pool, progressive, fixed pool, variable pool or guaranteed pool.

DeWaal '149 discloses this limitation. See e.g., limitations [1c] and [1d], '341 Patent limitation [35], and '439 Patent limitation [30].

HHH. Claim 75

[75] - The wagering apparatus of claim 68, wherein the event comprises at least one of an entire event, a partial event, a divisible component of an event, multiple independent events occurring sequentially or concurrently, and a compilation of related events, wherein the event comprises one or more selected from the group consisting of sporting events, eSports, e-sports, competitive gaming, electronic sports, lotteries, real games, virtual games, fantasy events, fantasy games, live events, pre-recorded events, online events, broadcast events, slot machines, card games, keno, video games, racing, poker, politics, sales, stocks, celebrity gossip, movies, and reality TV, wherein the sporting events comprise at least one or more of any sport, including any sport selected from the group consisting of football ("soccer"), American football, Australian rules football, baseball, cricket, basketball, golf, hockey, auto racing, legends, rugby, wrestling, surfing, mixed martial arts.

DeWaal '149 discloses this limitation. See e.g., limitation [1c], [2], and '439 Patent limitations [2] and [27].

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by Schugar '981.

See, e.g.:

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Schugar '981 at [0070] ("In a further embodiment, the equity concept described herein can be applied to craps."); *id.* at [0072] ("The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.").

See also '516 Patent limitation [75] of Schugar '981 (Ex. A14) (DraftKings' Initial Invalidity Contentions).

IV. U.S. Patent No. 9,424,716

A. Claim 1

[1a] - A method of conducting a multi-outcome wagering event for one or more players, wherein the wagering event comprises a defined number of legs, the method comprising the steps of:

DeWaal '149 discloses this limitation. *See e.g.*, '439 Patent limitation [1a].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1b] - providing one or more wagering input devices in communication with a system controller through which one or more players may participate in a multi-outcome wagering event, said system controller being adapted for:

DeWaal '149 discloses this limitation. *See e.g.*, '439 Patent limitation [1b].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1c] - initiating the multi-outcome wagering event for one or more players, said multi-outcome wagering event comprised of a defined number of legs, wherein one or more jackpots, or a portion thereof, is awarded at least where a particular number of the defined number of legs are completed;

DeWaal '149 discloses this limitation. *See e.g.*, '439 Patent limitation [1c].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination

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with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1d] - receiving a wager via the one or more wagering input devices in response to input from a player desiring to participate in the multi-outcome wagering event, wherein the wager coincides with each of the defined number of legs;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1b] and '439 Patent limitation [1d].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1e] - receiving input of an outcome of each of the defined number of legs corresponding to the multi-outcome wager event;

DeWaal '149 discloses this limitation. *See e.g.*, '516 Patent limitation [1f].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1f] - identifying one or more players eligible to win each of the defined number of legs based on the wager from among players participating in the multi-outcome wagering event,

DeWaal '149 discloses this limitation. *See e.g.*, '516 Patent limitation [1h].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1g] - initiating and causing display of at least one of a buy-out offer and partial buy-out offer via the one or more wagering input devices to any number of the one or more players that are eligible to win at least one jackpot or at least a portion of said at least one jackpot, said buy-out offer or partial buy-out offer being initiated at any time before the multi-outcome wagering event has been completed;

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DeWaal '149 discloses this limitation. *See e.g.*, limitation [1b], '439 Patent limitation [1e] and '516 Patent limitation [1j].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1h] - receiving an acceptance of the buy-out offer or partial buy-out offer via the one or more wagering input devices in response to input from a particular number of the players;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1b], '439 Patent limitation [1g] and '516 Patent limitation [1k].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1i] - issuing a credit, tokens, currency or an award to the one or more players accepting the buy-out offer or partial buy-out offer;

DeWaal '149 discloses this limitation. *See e.g.*, '516 Patent limitation [1l].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1j] - wherein upon acceptance of the buy-out offer or partial buy-out offer by a player, the method further comprises at least one or more of:

DeWaal '149 discloses this limitation. *See e.g.*, '439 Patent limitation [1g] and '516 Patent limitations [1k] and [28a].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

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[1k] - transferring an entitlement of the player to at least one third party or another player, so that the at least one third party or another player becomes eligible to win the at least one jackpot or portion thereof;

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1h], [1j], and '516 Patent limitations [1k] and [28b].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1l] - transferring ownership or partial ownership of the player, in at least a portion of the player's wager, to at least one third party or another player, so that the at least one third party or another player obtains ownership or partial ownership and becomes eligible to win the at least one jackpot or portion thereof;

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1h], [1j], and '516 Patent limitations [1k] and [28c].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1m] - relinquishing rights of the player, in at least a portion of the player's wager corresponding to the buy-out offer or partial buy-out offer, before the multi-outcome wagering event has been completed; and

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1h], [1j], and '516 Patent limitations [1k] and [28d].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1n] - initiating and causing display of at least a portion of the player's wager corresponding to the accepted buy-out offer or partial buy-out offer for at least one of bidding and selection by one or more third parties.

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DeWaal '149 discloses this limitation. *See e.g.*, limitation [1h], [1j], and '516 Patent limitation [1k] and [28e].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

B. Claim 2

[2a] - The method of claim 1, further comprising the steps of:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1a]–[1n].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[2b] - completing the remainder of the defined number of legs to finish the multi-outcome wagering event;

DeWaal '149 discloses this limitation. *See e.g.*, '439 patent limitation [1h].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[2c] - determining if any of the players have won the at least one jackpot or portion thereof;

DeWaal '149 discloses this limitation. *See e.g.*, '439 Patent limitation [1i].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[2d] - notifying the players that have won the jackpot or portion thereof; and

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DeWaal '149 discloses this limitation. *See e.g.*, '516 Patent limitation [1o].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[2e] - issuing a credit, tokens, currency or an award to the players that have won the jackpot or portion thereof.

DeWaal '149 discloses this limitation. *See e.g.*, '439 Patent limitations [7] and [24] and '516 Patent limitation [1p].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

C. Claim 3

[3] - The method of claim 1, wherein the multi-outcome wagering event comprises one or more wagering events, the defined number of legs comprises one or more legs, and wherein each of the defined number of legs comprises at least one of an entire wagering event, a partial wagering event, a divisible component of a wagering event, multiple independent wagering events occurring sequentially or concurrently, and a compilation of related wagering events, wherein the one or more wagering events comprises one or more selected from the group consisting of sporting events, eSports, e-sports, competitive gaming, electronic sports, fantasy events, real games, virtual games, and fantasy games, and wherein the wager comprises a potential outcome for each of the legs.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1a] and [1c], '439 Patent limitations [2] and [27], and '516 Patent limitation [2].

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by Schugar '981.

See, e.g.:

Schugar '981 at [0070] ("In a further embodiment, the equity concept described herein can be applied to craps."); *id.* at [0072] ("The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.").

See also '716 Patent limitation [3] of Schugar '981 (Ex. A14) (DraftKings' Initial Invalidity Contentions).

D. Claim 4

[4] - The method of claim 1, wherein the wager is one or more of selectable by being handpicked by the player, provided electronically on request of the player through communication between the one or more wagering input devices and the system controller, provided via a random number generator associated with the system controller, a quick pick or a smart pick.

DeWaal '149 discloses this limitation. See e.g., limitations [1a] and [1c], '439 Patent limitation [3], and 516 Patent limitation [3].

E. Claim 5

[5] - The method of claim 3, wherein the games comprise one or more selected from the group consisting of slot machines, keno, poker, video games, football ("soccer"), American football, Australian rules football, baseball, cricket, basketball, golf, hockey, auto racing, legends, rugby, wrestling, surfing, mixed martial arts, racing, lotteries, live events, pre-recorded events, online events, broadcast events, card games, politics, sales, stocks, celebrity gossip, movies, and reality TV.

DeWaal '149 discloses this limitation. See e.g., limitations [1a] and [1c], '439 Patent limitation [4], and '516 Patent limitation [4].

F. Claim 6

[6] - The method of claim 1, wherein accepting a partial buy-out offer comprises a player accepting less than the buy-out offer amount, said acceptance resulting in the player remaining eligible to win at least a portion of at least one jackpot.

DeWaal '149 discloses this limitation. See e.g., limitations [1g] and [1h], '439 Patent limitations [1g] and [5], and '516 Patent limitation [5].

G. Claim 11

[11] - The method of claim 1, wherein the amount of the buy-out offer and partial buy-out offer are variable and based on at least one of a calculated probability, an originator of the proposal, a negotiation, the one or more players or a third party.

DeWaal '149 discloses this limitation. See e.g., limitations [1g] and [1h], and '439 Patent limitation [8b]. Further, DeWaal '149 discloses, for example:

"In one embodiment, as discussed in more detail below, the gaming device randomly generates awards and/or other game outcomes based on probability data. In one such embodiment, this random determination is provided through utilization of a random number generator (RNG), such as a true random number generator, a pseudo random number generator or other suitable randomization process. In one embodiment, each award or other game outcome is associated with a probability and the gaming device generates the award or other game outcome to be provided to the player based on the associated probabilities. In this embodiment, since the gaming device generates outcomes randomly or based upon one or more probability calculations, there is no

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certainty that the gaming device will ever provide the player with any specific award or other game outcome.” * 11:1-15.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. See above.

H. Claim 17

[17] - The method of claim 1, wherein the one or more wagering input devices are adapted for generating a wager for a player reflecting one or more predicted outcomes of the multi-outcome wagering event.

DeWaal '149 discloses this limitation. See e.g., limitations [1c]–[1f], and '439 Patent limitation [17].

I. Claim 20

[20] - The method of claim 1, wherein the wager further comprises a list that is at least one of printed on a ticket, printed on a voucher, and displayed via the one or more wagering input devices.

DeWaal '149 discloses this limitation. See e.g., limitations [1d]–[1h], and '439 Patent limitation [20].

J. Claim 21

[21] - The method of claim 1, wherein the one or more wagering devices comprise at least one of a wagering terminal, a wagering workstation, a personal computer, a smart phone, a tablet computing device, a gaming machine, a slot machine, and a lottery machine.

DeWaal '149 discloses this limitation. See e.g., limitations [1a] and [1d], and '439 Patent limitation [21].

K. Claim 22

[22] - The method of claim 1, wherein the multi-outcome wagering event comprises a pool or is progressive, wherein said pool is at least one of fixed, variable and guaranteed.

DeWaal '149 discloses this limitation. See e.g., limitation [1a] and '341 Patent limitation [35].

L. Claim 24

[24] - The method of claim 1, wherein at least one of the one or more jackpots comprises a

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monetary award provided to the player in the form of at least one of currency, tokens and credit.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [2d] and [2e], and '439 Patent limitation [24].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

M. Claim 25

[25] - The method of claim 1, wherein the one or more jackpots, the portion thereof, or the award comprises one or more selected from the group consisting of monetary awards, nonmonetary awards, a prize, a payment, a designated currency, virtual currency, tokens, credits, coupons, services, personal property, real property, virtual property, assets, investments, negotiable instruments, commodities, food, lodging, entertainment, alleviation of obligations, gaming opportunities and wager enhancement.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [2d] and [2e], '439 Patent limitation [24], and '341 Patent limitation [2].

N. Claim 27

[27] - The method of claim 1 wherein the wagering event and wager comprises one or more of fixed odds single wagers, multiple wagers, full cover wagers, full cover wagers with singles, 'Any to Come' (ATC) or 'if cash' wagers, specialty wagers, forecasts, fixed, variable, guaranteed, parimutuel wagering, fixed-odds wagering, accumulator or parlay wagering, fixed odds, a pool, progressive, fixed pool, variable pool or guaranteed pool.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1a], '439 Patent limitation [30], and '341 Patent limitation [35].

O. Claim 28

[28a] - The method of claim 1, further comprising a cash out option, the system controller further configured to:

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1g], '439 Patent limitation [1a]–[1i], and '516 Patent limitation [29a].

[28b] - receive a selection of the cash out option from any of the one or more players that desire to fully or partially end the wager;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1h], '439 Patent limitations [1b] and [1g], and '516 Patent limitation [29b].

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[28c] - wherein any of the one or more players selecting the cash out option to fully end the wager no longer participates in the multi-outcome wagering event, and any of the one or more players selecting the cash out option to partially end the wager continues to participate in the multi-outcome wagering event; and

DeWaal '149 discloses this limitation. See e.g., limitation [1h] and [1i], '439 Patent limitation [1g], and '516 Patent limitation [29c].

[28d] - issue to the one or more players that selected the cash out option one or more of cash, tickets or credit slips redeemable by the player, funding of a player's electronically recordable identification card or online account, or an award.

DeWaal '149 discloses this limitation. See e.g., limitation [1i] and '516 Patent limitations [11] and [29d].

P. Claim 29

[29] - The wagering apparatus of claim 28, wherein the system controller is further programmed to at least one of generate and receive the cash out option via one or more of the wagering input devices, a hand held device, a mobile device, a wireless device, a computing system, a smart phone, a telephone, a tablet computer, text messaging, a PDA, an interactive television, email, Internet browser or a cashier.

DeWaal '149 discloses this limitation. See e.g., limitations [1a], [1h], and [1i], '439 Patent limitations [1b] and [1g], and '516 Patent limitation [29b].

Q. Claim 30

[30] - The method of claim 1, wherein initiate and cause display of at least one of a buy-out offer and a partial buy-out offer comprises initiate and cause display of a partial buy-out offer.

DeWaal '149 discloses this limitation. See e.g., limitations [1g] and [1h], '439 Patent limitation [1e], and '516 Patent limitation [30].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. See *id.*

R. Claim 31

[31] - The method of claim 1, wherein initiate and cause display of at least one of a buy-out offer and a partial buy-out offer comprises initiate and cause display of a buy-out offer.

DeWaal '149 discloses this limitation. See e.g., limitation [1g] and [1h], '439 Patent limitation [1e], and '516 Patent limitation [31].

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S. Claim 32

[32] - The method of claim 1, wherein the buy-out offer comprises a cash in offer or a cash out offer, and wherein the partial buy-out offer comprises a partial cash in offer or a partial cash out offer.

DeWaal '149 discloses this limitation. See e.g., limitations [1g] and [1h], '439 Patent limitation [1e], and '516 Patent limitation [32].

T. Claim 33

[33] - The method of claim 1, wherein the buy-out offer and partial buy-out offer comprises a full cash out on a single.

DeWaal '149 discloses this limitation. See e.g., limitations [1g] and [1h], '439 Patent limitation [1e], and '516 Patent limitation [33].

U. Claim 34

[34] - The method of claim 1, wherein the buy-out offer and partial buy-out offer comprises a partial cash out on a single.

DeWaal '149 discloses this limitation. See e.g., limitations [1g] and [1h], '439 Patent limitation [1e], and '516 Patent limitation [34].

V. Claim 35

[35] - The method of claim 1, wherein the buy-out offer and partial buy-out offer comprises a full cash out on a multiple, accumulator, parlay or pool.

DeWaal '149 discloses this limitation. See e.g., limitations [1g] and [1h], '439 Patent limitation [30], '516 Patent limitation [35].

W. Claim 36

[36] - The method of claim 1, wherein the buy-out offer and partial buy-out offer comprises a partial cash out on a multiple, accumulator, parlay or pool.

DeWaal '149 discloses this limitation. See e.g., limitations [1g] and [1h], '439 Patent limitation [30], and '516 Patent limitation [36].

X. Claim 37

[37a] - A wagering system including one or more wagering input devices for allowing the placement of a wager on a multi-outcome wagering event comprising one or more wagering events, the wagering system comprising:

DeWaal '149 discloses this limitation. See e.g., limitations [1a] and [37a]–[37n], '439 Patent limitations [1a] and [1b], and '516 Patent limitation [37a].

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[37b] - a system controller configured to communicate with the one or more wagering input devices, said wagering system configured to:

DeWaal '149 discloses this limitation. See e.g., limitation [1b], '439 Patent limitation [1b], and '516 Patent limitation [37b].

[37c] - initiate the multi-outcome wagering event for one or more players, said multi-outcome wagering event comprised of a defined number of legs comprising one or more legs, wherein one or more jackpots, or a portion thereof, is awarded at least where a particular number of the defined number of legs are completed;

DeWaal '149 discloses this limitation. See e.g., limitation [1c], '439 Patent limitation [1c], and '516 Patent limitation [37c].

[37d] - receive a wager via the one or more wagering input devices in response to input from a player desiring to participate in the multi-outcome wagering event, wherein the wager coincides with each of the defined number of legs;

DeWaal '149 discloses this limitation. See e.g., limitation [1d], '439 Patent limitation [1d], and '516 Patent limitation [37d].

[37e] - determine any players eligible to win at least one jackpot or a portion thereof based on the potential outcome of each of the defined number of legs, wherein players eligible to win at least one leg remain eligible to win at least one jackpot or a portion thereof;

DeWaal '149 discloses this limitation. See e.g., limitations [1e] and [1f], '439 Patent limitation [1e], and '516 Patent limitation [37e].

[37f] - initiate and cause display of at least one of a buy-out offer and a partial buy-out offer via the one or more wagering input devices to any number of the one or more players that remain eligible to win at least one jackpot, or portion thereof, said buy-out offer or partial buy-out offer being initiated before the multi-outcome wagering event has been completed;

DeWaal '149 discloses this limitation. See e.g., limitation [1g], '439 Patent limitation [1e], and '516 Patent limitation [37j].

[37g] - receive an acceptance of at least one of the buy-out offer and partial buy-out offer via the one or more wagering input devices in response to input from a particular number of the one or more players eligible to win;

DeWaal '149 discloses this limitation. See e.g., limitation [1h], '439 Patent limitation [1g], and '516 Patent limitation [37k].

[37h] - issue a credit, tokens, currency or an award to the one or more players accepting the buy-out offer or partial buy-out offer;

DeWaal '149 discloses this limitation. See e.g., limitation [1i] and '516 Patent limitation [37l].

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[37i] - wherein upon acceptance of the buy-out offer or partial buy-out offer by a player, the system further comprises at least one or more of:

DeWaal '149 discloses this limitation. See e.g., limitation [1j] and '516 Patent limitation [28a].

[37j] - transferring an entitlement of the player to at least one third party or another player, so that the at least one third party or another player becomes eligible to win the at least one jackpot or portion thereof;

DeWaal '149 discloses this limitation. See e.g., limitations [1h] and [1j], and '516 Patent limitation [28b].

[37k] - transferring ownership or partial ownership of the player, in at least a portion of the player's wager, to at least one third party or another player, so that the at least one third party or another player obtains ownership or partial ownership and becomes eligible to win the at least one jackpot or portion thereof;

DeWaal '149 discloses this limitation. See e.g., limitations [1h] and [1j], and '516 Patent limitation [28c].

[37l] - relinquishing rights of the player, in at least a portion of the player's wager corresponding to the buy-out offer or partial buy-out offer, before the multi-outcome wagering event has been completed; and

DeWaal '149 discloses this limitation. See e.g., limitations [1h] and [1j], and '516 Patent limitation [28d].

[37m] - initiating and causing display of at least a portion of the player's wager corresponding to the accepted buy-out offer or partial buy-out offer for at least one of bidding and selection by one or more third parties.

DeWaal '149 discloses this limitation. See e.g., limitations [1h] and [1j], and '516 Patent limitation [28e].

Y. Claim 38

[38a] - The wagering system of claim 37, the system further comprising:

DeWaal '149 discloses this limitation. See e.g., limitations [37a]–[37m].

[38b] - complete the remainder of the defined number of legs to finish the multi-outcome wagering event;

DeWaal '149 discloses this limitation. See e.g., limitation [2b] and '439 Patent limitation [1h].

[38c] - determine if any of the players have won the jackpot or portion thereof;

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DeWaal '149 discloses this limitation. *See e.g.*, limitation [2c] and '439 Patent limitation [1i].

[38d] - notify the players that have won the jackpot or portion thereof; and

DeWaal '149 discloses this limitation. *See e.g.*, limitation [2d] and '516 Patent limitation [1o].

[38e] - issue a credit, tokens, currency or an award to the players that have won the jackpot or portion thereof.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [2e], '439 Patent limitations [7] and [24], and '516 Patent limitation [1p].

Z. Claim 39

[39] - The wagering system of claim 37, wherein the multi-outcome wagering event comprises a plurality of legs, each comprising at least one of an entire sporting event, a partial sporting event, a divisible component of a sporting event, multiple independent sporting events occurring sequentially or concurrently, and a compilation of related sporting events.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1c] and '439 Patent limitation [27].

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by Schugar '981.

See, e.g.:

Schugar '981 at [0070] ("In a further embodiment, the equity concept described herein can be applied to craps."); *id.* at [0072] ("The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.").

See also '716 Patent limitation [39] of Schugar '981 (Ex. A14) (DraftKings' Initial Invalidity Contentions).

AA. Claim 40

[40a] - The wagering system of claim 37, wherein the system controller is further configured to:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [37a]–[37m] and '439 Patent limitation [28a].

[40b] - initiate one or more buy-out offers or partial buy-out offers for any combination of the plurality of legs at any time prior to completion of the multi-outcome wagering event; and receive an acceptance of said one or more buy-out offers or partial buy-out offers.

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DeWaal '149 discloses this limitation. *See e.g.*, limitations [1g] and [1h], and '439 Patent limitations [28b] and [28c].

BB. Claim 42

[42] - The wagering system of claim 37, wherein the wager comprises at least one of an accumulator, parlay, fixed odds single or fixed odds multiple wager comprising at least one or more combinations of at least a portion of the defined number of legs, wherein the one or more combinations are selectable by at least one of a player, a third party, and the wagering system, and wherein at any time before all legs included in the wager have been completed, at least one partial buy-out offer is initiated to any number of the one or more players remaining eligible to win at least one of a jackpot, a portion of a jackpot or an award.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1g] and [1h], and '439 Patent limitation [30].

CC. Claim 43

[43] - The wagering system of claim 37, wherein the one or more jackpots, the portion thereof, or the award comprises one or more selected from the group consisting of monetary awards, nonmonetary awards, a prize, a payment, a designated currency, virtual currency, tokens, credits, coupons, services, personal property, real property, virtual property, assets, investments, negotiable instruments, commodities, food, lodging, entertainment, alleviation of obligations, gaming opportunities and wager enhancement.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [2d] and [2e], '341 Patent limitation [2], and '439 Patent limitation [24].

DD. Claim 44

[44] - The wagering system of claim 37 wherein the wagering event and wager comprises one or more of fixed odds single wagers, multiple wagers, full cover wagers, full cover wagers with singles, 'Any to Come' (ATC) or 'if cash' wagers, specialty wagers, forecasts, fixed, variable, guaranteed, parimutuel wagering, fixed-odds wagering, accumulator or parlay wagering, fixed odds, a pool, progressive, fixed pool, variable pool or guaranteed pool.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1d] and [1d], '341 Patent limitation [35], and '439 Patent limitation [30].

EE. Claim 45

[45a] - The wagering system of claim 37, further comprising a cash out option, the system controller further configured to:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1g] and [37a]–[37m], '516 Patent limitation [29a], and '439 Patent limitations [1a]–[1i].

[45b] - receive a selection of the cash out option from any of the one or more players that desire

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to fully or partially end the wager, wherein the selection of the cash out option from any of the one or more players is provided via one or more of the one or more wagering input devices, a hand held device, a mobile device, a wireless device, a computing system, a smart phone, a telephone, a tablet computer, text messaging, a PDA, an interactive television, email, Internet browser or a cashier;

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1b] and [1h], '516 Patent limitation [29b], and '439 Patent limitations [1b] and [1g].

[45c] - wherein any of the one or more players selecting the cash out option to fully end the wager no longer participates in the multi-outcome wagering event, and any of the one or more players selecting the cash out option to partially end the wager continues to participate in the multi-outcome wagering event; and

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1g] and [1h], '516 Patent limitation [29c], and '439 Patent limitation [1g].

[45d] - issue to the one or more players that selected the cash out option one or more of cash, tickets or credit slips redeemable by the player, funding of a player's electronically recordable identification card or online account, or an award.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1i] and '516 Patent limitation [29d].

FF. Claim 46

[46] - The wagering system of claim 37, wherein initiate and cause display of at least one of a buy-out offer and a partial buy-out offer comprises initiate and cause display of a partial buy-out offer.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1g] and [1h], '516 Patent limitation [30], and '439 Patent limitation [1e].

GG. Claim 47

[47] - The wagering system of claim 37, wherein initiate and cause display of at least one of a buy-out offer and a partial buy-out offer comprises initiate and cause display of a buy-out offer.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1g] and [1h], '516 Patent limitation [31], and '439 Patent limitation [1e].

HH. Claim 48

[48] - The wagering system of claim 37, wherein the buy-out offer comprises a cash in offer or a cash out offer, and wherein the partial buy-out offer comprises a partial cash in offer or a partial cash out offer.

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DeWaal '149 discloses this limitation. *See e.g.*, limitations [1g] and [1h], '516 Patent limitation [32], and '439 Patent limitation [1e].

II. Claim 49

[49] - The wagering system of claim 37, wherein the buy-out offer and partial buy-out offer comprises a full cash out on a single.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1g] and [1h], '516 Patent limitation [33], and '439 Patent limitation [1e].

JJ. Claim 50

[50] - The wagering system of claim 37, wherein the buy-out offer and partial buy-out offer comprises a partial cash out on a single.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1g] and [1h], '516 Patent limitation [34], and '439 Patent limitation [1e].

KK. Claim 51

[51] - The wagering system of claim 37, wherein the buy-out offer and partial buy-out offer comprises a full cash out on a multiple, accumulator, parlay or pool.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1g] and [1h], '516 Patent limitation [35], and '439 Patent limitation [30].

LL. Claim 52

[52] - The wagering system of claim 37, wherein the buy-out offer and partial buy-out offer comprises a partial cash out on a multiple, accumulator, parlay or pool.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1g] and [1h], '516 Patent limitation [36], and '439 Patent limitation [30].

MM. Claim 53

[53] - The wagering system of claim 37, wherein the wagering events comprise one or more selected from the group consisting of slot machines, keno, poker, video games, racing, sporting events, eSports, e-sports, competitive gaming, electronic sports, lotteries, real games, virtual games, fantasy events, fantasy games, live events, pre-recorded events, online events, broadcast events, card games, politics, sales, stocks, celebrity gossip, movies, reality TV, football ("soccer"), American football, Australian rules football, baseball, cricket, basketball, golf, hockey, auto racing, legends, rugby, wrestling, surfing, mixed and martial arts.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1c], '439 Patent limitation [4], and '516 Patent limitation [4].

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To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by Schugar '981.

See, e.g.:

Schugar '981 at [0070] ("In a further embodiment, the equity concept described herein can be applied to craps."); *id.* at [0072] ("The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.").

See also '716 Patent limitation [53] of Schugar '981 (Ex. A14) (DraftKings' Initial Invalidity Contentions).

NN. Claim 54

[54a] - A wagering system including one or more wagering input devices for allowing the placement of a wager on one or more wagering events, the wagering system comprising:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1a] and [54b]–[54j], and '439 Patent limitation [26a].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[54b] - a system controller configured to communicate with the one or more wagering input devices, said system controller configured to:

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1b] and '439 Patent limitation [26b].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[54c] - initiate the one or more wagering events for one or more players;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1c] and '439 Patent limitation [26c].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone,

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in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[54d] - receive a wager via the one or more wagering input devices in response to input from a player desiring to participate in the one or more wagering events;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1d] and '439 Patent limitation [26d].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[54e] - monitor an outcome of the one or more wagering events;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1e]. For example:

"In another embodiment, one or more of the gaming devices are in communication with a central server or controller for monitoring purposes only. That is, each individual gaming device randomly generates the game outcomes to be provided to the player and the central server or controller monitors the activities and events occurring on the plurality of gaming devices. In one embodiment, the gaming network includes a real-time or on-line accounting and gaming information system operably coupled to the central server or controller. The accounting and gaming information system of this embodiment includes a player database for storing player profiles, a player tracking module for tracking players and a credit system for providing automated casino transactions." * 21:4-17.

"During one or more gaming sessions, the gaming device and/or player tracking system tracks any suitable information, such as any amounts wagered, average wager amounts and/or the time these wagers are placed." *21:36-39.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See above.*

[54f] - identify one or more players eligible to win the one or more wagering events based on the wager from among players participating in the one or more wagering events compared against the outcome of the one or more wagering events;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1f], '439 Patent limitation [1e], '516 Patent limitations [1f] and [1i]. For example, corresponding to identifying one or more

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players eligible to win the one or more wagering events based on the wager from among players participating in the one or more wagering events “compared against the outcome of the one or more wagering events,” DeWaal ’149 discloses:

“The central controller selects the winning player for the one or more awards based on choices or decisions input by the players during the bonus event. As the bonus event progresses, the players make inputs that determine their eligibility for the award. Player inputs from certain players cause the central controller to eliminate those players from the bonus event. The central controller designates the eliminated players to be ineligible for the award. After these certain players are eliminated from the bonus event, any of the eligible players remaining in the bonus event have a chance to win the award. In one embodiment, the bonus game continues until a designated number of players, such as one player, remains in the bonus game. When a designated number of eligible players remain in the bonus game, the central controller determines which eligible player or players win the award (or a portion of the award). In various embodiments, the designated number is one, two or any other suitable number. The bonus game ends when the central controller provides the award (or a portion of the award) to the determined winning player or players. In one embodiment, as players are eliminated from the bonus game, each eligible player remaining in the bonus game has an opportunity to win a greater share or portion of the award.” * 3:17-39.

“In one embodiment, the bonus event includes a plurality of rounds. In this embodiment, each of the eligible players makes inputs from a plurality of outcomes in each round. The central controller of the gaming system designates (or causes a designation of) at least one of the available outcomes in each round as a designated outcome (i.e., a winning outcome). The available outcomes also include non-designated outcomes (i.e., losing outcomes). If one of the players' inputs is associated with the winning outcome in an initial round, that player advances to a subsequent round of the bonus game. In one embodiment, the central controller provides each player who advances to the subsequent round with an additional award. For each player whose input is associated with a losing outcome (i.e., picks a non-designated outcome), the central controller eliminates that player from the bonus game. In one embodiment, any remaining players continue to make inputs in each subsequent round until a designated number of players advance to a final round. In the final round, if one of the remaining players makes an input that is associated with the winning outcome, the central controller provides that player (or causes the player to be provided) with the award (or a portion of the award if a plurality of the remaining players make inputs associated with the winning outcome). Accordingly, the bonus event enables players to make inputs or choices that affect the award, if any, that will be provided to those players in the bonus event. Such a configuration provides increased excitement and enjoyment for players because the players are provided with the ability to make inputs or choices in the bonus game that affect the outcome of the bonus game.” * 3:48-4:10.

“In one embodiment, the bonus event includes a plurality of rounds, wherein each round has a number of available selections. In this embodiment, players must pick a designated selection (i.e., a winning outcome) in each round to win all or a share of the award. If at least one player picks the designated selection in a first round, that player advances to a second round. If at least one player does not pick the designated selection in the first round, that player is eliminated from the bonus event and does not advance to the second round. In the second round, the advancing players pick from a plurality of available selections in an attempt to advance to a third round.

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Similarly, players who pick the designated selection in the second round advance to the third round. Players who do not pick the designated selection in the second round are eliminated from the bonus event and do not advance to the third round. During the plurality of rounds, once a player does not pick the designated selection in a given round, that player is eliminated from the bonus event and is thus disqualified from winning the award. In this embodiment, this process continues for a number of rounds until at least one player reaches a final round. If none of the players reach the final round, the central controller ends the bonus event. For each player that reaches the final round, the award associated with the bonus event is available to one or more of those players. To be provided the available award, the one or more players must pick the designated selection in the final round. In one embodiment, the award is divided or split among a plurality of the players if those players pick the designated selection in each round including the final round.” * 5:13-41.

“The central controller enables each eligible player to make an input in association with the plurality of outcomes in each round as indicated by block 108. In one embodiment, the central controller enables each player to pick at least one of the selections via any suitable input device of the gaming machine, such as a touch screen. The central controller receives a signal from gaming machines in the gaming system corresponding to an input from each player in each round. Based on the players' input, the central controller designates (or causes a designation of) certain players to be ineligible (i.e., if the player's input is associated with the losing outcome) and eliminates (or causes an elimination of) those players from the bonus event as indicated by block 110. That is, when one or more of the players are deemed ineligible for one of the rounds, the central controller eliminates those players from the bonus event. For example, the bonus event may include a selection bonus game. In this example, the selection bonus game includes a plurality of rounds, a plurality of selections in each round and at least one designated selection (i.e., a winning outcome) in each round. During play of the selection bonus game, players who do not pick the designated selection (i.e., a winning outcome) in an initial round may be deemed ineligible for a subsequent round.” * 29:64-30:19.

“Based on the players' input, the central controller designates (or causes a designation of) certain players to advance to a subsequent round as indicated by block 112. That is, when one or more of the players make an input that is associated with the winning outcome in one of the rounds, the central controller advances these players to a subsequent round of the bonus event. For example, the bonus event may include a selection bonus game. In this example, the selection bonus game includes a plurality of rounds, a plurality of selections in each round and at least one designated selection (i.e., a winning outcome) in each round. During play of the selection bonus game, players who pick the designated selection (i.e., a winning outcome) in an initial round may be deemed eligible for advancement to a subsequent round. That is, only eligible players may advance to the subsequent round of the bonus event.” * 30:20-35.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See above.*

[54g] - initiate and cause display of at least one of a buy-out offer and a partial buy-out offer via

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the one or more wagering input devices to any number of the one or more players eligible to win before the one or more wagering events have been completed, wherein one or more additional buy-out offers or partial buy-out offers may be initiated and displayed via the one or more wagering input devices to any number of the one or more players that have not accepted a buy-out offer or a partial buy-out offer;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1g], '439 Patent limitation [1e], and '516 Patent limitation [54j].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[54h] - receive any acceptances of the at least one of the buy-out offer and partial buy-out offer via the one or more wagering input devices in response to input from a particular number of the one or more players that have accepted the buy-out offer or partial buy-out offer; and

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1h], '439 Patent limitation [1g], and '516 Patent limitation [54k].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[54i] - issue a credit, tokens, currency or an award to the one or more players accepting the buy-out offer or partial buy-out offer;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1i] and '516 Patent limitation [11].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[54j] - wherein the buy-out offer and partial buy-out offer comprises one or more of a full cash out on a single, a partial cash out on a single, a full cash out on a multiple, accumulator, parlay or pool, or a partial cash out on a multiple, accumulator, parlay or pool.

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DeWaal '149 discloses this limitation. *See e.g.*, limitations [1g]–[1h] and '516 Patent limitation [35].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

OO. Claim 55

[55] - The wagering system of claim 54, wherein the one or more players are eligible to win an award and the system controller is further configured to determine if any of the one or more players have won the award.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [2c], '341 Patent limitation [32], '516 Patent limitation [55], and '439 Patent limitations [1e] and [1i].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

PP. Claim 56

[56] - The wagering system of claim 54, wherein the award comprises one or more selected from the group consisting of monetary awards, nonmonetary awards, a prize, a payment, a designated currency, virtual currency, tokens, credits, coupons, services, personal property, real property, virtual property, assets, investments, negotiable instruments, commodities, food, lodging, entertainment, alleviation of obligations, gaming opportunities and wager enhancement.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [2d] and [2e], '341 Patent limitation [33], '516 Patent limitation [56], and '439 Patent limitation [24].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

QQ. Claim 57

[57] - The wagering system of claim 54, wherein the wagering event comprises at least one of an entire wagering event, a partial wagering event, a divisible component of a wagering event,

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multiple independent wagering events occurring sequentially or concurrently, and a compilation of related wagering events, wherein the wagering event comprises one or more selected from the group consisting of sporting events, eSports, e-sports, competitive gaming, electronic sports, lotteries, real games, virtual games, fantasy events, fantasy games, live events, pre-recorded events, online events, broadcast events, slot machines, card games, keno, video games, racing, poker, politics, sales, stocks, celebrity gossip, movies, and reality TV, wherein the sporting events comprise at least one or more of any sport, including any sport selected from the group consisting of football ("soccer"), American football, Australian rules football, baseball, cricket, basketball, golf, hockey, auto racing, legends, rugby, wrestling, surfing, mixed martial arts.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1c], '516 Patent limitation [57], '439 Patent limitations [2] and [27].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by Schugar '981.

See, e.g.:

Schugar '981 at [0070] ("In a further embodiment, the equity concept described herein can be applied to craps."); *id.* at [0072] ("The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.").

See also '716 Patent limitation [57] of Schugar '981 (Ex. A14) (DraftKings' Initial Invalidity Contentions).

RR. Claim 58

[58] - The wagering system of claim 54 wherein the wagering event and wager comprises one or more of fixed odds single wagers, multiple wagers, full cover wagers, full cover wagers with singles, 'Any to Come' (ATC) or 'if cash' wagers, specialty wagers, forecasts, fixed, variable, guaranteed, parimutuel wagering, fixed-odds wagering, accumulator or parlay wagering, fixed odds, a pool, progressive, fixed pool, variable pool or guaranteed pool.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1d], '516 Patent limitation [58], '341 Patent limitation [35], and '439 Patent limitation [30].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination

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with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

SS. Claim 59

[59a] - The wagering system of claim 54, wherein upon acceptance of the buy-out offer or partial buy-out offer by a player, the system further comprises at least one or more of:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1i] and [54a]–[54j], and '516 Patent limitation [59a].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[59b] - transferring an entitlement of the player to at least one third party or another player, so that the at least one third party or another player becomes eligible to win the at least one jackpot or portion thereof;

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1h] and [1j], and '516 Patent limitation [59b].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[59c] - transferring ownership or partial ownership of the player, in at least a portion of the player's wager, to at least one third party or another player, so that the at least one third party or another player obtains ownership or partial ownership and becomes eligible to win the at least one jackpot or portion thereof;

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1h] and [1j], and '516 Patent limitation [59c].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[59d] - relinquishing rights of the player, in at least a portion of the player's wager

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corresponding to the buy-out offer or partial buy-out offer, before the wagering event has been completed; and

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1h] and [1j], and '516 Patent limitation [59d].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[59e] - initiating and causing display of at least a portion of the player's wager corresponding to the accepted buy-out offer or partial buy-out offer for at least one of bidding and selection by one or more third parties.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1h] and [1j], and '516 Patent limitation [59e].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

TT. Claim 60

[60a] - The wagering system of claim 54, further comprising a cash out option, the system controller further configured to:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1g] and [54a]–[54j], and '516 Patent limitations [1j] and [29a], and '439 Patent limitations [1a]–[1i].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[60b] - receive a selection of the cash out option from any of the one or more players that desire to fully or partially end the wager, wherein the selection of the cash out option from any of the one or more players is provided via one or more of the one or more wagering input devices, a hand held device, a mobile device, a wireless device, a computing system, a smart phone, a telephone, a tablet computer, text messaging, a PDA, an interactive television, email, Internet browser or a cashier;

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DeWaal '149 discloses this limitation. *See e.g.*, limitation [1h], and '516 Patent limitation [29b] and [60b], and '439 Patent limitations [1b] and [1g].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[60c] - wherein any of the one or more players selecting the cash out option to fully end the wager no longer participates in the one or more wagering events, and any of the one or more players selecting the cash out option to partially end the wager continues to participate in the one or more wagering events; and

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1g] and [1h], '516 Patent limitations [1k], [1l], [29c], and '439 Patent limitation [1g].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[60d] - issue to the one or more players that selected the cash out option one or more of cash, tickets or credit slips redeemable by the player, funding of a player's electronically recordable identification card or online account, or an award.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1i] and '516 Patent limitations [1l] and [29d].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

UU. Claim 61

[61] - The wagering system of claim 54, wherein initiate and cause display of at least one of a buy-out offer and a partial buy-out offer comprises initiate and cause display of a partial buy-out offer.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1g] and [1h], '516 Patent limitations [1j] and [30], and '439 Patent limitation [1e].

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Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

VV. Claim 62

[62] - The wagering system of claim 54, wherein initiate and cause display of at least one of a buy-out offer and a partial buy-out offer comprises initiate and cause display of a buy-out offer.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1g] and [1h], '516 Patent limitations [1j], [31], and '439 Patent limitation [1e].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

WW. Claim 63

[63] - The wagering system of claim 54, wherein the buy-out offer comprises a cash in offer or a cash out offer, and wherein the partial buy-out offer comprises a partial cash in offer or a partial cash out offer.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1g] and [1h], '516 Patent limitations [1j] and [32], and '439 Patent limitation [1e].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

XX. Claim 64

[64] - The wagering apparatus of claim 54, wherein the amount of the buy-out offer and partial buy-out offer are variable and based on at least one of a calculated probability, an originator of the proposal, a negotiation, the one or more players or a third party.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1g], [1h], and [11], and '439 Patent limitation [8b].

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Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

YY. Claim 65

[65a] - A wagering apparatus operative with one or more wagering devices for allowing a placement of a wager on one or more wagering events, the wagering apparatus comprising:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1a] and [65b]–[65f], '516 Patent limitation [68a], and '439 Patent limitations [1a] and [1b].

[65b] - a server system controller configured to communicate with one or more wagering devices to:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1b], '516 Patent limitations [1b], [37b], and '439 Patent limitation [1b].

[65c] - identify one or more wagering events that may be the subject of a wager;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1c]. For example, DeWaal '149 discloses:

“The central controller provides the multi-round bonus event (or causes the gaming machines to provide the multi-round bonus event) to those eligible players as indicated by block 104.” * 29:1-20.

“In different embodiments, the multi-round bonus event includes, but is not limited to, reel/slot games, card games (e.g., poker, blackjack), lottery games, selection games, offer and acceptance games, wheel games, dice games, free spin games, competition games, skill games, perceived skill games or games that include one or more rounds of game play. In one embodiment, the same multi-round bonus event is provided to the eligible players. In another embodiment, each eligible player is provided with the same multi-round bonus event, but each available outcome and each designated outcome is independently and randomly determined for each player. In another embodiment, the eligible players are provided with different types of multi-round bonus events based on player preferences of which type of multi-round bonus event each player wants to play. In another embodiment, each eligible player is provided either the same or different types of multi-round bonus event, wherein the difficulty of the multi-round bonus event is adjusted based on some predetermined criteria, such as player wager amount in the primary game or a player status determined through a suitable player tracking system.” * 29:30-50.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination

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with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See* above.

[65d] - receive, in response to input from one or more players, a selection of one or more wagering events and one or more potential outcomes corresponding to the selected one or more wagering events upon which at least one wager is accepted;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1d] and '439 Patent limitation [1d]. For example, DeWaal '149 discloses:

“In one embodiment, the bonus event includes a selection game and the plurality of outcomes include player selectable elements or selections.” * 29:61-63.

“In FIG. 11B, the display devices 16 a, 16 b and 16 c display the respective player picks of the selections 202, 204, 206, 208, 210 and 212 for the first round of the bonus event. Player A picked the selection 204 as indicated by the display device 16 a. Player B picked the selection 208 as indicated by the display device 16 b. Player C picked the selection 204 as indicated by the display device 16 c. In this embodiment, each player picked one of the selections 202, 204, 206, 208, 210 and 212, such as through input devices associated with gaming machines in the gaming system, in an attempt to advance to a second round.” * 41:60-42:3.

“The central controller receives a signal from gaming machines in the gaming system corresponding to an input from each player in each round.” * 30:2-4.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See* above.

[65e] - generate and cause display of at least one proposal to fully or partially buyout to any number of the one or more players; and

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1g], '516 Patent limitations [1j] and [68h], and '439 Patent limitation [1e].

[65f] - issue a credit, tokens, currency, coupon, voucher or an award to any of the one or more players accepting the at least one proposal.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1h] and [1i], '516 Patent limitations [1l] and [68j].

ZZ. Claim 66

[66] - The wagering apparatus of claim 65, wherein the one or more wagering events comprise at least one of an entire event, a partial event, a divisible component of an event, multiple independent events occurring sequentially or concurrently, and a compilation of related events,

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wherein the one or more wagering events further comprises one or more selected from the group consisting of sporting events, eSports, e-sports, competitive gaming, electronic sports, lotteries, real games, virtual games, fantasy events, fantasy games, live events, pre-recorded events, online events, broadcast events, slot machines, card games, keno, video games, racing, poker, politics, sales, stocks, celebrity gossip, movies, and reality TV, wherein the sporting events comprise at least one or more of any sport, including any sport selected from the group consisting of football ("soccer"), American football, Australian rules football, baseball, cricket, basketball, golf, hockey, auto racing, legends, rugby, wrestling, surfing, mixed martial arts.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1c], '439 Patent limitation [27], and '516 Patent limitation [2].

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by Schugar '981.

See, e.g.:

Schugar '981 at [0070] ("In a further embodiment, the equity concept described herein can be applied to craps."); *id.* at [0072] ("The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.").

See also '716 Patent limitation [66] of Schugar '981 (Ex. A14) (DraftKings' Initial Invalidity Contentions).

AAA. Claim 69

[69] - The wagering apparatus of claim 65, wherein the wagering event selections are made by one or more selected from the group consisting of handpicked by the one or more players, provided electronically on request of the one or more players through communication between the wagering device and the server system controller, provided via a random number generator associated with the server system controller, a quick pick or a smart pick.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1c] and [1d], and '439 Patent limitation [3].

BBB. Claim 70

[70] - The wagering apparatus of claim 65, wherein accepting the partial buy-out results in the one or more players remaining eligible to win.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1g] and [1h], and '439 Patent limitation [1g].

CCC. Claim 71

[71] - The wagering apparatus of claim 65, wherein accepting the full buy-out results in the one or more players no longer being eligible to win.

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DeWaal '149 discloses this limitation. *See e.g.*, limitations [1g] and [1h], and '439 Patent limitation [1g].

DDD. Claim 72

[72] - The wagering apparatus of claim 65, wherein accepting the partial buy-out comprises the one or more players accepting less than the full buy-out proposal, said acceptance resulting in the one or more players remaining eligible to win.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1g] and [1h], and '439 Patent limitation [5].

EEE. Claim 73

[73] - The wagering apparatus of claim 65, wherein the amount of the proposal is variable and based on at least one of a calculated probability, an originator of the proposal, a negotiation, the one or more players or a third party.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1g], [1h], and [11].

FFF. Claim 74

[74a] - The wagering apparatus of claim 65, wherein upon acceptance of the proposal by the one or more players, the server system controller is further programmed to cause the one or more wagering devices to at least one or more of:

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1i], and '516 Patent limitation [28a].

[74b] - transfer an entitlement of the one or more players to at least one third party or another player, so that the at least one third party or another player becomes eligible to win;

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1h] and [1j], and '516 Patent limitation [28b].

[74c] - transfer ownership or partial ownership of the one or more players, in at least a portion of the one or more player's wager, to at least one third party or another player, so that the at least one third party or another player obtains ownership or partial ownership and becomes eligible to win;

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1h] and [1j], and '516 Patent limitation [28c].

[74d] - relinquish rights of the one or more players, in at least a portion of the one or more player's wager corresponding to the proposal, before the event has been completed; and

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1h] and [1j], and '516 Patent limitation [28d].

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[74e] - initiate and cause display of at least a portion of the one or more player's wager corresponding to the accepted buy-out offer or partial buy-out offer for at least one of bidding and selection by one or more third parties.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1h] and [1j], and '516 Patent limitation [28e].

GGG. Claim 75

[75a] - The wagering apparatus of claim 65, further comprising a cash out option, the system controller further programmed to cause the one or more wagering devices to:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1g] and [65a]–[65f], '516 Patent limitation [29a], and '439 Patent limitations [1a]–[1i].

[75b] - receive a selection of the cash out option from any of the one or more players that desire to fully or partially end the wager, wherein the selection of the cash out option from any of the one or more players is provided via one or more of the one or more wagering devices, a hand held device, a mobile device, a wireless device, a computing system, a smart phone, a telephone, a tablet computer, text messaging, a PDA, an interactive television, email, Internet browser or a cashier;

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1a] and [1h], '516 Patent limitation [29b], and '439 Patent limitations [1b] and [1g].

[75c] - wherein any of the one or more players selecting the cash out option to fully end the wager no longer participates, and any of the one or more players selecting the cash out option to partially end the wager continues to participate; and

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1g] and [1h], '516 Patent limitation [29c], and '439 Patent limitation [1g].

[75d] - issue to the one or more players that selected the cash out option one or more of cash, tickets or credit slips redeemable by the player, funding of a player's electronically recordable identification card or online account, or an award.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1i], '516 Patent limitation [29d].

HHH. Claim 76

[76a] - The wagering apparatus of claim 65, wherein the system controller is further programmed to cause the one or more wagering devices to:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [65a]–[65f] and '516 Patent limitation [72a].

[76b] - generate and cause display of one or more additional proposals to fully or partially buy-

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out to any number of the one or more players that have not accepted the at least one proposal to fully or partially buyout; and

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1g] and '516 Patent limitation [72b].

[76c] - issue a credit, tokens, currency, coupon, voucher or award to any of the one or more players accepting the one or more additional proposals.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1i] and '516 Patent limitation [72c].

III. Claim 77

[77a] - The wagering apparatus of claim 65, wherein the server system controller is further configured to communicate with one or more wagering devices to:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [65a]–[65f].

[77b] - generate one or more records within a database reflecting the wagering event selections from the one or more players;

DeWaal '149 discloses this limitation. *See e.g.*, '516 Patent limitations [1e], [37e], [54e], and [68e].

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by Schugar '981.

See, e.g.:

Schugar '981 at [0105] (“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.”).

See also '716 Patent limitation [77b] of Schugar '981 (Ex. A14) (DraftKings' Initial Invalidity Contentions).

[77c] - receive input of an outcome of the wagering events;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [2a] and '516 Patent limitations [1f], [54f] and [68f].

[77d] - compare the input of the outcome of the wagering events against the one or more records within the database;

DeWaal '149 discloses this limitation. *See e.g.*, limitations [2b] and [54f], and '516 Patent limitation [1i].

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To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by Schugar '981.

See, e.g.:

Schugar '981 at [0105] ("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.").

See also '716 Patent limitation [77d] of Schugar '981 (Ex. A14) (DraftKings' Initial Invalidity Contentions).

[77e] - determine whether one or more records have correctly selected the outcome of at least one wagering event;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [2c] and '439 Patent limitation [1e]. For example:

"In one embodiment, any remaining players continue to make inputs in each subsequent round until a designated number of players advance to a final round. In the final round, if one of the remaining players makes an input that is associated with the winning outcome, the central controller provides that player (or causes the player to be provided) with the award (or a portion of the award if a plurality of the remaining players make inputs associated with the winning outcome)." * 3:62-4:3.

"All participating gaming sites report to, and receive information from, the progressive gaming system host site computer. Each central server computer is responsible for all data communication between the gaming device hardware and software and the progressive gaming system host site computer. In one embodiment, an individual gaming machine may trigger a progressive award win. In another embodiment, a central server (or the progressive gaming system host site computer) determines when a progressive award win is triggered. In another embodiment, an individual gaming machine and a central controller (or progressive gaming system host site computer) work in conjunction with each other to determine when a progressive win is triggered, for example through an individual gaming machine meeting a predetermined requirement established by the central controller." * 23:25-35.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See* above.

[77f] - complete the one or more events;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [2b], '516 Patent limitation [1m], and '439 Patent limitation [1h].

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[77g] - determine if any of the players have won;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [2c], '516 Patent limitation [1n], and '439 Patent limitation [1i].

[77h] - notify the players that have won; and

DeWaal '149 discloses this limitation. *See e.g.*, limitation [2d] and '516 Patent limitation [1o].

[77i] - issue a credit, tokens, currency coupon, voucher or award to the one or more players that have won.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [2e] and '516 Patent limitation [1p].

JJJ. Claim 78

[78a] - A wagering apparatus operative with one or more wagering devices for allowing a placement of a wager on one or more wagering events, the wagering apparatus comprising:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1a] and [78b]–[78g].

[78b] - a server system controller configured to communicate with one or more wagering devices, said server system controller programmed to cause at least one of the server system controller and the wagering devices to:

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1b] and '516 Patent limitation [1b].

[78c] - receive a wager from one or more players, wherein the wager comprises one or more potential outcomes of the one or more wagering events;

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1c] and [1d], and '516 Patent limitation [1d].

[78d] - determine whether the wager from the one or more players have the potential to correctly select the outcome of the one or more wagering events, thereby qualifying any of the one or more players to win;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1f], and '516 Patent limitations [1h] and [1i].

[78e] - generate a cash out option to fully or partially end the wager to any of the one or more players that are qualified to win;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1g] and '516 Patent limitation [1j] and [68h].

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[78f] - receive a selection of the cash out option from any of the one or more players that desire to fully or partially end the wager, wherein the selection of the cash out option is provided via one or more of the wagering devices, a hand held device, a mobile device, a wireless device, a computing system, a smart phone, a telephone, a tablet computer, text messaging, a PDA, an interactive television, email, Internet browser or a cashier; and

DeWaal '149 discloses this limitation. See e.g., limitations [1a] and [1h], '516 Patent limitation [68i] and [69].

[78g] - issue one or more of a credit, tokens, currency, coupon, voucher, credit slip, or award, or funding of a player's electronically recordable identification card or online account, to any of the one or more players selecting the cash out option.

DeWaal '149 discloses this limitation. See e.g., limitation [1i] and '516 Patent limitation [68j].

KKK. Claim 79

[79] - The wagering apparatus of claim 78, wherein any of the one or more players selecting the cash out option to fully end the wager no longer participates in the multi-outcome wagering event, and any of the one or more players selecting the cash out option to partially end the wager continues to participate in the multi-outcome wagering event.

DeWaal '149 discloses this limitation. See e.g., limitations [1g] and [1h], and '516 Patent limitation [70].

LLL. Claim 80

[80a] - The wagering apparatus of claim 78, wherein the system controller is further programmed to cause the one or more wagering devices to:

DeWaal '149 discloses this limitation. See e.g., limitations [78a]–[78g] and '516 Patent limitation [72a].

[80b] - generate and cause display of one or more additional cash out options to any number of the one or more players that have not accepted the cash out option; and

DeWaal '149 discloses this limitation. See e.g., limitation [1g], '516 Patent limitations [54j] and [72b].

[80c] - issue a credit, tokens, currency, coupon, voucher or award to any of the one or more players accepting the one or more additional cash out options.

DeWaal '149 discloses this limitation. See e.g., limitation [1i], '516 Patent limitations [54l] and [72c].

MMM. Claim 81

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[81a] - The wagering apparatus of claim 78, wherein the system controller is further programmed to cause the one or more wagering devices to:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [78a]–[78g] and '516 Patent limitation [73a].

[81b] - complete the one or more legs to finish the event;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [2b] and '516 Patent limitation [73b].

[81c] - determine if any of the players have won the jackpot or portion thereof;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [2c] and '516 Patent limitation [73c].

[81d] - notify the players that have won the jackpot or portion thereof; and

DeWaal '149 discloses this limitation. *See e.g.*, limitation [2d] and '516 Patent limitation [73d].

[81e] - issue a credit, tokens, currency coupon, voucher or award to the one or more players that have won the jackpot or portion thereof.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [2e] and '516 Patent limitation [73e].

NNN. Claim 82

[82] - The wagering apparatus of claim 78, wherein the amount of the cash out option is variable and based on at least one of a calculated probability, an originator of the proposal, a negotiation, the one or more players or a third party.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1g], [1h], and [11].

OOO. Claim 83

[83a] - A method of conducting a multi-outcome wagering event for one or more players, wherein the wagering event comprises a defined number of legs, and wherein a player is presented with at least one of a buy-out offer and a partial buy-out offer prior to completion of all of the defined number of legs, the method comprising the steps of:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1a], [1g], and [83b]–[83t], and '516 Patent limitation [1a].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination

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with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[83b] - providing one or more wagering input devices in communication with a system controller through which one or more players may participate in a multi-outcome wagering event, said system controller being adapted for:

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1b] and '516 Patent limitation [1b].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[83c] - initiating the multi-outcome wagering event for one or more players, said multi-outcome wagering event comprised of a defined number of legs, wherein one or more jackpots, or a portion thereof, is awarded at least where a particular number of the defined number of legs are completed;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1c] and '516 Patent limitation [1c].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[83d] - receiving a wager via the one or more wagering input devices in response to input from a player desiring to participate in the multi-outcome wagering event, wherein the wager coincides with each of the defined number of legs;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1d] and '516 Patent limitation [1d].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[83e] - generating a record reflecting the wager associated with the player at the system controller;

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DeWaal '149 discloses this limitation. *See e.g.*, limitation [77b] and '516 Patent limitation [1e].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[83f] - receiving input of an outcome of each of the defined number of legs corresponding to the multi-outcome wager event;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1e] and '516 Patent limitation [1f].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[83g] - generating and causing display via the one or more wagering input devices the outcome of each of the defined number of legs to a player;

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1d] and [1e], and '516 Patent limitation [1g].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[83h] - identifying one or more players eligible to win each of the defined number of legs based on the wager from among players participating in the multi-outcome wagering event,

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1f] and '516 Patent limitation [1h].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

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[83i] - determining any players eligible to win at least one jackpot or a portion thereof based on the potential outcome of each of the defined number of legs in comparison against the record reflecting the wager from among players participating in the multi-outcome wagering event, wherein players eligible to win at least one leg are eligible to win at least one jackpot or a portion thereof;

DeWaal '149 discloses this limitation. *See e.g.*, limitations [77d] and [77e], and '516 Patent limitation [1i].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[83j] - initiating and causing display of at least one of a buy-out offer and partial buy-out offer via the one or more wagering input devices to any number of the one or more players that are eligible to win at least one jackpot for at least a portion of said at least one jackpot, said buy-out offer or partial buy-out offer being initiated at any time before the multi-outcome wagering event has been completed;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1g] and '516 Patent limitation [1j].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[83k] - receiving an acceptance of the buy-out offer or partial buy-out offer via the one or more wagering input devices in response to input from a particular number of the players eligible to win at least one jackpot that have accepted the buy-out offer or partial buy-out offer, each of the players accepting the buy-out offer will no longer be eligible to exclusively win the at least one jackpot, wherein each of the players not accepting the buy-out offer will remain eligible to win the at least one jackpot, and wherein each of the players accepting a partial buy-out offer remains eligible to win at least a portion of the at least one jackpot;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1h] and '516 Patent limitation [1k].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination

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with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[83l] - issuing a credit, tokens, currency or an award to the one or more players accepting the buy-out offer or partial buy-out offer;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1i] and '516 Patent limitation [1l].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[83m] - completing the remainder of the defined number of legs to finish the multi-outcome wagering event;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [2b] and '516 Patent limitation [1m].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[83n] - determining if any of the players have won the at least one jackpot or portion thereof;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [2c] and '516 Patent limitation [1n].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[83o] - notifying the players that have won the jackpot or portion thereof; and

DeWaal '149 discloses this limitation. *See e.g.*, limitation [2d] and '516 Patent limitation [1o].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the

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limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[83p] - issuing a credit, tokens, currency or an award to the players that have won the jackpot or portion thereof;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [2e] and '516 Patent limitation [1p].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[83q] - wherein the buy-out offer and partial buy-out offer comprises one or more of:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1g] and [83r]–[83t].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[83r] - a partial cash out on a single;

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1g] and [1h], and '516 Patent limitation [34].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[83s] - a full cash out on a multiple, accumulator, parlay, pool, tote or game, wherein the game comprises one or more selected from the group consisting of a lottery, slots, keno or bingo; and

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1g] and [1h] and '516 Patent limitation [35].

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Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[83t] - a partial cash out on a multiple, accumulator, parlay, pool, tote or game, wherein the game comprises one or more selected from the group consisting of a lottery, slots, keno or bingo.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1g] and [1h] and '516 Patent limitation [36].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

PPP. Claim 84

[84a] - A wagering system including one or more wagering input devices for allowing the placement of a wager on a multi-outcome wagering event comprising one or more wagering events, the wagering system comprising:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1a] and [84b]–[84t].

[84b] - a system controller configured to communicate with the one or more wagering input devices, said system controller configured to:

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1b].

[84c] - initiate the multi-outcome wagering event for one or more players, said multi-outcome wagering event comprised of a defined number of legs comprising one or more legs, wherein one or more jackpots, or a portion thereof, is awarded at least where a particular number of the defined number of legs are completed;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1c] and [83c].

[84d] - receive a wager via the one or more wagering input devices in response to input from a player desiring to participate in the multi-outcome wagering event, wherein the wager coincides with each of the defined number of legs;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1d] and [83d].

[84e] - generate a record reflecting the wager associated with the player at the system controller;

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DeWaal '149 discloses this limitation. *See e.g.*, limitation [77b] and [83e].

[84f] - receive input of an outcome of each of the defined number of legs corresponding to the multi-outcome wager event;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1e] and [83f].

[84g] - generate and cause display via the one or more wagering input devices the outcome received of each of the defined number of legs to a player;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1e] and [83g].

[84h] - identify one or more players eligible to win each of the defined number of legs based on the wager from among players participating in the multi-outcome wagering event,

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1f] and [83h].

[84i] - determine any players eligible to win at least one jackpot or a portion thereof based on the potential outcome of each of the defined number of legs in comparison against the record reflecting the wager from among players participating in the multi-outcome wagering event, wherein players eligible to win at least one leg remain eligible to win at least one jackpot or a portion thereof;

DeWaal '149 discloses this limitation. *See e.g.*, limitations [77d], [77e], and [83i].

[84j] - initiate and cause display of at least one of a buy-out offer and a partial buy-out offer via the one or more wagering input devices to any number of the one or more players that remain eligible to win at least one jackpot, or portion thereof, for at least a portion of said at least one jackpot, said buy-out offer or partial buy-out offer being initiated before the multi-outcome wagering event has been completed;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1g] and [83j].

[84k] - receive an acceptance of at least one of the buy-out offer and partial buy-out offer via the one or more wagering input devices in response to input from a particular number of the one or more players eligible to win the at least one jackpot or portion thereof that have accepted the buy-out offer or partial buy-out offer, wherein each of the one or more players accepting the buy-out offer will no longer be eligible to exclusively win the at least one jackpot, wherein each of the one or more players not accepting the buy-out offer will remain eligible to win the at least one jackpot, and wherein each of the one or more players accepting a partial buy-out offer remains eligible to win at least a portion of the at least one jackpot;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1h] and [83k].

[84l] - issue a credit, tokens, currency or an award to the one or more players accepting the buy-out offer or partial buy-out offer;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1i] and [83l].

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[84m] - complete the remainder of the defined number of legs to finish the multi-outcome wagering event;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [2b] and [83m].

[84n] - determine if any of the players have won the jackpot or portion thereof;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [2c] and [83n].

[84o] - notify the players that have won the jackpot or portion thereof; and

DeWaal '149 discloses this limitation. *See e.g.*, limitation [2d] and [83o].

[84p] - issue a credit, tokens, currency or an award to the players that have won the jackpot or portion thereof;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [2e] and [83p].

[84q] - wherein the buy-out offer and partial buy-out offer comprises one or more of:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1g], [83q], and [84r]–[84t].

[84r] - a partial cash out on a single;

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1g], [1h], and [83r].

[84s] - a full cash out on a multiple, accumulator, parlay, pool, tote or game, wherein the game comprises one or more selected from the group consisting of a lottery, slots, keno or bingo; and

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1g], [1h], and [83s].

[84t] - a partial cash out on a multiple, accumulator, parlay, pool, tote or game, wherein the game comprises one or more selected from the group consisting of a lottery, slots, keno or bingo.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1g], [1h], and [83t].

V. U.S. Patent No. 9,704,338

A. Claim 1

[1a] - 1. A method of conducting a multi-outcome wagering event for one or more players, wherein the wagering event comprises a defined number of legs, and wherein a player is presented with at least one of a buy-out offer and a partial buy-out offer prior to completion of all of the defined number of legs, the method comprising the steps of:

DeWaal '149 discloses this limitation. *See e.g.*, '439 Patent limitation [1a]; *see also* limitations [1b]–[1p].

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Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1b] - providing one or more wagering input devices in communication with a system controller through which one or more players may participate in a multi-outcome wagering event, the system controller comprising a trading exchange module, the one or more wagering input devices comprising one or more of a user input, a payment acceptor, or a link to a customer account for receiving a wager from a player, the one or more wagering input devices further comprising one or more displays for displaying the at least one of the buy-out offer and the partial buy-out offer after the multi-outcome wagering event begins, the one or more wagering input devices further comprising an input for receiving an acceptance of at least one of the buy-out offer and the partial buy-out offer, and the one or more wagering input devices further comprising a user output for issuing a credit, tokens, currency or an award to a player, said system controller being adapted for:

DeWaal '149 discloses this limitation. *See e.g.*, '439 Patent limitation [1a], [1b], [1f], and '516 Patent limitation [1j]. For example, corresponding to the "trading exchange module" as claimed, DeWaal '149 discloses:

"In one embodiment, as illustrated in FIG. 2B, one or more of the gaming devices 10 are in communication with each other and/or at least one central server, central controller or remote host 56 through a data network or remote communication link 58. In this embodiment, the central server, central controller or remote host is any suitable server or computing device which includes at least one processor and at least one memory or storage device. In different such embodiments, the central server is a progressive controller or a processor of one of the gaming devices in the gaming system. In these embodiments, the processor of each gaming device is designed to transmit and receive events, messages, commands or any other suitable data or signal between the individual gaming device and the central server. The gaming device processor is operable to execute such communicated events, messages or commands in conjunction with the operation of the gaming device. Moreover, the processor of the central server is designed to transmit and receive events, messages, commands or any other suitable data or signal between the central server and each of the individual gaming devices. The central server processor is operable to execute such communicated events, messages or commands in conjunction with the operation of the central server. It should be appreciated that one, more or each of the functions of the central controller as disclosed herein may be performed by one or more gaming device processors. It should be further appreciated that one, more or each of the functions of one or more gaming device processors as disclosed herein may be performed by the central controller." * 18:41-19:2.

"In this embodiment, the central server or controller is capable of storing and utilizing program code or other data similar to the processor and memory device of the gaming device." * 19:19-22.

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For example, corresponding to the “wagering input devices comprising one or more of a user input, a payment acceptor, or a link to a customer account for receiving a wager from a player,” DeWaal '149 discloses:

“As illustrated in FIG. 2A, in one embodiment, the gaming device includes at least one payment acceptor 24 in communication with the processor. As seen in FIGS. 1A and 1B, the payment acceptor may include a coin slot 26 and a payment, note or bill acceptor 28, where the player inserts money, coins or tokens. The player can place coins in the coin slot or paper money, a ticket or voucher into the payment, note or bill acceptor. In other embodiments, devices such as readers or validators for credit cards, debit cards or credit slips may accept payment. In one embodiment, a player may insert an identification card into a card reader of the gaming device. In one embodiment, the identification card is a smart card having a programmed microchip or a magnetic strip coded with a player's identification, credit totals (or related data) and other relevant information. In another embodiment, a player may carry a portable device, such as a cell phone, a radio frequency identification tag or any other suitable wireless device, which communicates a player's identification, credit totals (or related data) and other relevant information to the gaming device. In one embodiment, money may be transferred to a gaming device through electronic funds transfer. When a player funds the gaming device, the processor determines the amount of funds entered and displays the corresponding amount on the credit or other suitable display as described above.” * 12:22-46.

For example, corresponding to the “wagering input devices” comprising one or more “displays for displaying the at least one of the buy-out offer and the partial buy-out offer after the multi-outcome wagering event begins,” DeWaal '149 discloses:

“In one embodiment, as illustrated in FIG. 2A, the gaming device includes one or more display devices controlled by the processor.” 11:37-39.

“The central controller may cause the display device to display an offer of \$10 to the advancing players. The display may include appropriate messages, such as “YOU HAVE WON \$10 FOR ROUND 1! YOU MAY QUIT THE BONUS EVENT AND KEEP THE \$10 OR RISK THE \$10 AND PLAY ANOTHER ROUND!”” * 34:34-38.

For example, corresponding to “the one or more wagering input devices further comprising an input for receiving an acceptance of at least one of the buy-out offer and the partial buy-out offer,” DeWaal '149 discloses:

“In one embodiment, as mentioned above and seen in FIG. 2A, one input device is a touch-screen 42 coupled with a touch-screen controller 44, or some other touch-sensitive display overlay to allow for player interaction with the images on the display. The touch-screen and the touch-screen controller are connected to a video controller 46. A player can make decisions and input signals into the gaming device by touching the touch-screen at the appropriate places. One such input device is a conventional touch-screen button panel.” * 13:18-26.

For example, corresponding to “the one or more wagering input devices further comprising a user output for issuing a credit, tokens, currency or an award to a player,” DeWaal '149 discloses:

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"In one embodiment, one input device is a cash out button 38. The player may push the cash out button and cash out to receive a cash payment or other suitable form of payment corresponding to the number of remaining credits. In one embodiment, when the player cashes out, the player receives the coins or tokens in a coin payout tray 40. In one embodiment, when the player cashes out, the player may receive other payout mechanisms such as tickets or credit slips redeemable by a cashier (or other suitable redemption system) or funding to the player's electronically recordable identification card." * 13:7-17.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See above.*

[1c] - initiating the multi-outcome wagering event for one or more players, said multi-outcome wagering event comprised of a defined number of legs, wherein one or more jackpots, or a portion thereof, is awarded at least where a particular number of the defined number of legs are completed;

DeWaal '149 discloses this limitation. *See e.g., '439 Patent limitation [1c].*

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1d] - receiving a wager via one or more of the user input, the payment acceptor or the link of the one or more wagering input devices in response to input from a player desiring to participate in the multi-outcome wagering event, wherein the wager coincides with each of the defined number of legs;

DeWaal '149 discloses this limitation. *See e.g., limitation [1b] and '439 Patent limitation [1d].*

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1e] - generating a record reflecting the wager associated with the player at the system controller;

DeWaal '149 discloses this limitation. *See e.g., '516 Patent limitation [1e].*

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Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1f] - receiving input of an outcome of each of the defined number of legs corresponding to the multi-outcome wager event;

DeWaal '149 discloses this limitation. *See e.g.*, '516 Patent limitation [1f].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1g] - generating and causing display via the one or more wagering input devices the outcome of each of the defined number of legs to a player;

DeWaal '149 discloses this limitation. *See e.g.*, '516 Patent limitation [1g].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1h] - identifying one or more players eligible to win each of the defined number of legs based on the wager from among players participating in the multi-outcome wagering event,

DeWaal '149 discloses this limitation. *See e.g.*, '516 Patent limitation [1h].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1i] - determining any players eligible to win at least one jackpot or a portion thereof based on the potential outcome of each of the defined number of legs in comparison against the record reflecting the wager from among players participating in the multi-outcome wagering event, wherein players eligible to win at least one leg are eligible to win at least one jackpot or a portion thereof;

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DeWaal '149 discloses this limitation. *See e.g.*, '516 Patent limitation [1i].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1j] - initiating via the trading exchange module and causing display of at least one of a buy-out offer and partial buy-out offer via the respective one or more displays of the one or more wagering input devices to any number of the one or more players that are eligible to win at least one jackpot for at least a portion of said at least one jackpot, said buy-out offer or partial buy-out offer being initiated by the trading exchange module at any time before the multi-outcome wagering event has been completed;

DeWaal '149 discloses this limitation. *See e.g.*, '516 Patent limitation [1j]. For example, corresponding to the initiating being "via the trading exchange module" as claimed, DeWaal '149 discloses:

"In this embodiment, if the player picks the designated selection in one of the rounds, the central controller offers that player to either quit the bonus event and keep the total award accumulated in the bonus event or continue the bonus event and play a subsequent round. If the player chooses to quit, the central controller provides (or causes that player to be provided) with the accumulated award. If the player chooses to continue and does not pick the designated selection in a subsequent round, that player loses or forfeits any awards accumulated in the bonus event. In this embodiment, the total accumulated award is offered to each advancing player along with the option to quit as described above. In one embodiment, the total accumulated award offered to the players increases with each round, which creates excitement for those players who continue playing the bonus event for one or more subsequent rounds." * 5:57-6:5.

"FIG. 7 is a chart of one embodiment of a multi-round bonus event, wherein a plurality of players compete for an award at substantially the same time and the bonus event includes an offer and acceptance feature. In this embodiment, the multi-round bonus event includes five rounds. Each round is associated with an award, such as \$10,000. As illustrated, eight hundred players are eligible for the bonus event in this embodiment. Of the eight hundred players, four hundred players qualified to advance from the first round to a second round (i.e., by making an input associated with the winning outcome in the first round). Prior to the second round, the central controller offers each advancing player an additional award to quit the bonus event. For example, since four hundred players advanced to the second round, the additional award for the first round would be equal to \$25 for each advancing player (i.e., the total amount of the award, such as \$10,000, divided by the number of advancing players, such as 400). As illustrated, one hundred players who qualified to advance to the second round, accepted the offered additional award and quit the bonus event. Three hundred player who qualified for the second round rejected the offered additional award and continue to the second round of the bonus event.

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In the second round, two hundred players qualify to advance to the third round. The central controller offers those players to either quit the bonus event and accept the second additional award or continue the bonus event and play the third round. The second additional award offered to each advancing player is \$50 (i.e., the total amount of the award, such as \$10,000, divided by the number of advancing players, such as 200). The central controller offers the second additional award to each of the two hundred players who qualified to advance to the third round. In this embodiment, one hundred players chose to quit and accept the offered second additional award, such as \$50. The central controller provides those players with the second additional award and eliminates those players from the bonus event. Accordingly, one hundred players rejected the offered second additional award and continue to the third round of the bonus event.

As illustrated, this process continues for each round until the central controller determines one or more winning players for the bonus event. In one embodiment, each player is required to make an input associated with the winning outcome in each round including the final round to be determined as a winning player. The central controller provides the winning player or players the additional award associated with the final round of the bonus event.

In one embodiment, the additional awards accumulate as the players advance through each round of the bonus event. For example, as illustrated, the total accumulated award for the second round (e.g., \$75) equals the amount won by each advancing player in the first and second rounds (e.g., \$25 and \$50, respectively). In this embodiment, if a player chooses to continue the bonus event and does not advance in a subsequent round, that player loses or forfeits any additional awards accumulated in the bonus event. The total accumulated award for each round is offered to each advancing player along with the option to quit the bonus event. In one embodiment, as illustrated, the total accumulated award offered to the players increases with each round. It should be appreciated that the award values associated with each round may be set to any suitable values by the implementer of the gaming system. In one embodiment, the awards associated with each round include bonus awards or progressive awards. In one such embodiment, each round is associated with a different level of a multi-level progressive configuration (MLP).” * 33:10-34:7.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See* above.

[1k] - receiving an acceptance of the buy-out offer or partial buy-out offer via the input for receiving acceptance of the one or more wagering input devices in response to input from a particular number of the players eligible to win at least one jackpot that have accepted the buy-out offer or partial buy-out offer, each of the players accepting the buy-out offer will no longer be eligible to exclusively win the at least one jackpot, wherein each of the players not accepting the buy-out offer will remain eligible to win the at least one jackpot, and wherein each of the players accepting a partial buy-out offer remains eligible to win at least a portion of the at least one jackpot;

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DeWaal '149 discloses this limitation. *See e.g.*, '516 Patent limitation [1k]. For example, corresponding to the receiving being “via the input for receiving acceptance” of the wagering input device, DeWaal '149 discloses:

“In one embodiment, as mentioned above and seen in FIG. 2A, one input device is a touch-screen 42 coupled with a touch-screen controller 44, or some other touch-sensitive display overlay to allow for player interaction with the images on the display. The touch-screen and the touch-screen controller are connected to a video controller 46. A player can make decisions and input signals into the gaming device by touching the touch-screen at the appropriate places. One such input device is a conventional touch-screen button panel.” * 13:18-26.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See* above.

[1l] - issuing a credit, tokens, currency or an award via the user output of the one or more wagering input devices to the one or more players accepting the buy-out offer or partial buy-out offer;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1b] and '516 Patent limitation [1l]. For example, corresponding to the claimed issuing being “via the user output of the one or more wagering input devices,” DeWaal '149 discloses:

“If the player chooses to quit, the central controller provides (or causes that player to be provided) with the accumulated award.” * 5:61-63.

“If a player accepts the offered portion of the award pool, the player is eliminated from the bonus event (i.e., the player accepts the offered portion of the award pool in exchange for quitting the bonus event).” 34:19-23.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See* above.

[1m] - completing the remainder of the defined number of legs to finish the multi-outcome wagering event;

DeWaal '149 discloses this limitation. *See e.g.*, '516 Patent limitation [1m].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone,

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in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1n] - determining if any of the players have won the at least one jackpot or portion thereof;

DeWaal '149 discloses this limitation. *See e.g.*, '516 Patent limitation [1n].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1o] - notifying the players that have won the jackpot or portion thereof via the one or more wagering input devices; and

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1b] and '516 Patent limitation [1o]. For example, corresponding to claimed notifying being "via the one or more wagering input devices," DeWaal '149 discloses:

"The central server or controller communicates the generated or selected game outcome to the initiated gaming device. The gaming device receives the generated or selected game outcome and provides the game outcome to the player. In an alternative embodiment, how the generated or selected game outcome is to be presented or displayed to the player, such as a reel symbol combination of a slot machine or a hand of cards dealt in a card game, is also determined by the central server or controller and communicated to the initiated gaming device to be presented or displayed to the player. Central production or control can assist a gaming establishment or other entity in maintaining appropriate records, controlling gaming, reducing and preventing cheating or electronic or other errors, reducing or eliminating win-loss volatility and the like." * 19:37-51.

"In FIG. 11F, the central controller designated the selection 210 as the designated selection. The designated selection 210 is illuminated as indicated on the display devices 16 a and 16 c. The central controller determines whether Player A or Player C picked the designated selection 210. As illustrated, Player A picked a non-designated selection 206 while Player C picked the designated selection 210. Accordingly, Player C wins the award (i.e., \$10,000) of the bonus event while Player A is eliminated from the bonus event. As described above, appropriate messaging may be provided to the players visually, or through suitable audio or audiovisual displays. Such messages include "CONGRATULATIONS! YOU HAVE WON \$10,000." or "SORRY! YOU HAVE BEEN ELIMINATED. BETTER LUCK NEXT TIME." As illustrated, the round display 218 displays such messages although a separate display area of the display devices 16 a, 16 b and 16 c may be used." * 43:44-59.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination

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with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See* above.

[1p] - issuing a credit, tokens, currency or an award to the players that have won the jackpot or portion thereof via the user output of the one or more wagering input devices.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1b] and '516 Patent limitation [1p]. For example, corresponding to the claimed issuing being "via the user output of the one or more wagering input devices," DeWaal '149 discloses:

"If one or more of the players make an input associated with the designated outcome (i.e., a winning outcome) in the final round, the central controller provides the award (or causes the award to be provided) to those one or more players." * 27:51-55.

"The bonus game ends when the central controller provides the award (or a portion of the award) to the determined winning players." * 3:34-35.

"After the central controller provides the award to Player C, the bonus event ends." 44:2-3.

"In one alternative embodiment, the central controller is operable to maintain at least one award pool for each round of the bonus event. The central controller provides a portion of the award pool (or causes a portion of the award pool to be provided) to each player who picked the designated selection in one of the rounds. If one player picks the designated selection in one of the rounds, that player is provided with the entire award pool. If a plurality of players pick the designated selection in one of the rounds, those players are provided with respective portions of the award pool (i.e., the award pool is split between these players). In one embodiment, the bonus event is associated with a primary award pool and each round is associated with a secondary award pool." * 6:55-67.

"For instance, if ten players advance to a final round of a bonus event associated with an award of \$50,000 and only two of the players make inputs associated with the winning outcome in the final round, the central controller provides each of these two players with \$25,000." * 6:9-14.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See* above.

B. Claim 4

[4] - The method of claim 1, wherein the multi-outcome wagering event comprises one or more wagering events, the defined number of legs comprises one or more legs, and wherein each of the defined number of legs comprises at least one of an entire wagering event, a partial wagering event, a divisible component of a wagering event, multiple independent wagering

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events occurring sequentially or concurrently, and a compilation of related wagering events, wherein the one or more wagering events comprises one or more selected from the group consisting of sporting events, eSports, e-sports, competitive gaming, electronic sports, fantasy events, real games, virtual games, and fantasy games, and wherein the wager comprises a potential outcome for each of the legs.

DeWaal '149 discloses this limitation. *See e.g.*, '516 Patent limitation [2].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by Schugar '981.

See, e.g.:

Schugar '981 at [0070] ("In a further embodiment, the equity concept described herein can be applied to craps."); *id.* at [0072] ("The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.").

See also '338 Patent limitation [4] of Schugar '981 (Ex. A14) (DraftKings' Initial Invalidity Contentions).

C. Claim 5

[5] - The method of claim 4, wherein the games comprise one or more selected from the group consisting of slot machines, keno, poker, video games, football ("soccer"), American football, Australian rules football, baseball, cricket, basketball, golf, hockey, auto racing, legends, rugby, wrestling, surfing, mixed martial arts, racing, lotteries, live events, pre-recorded events, online events, broadcast events, card games, politics, sales, stocks, celebrity gossip, movies, and reality TV.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [4] and '516 Patent limitation [4].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

D. Claim 6

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[6] - The method of claim 1, wherein the amount of the buy-out offer and partial buy-out offer are variable and based on at least one of a calculated probability, an originator of the proposal, a negotiation, the one or more players or a third party.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1a] and [1b], and '716 Patent limitations [11].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

E. Claim 7

[7] - The method of claim 1, wherein the one or more wagering devices comprise at least one of a wagering terminal, a wagering workstation, a personal computer, a smart phone, a tablet computing device, a gaming machine, a slot machine, and a lottery machine.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1b] and '439 Patent limitation [21].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

F. Claim 8

[8] - The method of claim 1, wherein the one or more jackpots, the portion thereof, or the award comprises one or more selected from the group consisting of monetary awards, nonmonetary awards, a prize, a payment, a designated currency, virtual currency, tokens, credits, coupons, services, personal property, real property, virtual property, assets, investments, negotiable instruments, commodities, food, lodging, entertainment, alleviation of obligations, gaming opportunities and wager enhancement.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1b], [11], and [1p], and '341 Patent limitation [2].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

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G. Claim 9

[9] - The method of claim 1 wherein the wager comprises one or more of fixed odds single wagers, multiple wagers, full cover wagers, full cover wagers with singles, 'Any to Come' (ATC) or 'if cash' wagers, specialty wagers, forecasts, fixed, variable, guaranteed, parimutuel wagering, fixed-odds wagering, accumulator or parlay wagering, fixed odds, a pool, progressive, fixed pool, variable pool or guaranteed pool.

DeWaal '149 discloses this limitation. *See e.g.*, '341 Patent limitation [35] and '439 Patent limitation [30].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

H. Claim 10

[10a] - The method of claim 1, further comprising a cash out option, the system controller further configured to:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1a], [1b], and [1j]–[1l], and '516 Patent limitation [29a].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[10b] - receive a selection of the cash out option from any of the one or more players that desire to fully or partially end the wager;

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1j]–[1k], and '516 Patent limitation [29b].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[10c] - wherein any of the one or more players selecting the cash out option to fully end the wager no longer participates in the multi-outcome wagering event, and any of the one or more

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players selecting the cash out option to partially end the wager continues to participate in the multi-outcome wagering event; and

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1k]–[1p], and '516 Patent limitation [29c].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[10d] - issue to the one or more players that selected the cash out option one or more of cash, tickets or credit slips redeemable by the player, funding of a player's electronically recordable identification card or online account, or an award.

DeWaal '149 discloses this limitation. *See e.g.*, limitation[1k]–[1p], and '516 Patent limitation [29d].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

I. Claim 11

[11] - The wagering apparatus of claim 10, wherein the system controller is further programmed to at least one of generate and receive the cash out option via one or more of the wagering input devices, a hand held device, a mobile device, a wireless device, a computing system, a smart phone, a telephone, a tablet computer, text messaging, a PDA, an interactive television, email, Internet browser or a cashier.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1b] and [1j]–[1k], and '716 Patent limitation [29].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

J. Claim 12

[12] - The method of claim 1, wherein initiate and cause display of at least one of a buy-out offer

and a partial buy-out offer comprises initiate and cause display of a partial buy-out offer.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1j] and '516 Patent limitation [30].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

K. Claim 13

[13] - The method of claim 1, wherein initiate and cause display of at least one of a buy-out offer and a partial buy-out offer comprises initiate and cause display of a buy-out offer.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1j] and '516 Patent limitation [31].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

L. Claim 14

[14] - The method of claim 1, wherein the buy-out offer comprises a cash in offer or a cash out offer, and wherein the partial buy-out offer comprises a partial cash in offer or a partial cash out offer.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1j] and '516 Patent limitation [32].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

M. Claim 15

[15] - The method of claim 1, wherein the buy-out offer and partial buy-out offer comprises a full cash out on a single.

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DeWaal '149 discloses this limitation. *See e.g.*, limitation [1j] and '516 Patent limitation [33].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

N. Claim 16

[16] - The method of claim 1, wherein the buy-out offer and partial buy-out offer comprises a partial cash out on a single.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1j] and '516 Patent limitation [34].

O. Claim 17

[17] - The method of claim 1, wherein the buy-out offer and partial buy-out offer comprises a full cash out on a multiple, accumulator, parlay or pool.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1j] and [9] and '516 Patent limitation [35].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

P. Claim 18

[18] - The method of claim 1, wherein the buy-out offer and partial buy-out offer comprises a partial cash out on a multiple, accumulator, parlay or pool.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1j] and [9] and '516 Patent limitation [36].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

Q. Claim 19

[19a] - The wagering apparatus of claim 1, wherein upon acceptance of the proposal by the one or more players, the server system controller is further programmed to cause the one or more wagering devices to at least one or more of:

DeWaal '149 discloses this limitation. *See e.g.*, limitation [11] and '516 Patent limitation [28a].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[19b] - transfer an entitlement of the one or more players to at least one third party or another player, so that the at least one third party or another player becomes eligible to win;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [11] and '516 Patent limitation [28b].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[19c] - transfer ownership or partial ownership of the one or more players, in at least a portion of the one or more player's wager, to at least one third party or another player, so that the at least one third party or another player obtains ownership or partial ownership and becomes eligible to win;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [11] and '516 Patent limitation [28c].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[19d] - relinquish rights of the one or more players, in at least a portion of the one or more player's wager corresponding to the proposal, before the event has been completed; and

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DeWaal '149 discloses this limitation. *See e.g.*, limitation [11] and '516 Patent limitation [28d].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[19e] - initiate and cause display of at least a portion of the one or more player's wager corresponding to the accepted buy-out offer or partial buy-out offer for at least one of bidding and selection by one or more third parties.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [11] and '516 Patent limitation [28e].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

R. Claim 20

[20a] - The wagering apparatus of claim 1, wherein the system controller is further programmed to cause the one or more wagering devices to:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1j]–[11] and '516 Patent limitation [72a].

[20b] - generate and cause display of one or more additional proposals to fully or partially buy-out to any number of the one or more players that have not accepted the at least one proposal to fully or partially buyout; and

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1j]–[11] and '516 Patent limitation [72b].

[20c] - issue a credit, tokens, currency, coupon, voucher or award to any of the one or more players accepting the one or more additional proposals.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1j]–[11] and '516 Patent limitation [72c].

S. Claim 21

[21a] - A wagering system comprising:

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DeWaal '149 discloses this limitation. *See e.g.*, limitations [1a] and [21b]–[21d], and '516 Patent limitation [37a].

[21b] - one or more wagering devices in communication with a system controller through which one or more players may participate in one or more wagering events and with the one or more wagering devices configured to:

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1b] and '516 Patent limitation [37a] and [37b].

[21c] - display at least one proposal to fully or partially buyout or cash-in to any number of the one or more players prior to completion of the one or more wagering events; and

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1j] and '516 Patent limitation [1j].

[21d] - issue a credit, tokens, currency, coupon, voucher or an award to any of the one or more players accepting the at least one proposal, wherein the amount of proposal is variable and based on at least one of a calculated probability, an originator of the proposal, a negotiation, the one or more players or a third party.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [11] and [6], and '516 Patent limitation [11].

T. Claim 22

[22] - The wagering system of claim 21, wherein the one or more wagering events comprises one or more selected from the group consisting of sporting events, eSports, e-sports, competitive gaming, electronic sports, lotteries, real games, virtual games, fantasy events, fantasy games, live events, pre-recorded events, online events, broadcast events, slot machines, card games, keno, video games, racing, poker, politics, sales, stocks, celebrity gossip, movies, and reality TV, wherein the sporting events comprise at least one or more of any sport, including any sport selected from the group consisting of football ("soccer"), American football, Australian rules football, baseball, cricket, basketball, golf, hockey, auto racing, legends, rugby, wrestling, surfing, mixed martial arts.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [4] and [5].

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by Schugar '981.

See, e.g.:

Schugar '981 at [0070] ("In a further embodiment, the equity concept described herein can be applied to craps."); *id.* at [0072] ("The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.").

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See also '338 Patent limitation [22] of Schugar '981 (Ex. A14) (DraftKings' Initial Invalidity Contentions).

U. Claim 25

[25] - The wagering system of claim 21, wherein accepting the partial buyout or cash-in results in the one or more players remaining eligible to win.

DeWaal '149 discloses this limitation. See e.g., limitation [1k] and '716 Patent limitation [70].

V. Claim 26

[26] - The wagering system of claim 21, wherein accepting the full buyout or cash-in results in the one or more players no longer being eligible to win.

DeWaal '149 discloses this limitation. See e.g., limitation [1k] and '716 Patent limitation [71].

W. Claim 27

[27a] - The wagering system of claim 21, wherein upon acceptance of the proposal by the one or more players, the server system controller is further programmed to cause the one or more wagering devices to at least one or more of:

DeWaal '149 discloses this limitation. See e.g., limitation [11] and '516 Patent limitation [28a].

[27b] - transfer an entitlement of the one or more players to at least one third party or another player, so that the at least one third party or another player becomes eligible to win;

DeWaal '149 discloses this limitation. See e.g., limitation [11] and '516 Patent limitation [28b].

[27c] - transfer owner transfer ownership or partial ownership of the one or more players, in at least a portion of the one or more player's wager, to at least one third party or another player, so that the at least one third party or another player obtains ownership or partial ownership and becomes eligible to win;

DeWaal '149 discloses this limitation. See e.g., limitation [11] and '516 Patent limitation [28c].

[27d] - relinquish rights of the one or more players, in at least a portion of the one or more player's wager corresponding to the proposal, before the event has been completed; and

DeWaal '149 discloses this limitation. See e.g., limitation [11] and '516 Patent limitation [27d].

[27e] - initiate and cause display of at least a portion of the one or more player's wager

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corresponding to the accepted buy-out offer or partial buy-out offer for at least one of bidding and selection by one or more third parties.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [11] and '516 Patent limitation [27e].

X. Claim 28

[28] - The wagering system of claim 21, wherein acceptance of the proposal from any of the one or more players is provided via one or more of the one or more wagering devices, a hand held device, a mobile device, a wireless device, a computing system, a smart phone, a telephone, a tablet computer, text messaging, a PDA, an interactive television, email, Internet browser or a cashier.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1b] and [1k], and '516 Patent limitation [29b].

Y. Claim 29

[29] - The wagering system of claim 21, wherein any of the one or more players accepting the proposal to fully buyout or cash-in no longer participates in the one or more wagering events, and any of the one or more players selecting the proposal to partially buyout or cash-in continues to participate in the one or more wagering events.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1k]–[1p], and '516 Patent limitation [29c].

Z. Claim 30

[30a] - The wagering system of claim 21, wherein the one or more wagering devices are further configured to:

DeWaal '149 discloses this limitation. *See e.g.*, limitations 1[b] and [21a]–[21d].

[30b] - receive wagers from one or more players desiring to participate in one or more wagering events;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1d] and '516 Patent limitation [1d].

[30c] - notify the players that have won the one or more wagering events; and

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1o] and '516 Patent limitation [1o].

[30d] - issue a credit, tokens, currency coupon, voucher or award to the one or more players that have won the one or more wagering events.

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DeWaal '149 discloses this limitation. *See e.g.*, limitation [1p] and '516 Patent limitation [1p].

AA. Claim 31

[31] - The method of claim 30, wherein the award comprises one or more selected from the group consisting of monetary awards, nonmonetary awards, a prize, a payment, a designated currency, virtual currency, tokens, credits, coupons, services, personal property, real property, virtual property, assets, investments, negotiable instruments, commodities, food, lodging, entertainment, alleviation of obligations, gaming opportunities and wager enhancement.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1b], [11], and [1p], and '439 Patent limitation [2].

BB. Claim 32

[32a] - A method of conducting a multi-outcome wagering event for one or more players, wherein the wagering event comprises a defined number of legs, and wherein a player is presented with at least one of a buy-out offer and a partial buy-out offer prior to completion of all of the defined number of legs, the method comprising the steps of:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1a] and [32b]–[32p].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[32b] - providing one or more wagering input devices in communication with a system controller through which one or more players may participate in a multi-outcome wagering event, the system controller comprising a trading exchange module, the one or more wagering input devices comprising one or more displays for displaying the at least one of the buy-out offer and the partial buy-out offer after the multi-outcome wagering event begins, the one or more wagering input devices further comprising a buy-out input for receiving an acceptance of at least one of the buy-out offer and the partial buy-out offer, said system controller being adapted for:

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1b].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[32c] - initiating the multi-outcome wagering event for one or more players, said multi-outcome

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wagering event comprised of a defined number of legs, wherein one or more jackpots, or a portion thereof, is awarded at least where a particular number of the defined number of legs are completed;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1c].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[32d] - receiving a wager via the one or more wagering input devices in response to input from a player desiring to participate in the multi-outcome wagering event, wherein the wager coincides with each of the defined number of legs;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1d].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[32e] - generating a record reflecting the wager associated with the player at the system controller;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1e].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[32f] - receiving input of an outcome of each of the defined number of legs corresponding to the multi-outcome wager event;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1f].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination

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with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[32g] - generating and causing display via the one or more wagering input devices the outcome of each of the defined number of legs to a player;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1g].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[32h] - identifying one or more players eligible to win each of the defined number of legs based on the wager from among players participating in the multi-outcome wagering event,

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1h].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[32i] - determining any players eligible to win at least one jackpot or a portion thereof based on the potential outcome of each of the defined number of legs in comparison against the record reflecting the wager from among players participating in the multi-outcome wagering event, wherein players eligible to win at least one leg are eligible to win at least one jackpot or a portion thereof;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1i].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[32j] - initiating and selectively causing, via the trading exchange module, the respective one or more displays of the one or more wagering input devices to display at least one of a buy-out offer and partial buy-out offer only to any number of the one or more players that are eligible to win at least one jackpot for at least a portion of said at least one jackpot, said buy-out offer or partial buy-out offer being initiated by the trading exchange module at any time before the multi-outcome wagering event has been completed, said displayed buy-out offer or partial buy-out

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offer including a request for acceptance via user input to the respective buy-out input;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1j]. Further, corresponding to the claimed “causing” being “selectively,” DeWaal '149 discloses, for example:

“In this embodiment, if the player picks the designated selection in one of the rounds, the central controller offers that player to either quit the bonus event and keep the total award accumulated in the bonus event or continue the bonus event and play a subsequent round. If the player chooses to quit, the central controller provides (or causes that player to be provided) with the accumulated award. If the player chooses to continue and does not pick the designated selection in a subsequent round, that player loses or forfeits any awards accumulated in the bonus event. In this embodiment, the total accumulated award is offered to each advancing player along with the option to quit as described above. In one embodiment, the total accumulated award offered to the players increases with each round, which creates excitement for those players who continue playing the bonus event for one or more subsequent rounds.” * 5:57-6:5.

“FIG. 7 is a chart of one embodiment of a multi-round bonus event, wherein a plurality of players compete for an award at substantially the same time and the bonus event includes an offer and acceptance feature. In this embodiment, the multi-round bonus event includes five rounds. Each round is associated with an award, such as \$10,000. As illustrated, eight hundred players are eligible for the bonus event in this embodiment. Of the eight hundred players, four hundred players qualified to advance from the first round to a second round (i.e., by making an input associated with the winning outcome in the first round). Prior to the second round, the central controller offers each advancing player an additional award to quit the bonus event. For example, since four hundred players advanced to the second round, the additional award for the first round would be equal to \$25 for each advancing player (i.e., the total amount of the award, such as \$10,000, divided by the number of advancing players, such as 400). As illustrated, one hundred players who qualified to advance to the second round, accepted the offered additional award and quit the bonus event. Three hundred player who qualified for the second round rejected the offered additional award and continue to the second round of the bonus event.

In the second round, two hundred players qualify to advance to the third round. The central controller offers those players to either quit the bonus event and accept the second additional award or continue the bonus event and play the third round. The second additional award offered to each advancing player is \$50 (i.e., the total amount of the award, such as \$10,000, divided by the number of advancing players, such as 200). The central controller offers the second additional award to each of the two hundred players who qualified to advance to the third round. In this embodiment, one hundred players chose to quit and accept the offered second additional award, such as \$50. The central controller provides those players with the second additional award and eliminates those players from the bonus event. Accordingly, one hundred players rejected the offered second additional award and continue to the third round of the bonus event.

As illustrated, this process continues for each round until the central controller determines one or more winning players for the bonus event. In one embodiment, each player is required to make an input associated with the winning outcome in each round including the final round to be determined as a winning player. The central controller provides the winning player or players the additional award associated with the final round of the bonus event.

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In one embodiment, the additional awards accumulate as the players advance through each round of the bonus event. For example, as illustrated, the total accumulated award for the second round (e.g., \$75) equals the amount won by each advancing player in the first and second rounds (e.g., \$25 and \$50, respectively). In this embodiment, if a player chooses to continue the bonus event and does not advance in a subsequent round, that player loses or forfeits any additional awards accumulated in the bonus event. The total accumulated award for each round is offered to each advancing player along with the option to quit the bonus event. In one embodiment, as illustrated, the total accumulated award offered to the players increases with each round. It should be appreciated that the award values associated with each round may be set to any suitable values by the implementer of the gaming system. In one embodiment, the awards associated with each round include bonus awards or progressive awards. In one such embodiment, each round is associated with a different level of a multi-level progressive configuration (MLP).” * 33:10-34:7.

Further, corresponding to “said displayed buy-out offer or partial buy-out offer including a request for acceptance via user input to the respective buy-out input,” DeWaal ’149 discloses, for example:

“The central controller may cause the display device to display an offer of \$10 to the advancing players. The display may include appropriate messages, such as “YOU HAVE WON \$10 FOR ROUND 1! YOU MAY QUIT THE BONUS EVENT AND KEEP THE \$10 OR RISK THE \$10 AND PLAY ANOTHER ROUND! If fifty players accept the offer and quit the bonus event, the central controller provides these fifty players with an award portion of \$10.”” *34:33-40.

“FIG. 7 is a chart of one embodiment of a multi-round bonus event, wherein a plurality of players compete for an award at substantially the same time and the bonus event includes an offer and acceptance feature.” 33:10-13.

“As illustrated, one hundred players who qualified to advance to the second round, accepted the offered additional award and quit the bonus event. Three hundred player who qualified for the second round rejected the offered additional award and continue to the second round of the bonus event.” * 33:27-31.

Viewing DeWaal ’149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal ’149, DeWaal ’149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings’ First Election of Prior Art. *See* above.

[32k] - receiving, responsive to the request for acceptance in the displayed buy-out offer or partial buy-out offer, an acceptance of the buy-out offer or partial buy-out offer via the respective buy-out input of the one or more wagering input devices in response to input from a particular number of the players eligible to win at least one jackpot that have accepted the buy-out offer or partial buy-out offer, each of the players accepting the buy-out offer will no longer be eligible to exclusively win the at least one jackpot, wherein each of the players not accepting the buy-out offer will remain eligible to win the at least one jackpot, and wherein each of the

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players accepting a partial buy-out offer remains eligible to win at least a portion of the at least one jackpot;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1k]. Further, corresponding to the claimed "receiving" being "responsive to the request for acceptance in the displayed buy-out offer or partial buy-out offer," DeWaal '149 discloses, for example:

"If fifty players accept the offer and quit the bonus event, the central controller provides these fifty players with an award portion of \$10." * 34: 38-40.

"FIG. 7 is a chart of one embodiment of a multi-round bonus event, wherein a plurality of players compete for an award at substantially the same time and the bonus event includes an offer and acceptance feature." 33:10-13.

"As illustrated, one hundred players who qualified to advance to the second round, accepted the offered additional award and quit the bonus event. Three hundred player who qualified for the second round rejected the offered additional award and continue to the second round of the bonus event." * 33:27-31.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See* above.

[32l] - issuing, via the one or more wagering input devices, a credit, tokens, currency or an award to the one or more players accepting the buy-out offer or partial buy-out offer, based on each acceptance received via the respective buy-out input of the one or more wagering input devices;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1l]. Further corresponding to the claimed "based on each acceptance received via the respective buy-out input of the one or more wagering input devices," DeWaal '149 discloses, for example:

"If the player chooses to quit, the central controller provides (or causes that player to be provided) with the accumulated award." * 5:61-63.

"If a player accepts the offered portion of the award pool, the player is eliminated from the bonus event (i.e., the player accepts the offered portion of the award pool in exchange for quitting the bonus event)." 34:19-23.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See* above.

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[32m] - completing the remainder of the defined number of legs to finish the multi-outcome wagering event, based on a number of eligible players remaining after each acceptance received via the one or more wagering input devices;

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1b] and [1m]. Further, corresponding to the claimed "based on a number of eligible players remaining after each acceptance received via the one or more wagering input devices," DeWaal '149 discloses, for example:

"This process continues for each round until the central controller determines one or more winning players for the bonus event." 33:48-50.

"This process continues for a designated number of rounds until a final round. In the final round, the central controller determines one or more winning players, if any, of the bonus event as indicated by block 114." * 30:45-48.

"In one embodiment, the bonus event ends after a designated number of rounds including a final round." * 3:40-41.

"The award pool decreases in value based on the number of players who accept the offered portion of the award pool. For example, since fifty players accepted the offer, the award pool decreases to a value of \$500 (e.g., $\$1000 - (50 \text{ players} \times \$10) = \$500$). In this example, fifty players rejected the offer (i.e., risked their \$10 portion of the award pool) to play a second round. In the second round, forty players make inputs associated with a losing or non-designate outcome. The award portion (e.g., \$10) risked by these forty players is forfeited and the value of the award pool (e.g., \$500) is divided between the ten remaining eligible players. Thus, each player is associated with an award share equal to \$50." * 34:40-52.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See above.*

[32n] - determining if any of the players have won the at least one jackpot or portion thereof;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1n].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[32o] - notifying the players that have won the jackpot or portion thereof via the one or more wagering input devices; and

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DeWaal '149 discloses this limitation. *See e.g.*, limitation [1o].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[32p] - issuing a credit, tokens, currency or an award to the players that have won the jackpot or portion thereof via the one or more wagering input devices.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1p].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

CC. Claim 34

[34a] - A wagering system comprising:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1a], [21a], and [34b]–[34i].

[34b] - one or more wagering devices in communication with a system controller through which one or more players may participate in one or more wagering events and with the one or more wagering devices configured to:

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1b] and [21b].

[34c] - display at least one proposal to fully or partially buyout or cash-in to any number of the one or more players prior to completion of the one or more wagering events; and

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1j] and [21c].

[34d] - issue a credit, tokens, currency, coupon, voucher or an award to any of the one or more players accepting the at least one proposal,

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1l] and [21d].

[34e] - wherein upon acceptance of the proposal by the one or more players, the server system controller is further programmed to cause the one or more wagering devices to at least one or more of:

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1k] and [19a].

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[34f] - transfer an entitlement of the one or more players to at least one third party or another player, so that the at least one third party or another player becomes eligible to win;

DeWaal '149 discloses this limitation. See e.g., limitation [11] and [19b].

[34g] - transfer ownership or partial ownership of the one or more players, in at least a portion of the one or more player's wager, to at least one third party or another player, so that the at least one third party or another player obtains ownership or partial ownership and becomes eligible to win;

DeWaal '149 discloses this limitation. See e.g., limitation [11] and [19c].

[34h] - relinquish rights of the one or more players, in at least a portion of the one or more player's wager corresponding to the proposal, before the event has been completed; and

DeWaal '149 discloses this limitation. See e.g., limitation [11] and [19d].

[34i] - initiate and cause display of at least a portion of the one or more player's wager corresponding to the accepted buy-out offer or partial buy-out offer for at least one of bidding and selection by one or more third parties.

DeWaal '149 discloses this limitation. See e.g., limitation [11] and [19e].

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

A. Claim 1

[1a] - A method of conducting a wagering event for one or more players, comprising:

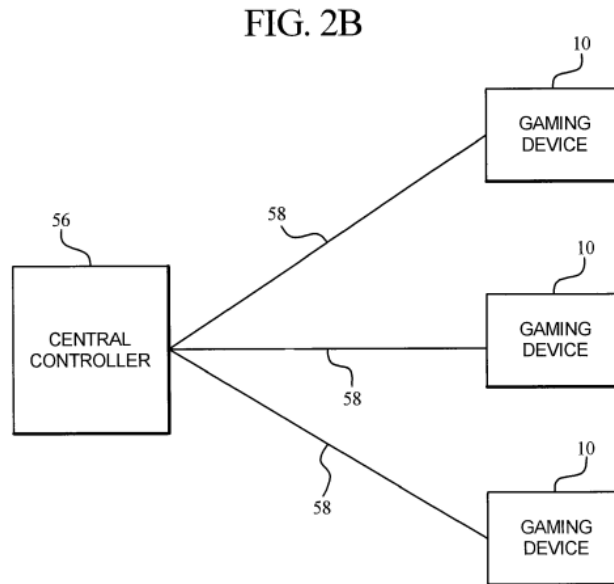
DeWaal '149 discloses this limitation. See e.g., '439 Patent limitation [1a].

[1b] - causing a central server system to initiate a wagering event for one or more players, wherein the wagering event corresponds to a sporting event;

DeWaal '149 discloses this limitation. See e.g., '439 Patent limitations [1b] and [1c]. Further, corresponding to "a central server system" performing the initiating of the wagering event, DeWaal '149 discloses, for example:

"In one embodiment, the computerized instructions for controlling any games are executed by a central server, central controller or remote host. In such a "thin client" embodiment, the central server remotely controls any games (or other suitable interfaces) and the gaming device is utilized to display such games (or suitable interfaces) and receive one or more inputs or commands from a player. In another embodiment, the computerized instructions for controlling any games are communicated from the central server, central controller or remote host to a gaming device local processor and memory devices. In such a "thick client" embodiment, the gaming device local processor executes the communicated computerized instructions to control any games (or other suitable interfaces) provided to a player." * 9:40-54.

Fig. 2B:



“In one embodiment, as illustrated in FIG. 2B, one or more of the gaming devices 10 are in communication with each other and/or at least one central server, central controller or remote host 56 through a data network or remote communication link 58. In this embodiment, the central server, central controller or remote host is any suitable server or computing device which includes at least one processor and at least one memory or storage device. In different such embodiments, the central server is a progressive controller or a processor of one of the gaming devices in the gaming system. In these embodiments, the processor of each gaming device is designed to transmit and receive events, messages, commands or any other suitable data or signal between the individual gaming device and the central server. The gaming device processor is operable to execute such communicated events, messages or commands in conjunction with the operation of the gaming device. Moreover, the processor of the central server is designed to transmit and receive events, messages, commands or any other suitable data or signal between the central server and each of the individual gaming devices. The central server processor is operable to execute such communicated events, messages or commands in conjunction with the operation of the central server. It should be appreciated that one, more or each of the functions of the central controller as disclosed herein may be performed by one or more gaming device processors. It should be further appreciated that one, more or each of the functions of one or more gaming device processors as disclosed herein may be performed by the central controller.” * 18:41-19:2.

“In one embodiment, upon an occurrence of a suitable triggering event, a central controller of the gaming system identifies at least one player and preferably a plurality of players who are eligible for the bonus event. The central controller causes the bonus event to be provided to those eligible players. In one such embodiment, the bonus event enables one or more eligible players in the gaming system to simultaneously (or substantially simultaneously) attempt to win the award in the bonus event.” * Abstract.

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“Central production or control can assist a gaming establishment or other entity in maintaining appropriate records, controlling gaming, reducing and preventing cheating or electronic or other errors, reducing or eliminating win-loss volatility and the like.” * 19:46-51.

Further, corresponding to “the wagering event corresponds to a sporting event,” DeWaal ’149 discloses, for example:

“The bonus event may be any bonus or secondary game or sequence. For example, in different embodiments, the bonus event includes, but is not limited to, reel/slot games, card games (e.g., poker, blackjack), lottery games, selection games, offer and acceptance games, wheel games, dice games, free spin games, competition games, skill games, perceived skill games or games that include one or more rounds of game play.” * 24:45-52.

Viewing DeWaal ’149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal ’149, DeWaal ’149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings’ First Election of Prior Art. *See* above.

To the extent it is determined that DeWaal ’149 does not disclose this limitation, either literally or inherently, it is disclosed by one or more of Schugar ’981, Brook ’483, and Amaitis ’305.

See, e.g.:

Schugar ’981 at [0070] (“In a further embodiment, the equity concept described herein can be applied to craps.”); *id.* at [0072] (“The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.”).

See also ’969 Patent limitation [1b] of Schugar ’981 (Ex. A14), Brook ’483 (Ex. A28), and/or Amaitis ’305 (Ex. A28) (DraftKings’ Initial Invalidity Contentions).

[1c] - causing a wager corresponding to a player of the one or more players that is received by a wagering input device for the sporting event to be transmitted to the central server system;

DeWaal ’149 discloses this limitation. *See e.g.,* ’439 Patent limitations [1b] and [1d]. Further, corresponding to a wager “that is received by a wagering input device,” DeWaal ’149 discloses, for example:

“As illustrated in FIG. 2A, in one embodiment, the gaming device includes at least one payment acceptor 24 in communication with the processor. As seen in FIGS. 1A and 1B, the payment acceptor may include a coin slot 26 and a payment, note or bill acceptor 28, where the player inserts money, coins or tokens. The player can place coins in the coin slot or paper money, a ticket or voucher into the payment, note or bill acceptor. In other embodiments, devices such as readers or validators for credit cards, debit cards or credit slips may accept payment. In one embodiment, a player may insert an identification card into a card reader of the gaming device. In one embodiment, the identification card is a smart card having a programmed microchip or a

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magnetic strip coded with a player's identification, credit totals (or related data) and other relevant information. In another embodiment, a player may carry a portable device, such as a cell phone, a radio frequency identification tag or any other suitable wireless device, which communicates a player's identification, credit totals (or related data) and other relevant information to the gaming device. In one embodiment, money may be transferred to a gaming device through electronic funds transfer. When a player funds the gaming device, the processor determines the amount of funds entered and displays the corresponding amount on the credit or other suitable display as described above.” * 12:22-46.

“In the various bingo embodiments, as each gaming device is enrolled in the bingo game, such as upon an appropriate wager or engaging an input device, the enrolled gaming device is provided or associated with a different bingo card.” * 19:64-67.

“During one or more gaming sessions, the gaming device and/or player tracking system tracks any suitable information, such as any amounts wagered, average wager amounts and/or the time these wagers are placed.” * 21:36-39.

Further, corresponding to a wager “to be transmitted to the central server system,” DeWaal ’149 discloses, for example:

“In another embodiment, one or more of the gaming devices are in communication with a central server or controller for monitoring purposes only. That is, each individual gaming device randomly generates the game outcomes to be provided to the player and the central server or controller monitors the activities and events occurring on the plurality of gaming devices. In one embodiment, the gaming network includes a real-time or on-line accounting and gaming information system operably coupled to the central server or controller. The accounting and gaming information system of this embodiment includes a player database for storing player profiles, a player tracking module for tracking players and a credit system for providing automated casino transactions.” * 21:4-17.

“During one or more gaming sessions, the gaming device and/or player tracking system tracks any suitable information, such as any amounts wagered, average wager amounts and/or the time these wagers are placed.” *21:36-39.

Viewing DeWaal ’149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal ’149, DeWaal ’149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings’ First Election of Prior Art. *See* above.

To the extent it is determined that DeWaal ’149 does not disclose this limitation, either literally or inherently, it is disclosed by one or more of Schugar ’981, Brook ’483, and Amaitis ’305.

See, e.g.:

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Schugar '981 at [0070] ("In a further embodiment, the equity concept described herein can be applied to craps."); *id.* at [0072] ("The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.").

See also '969 Patent limitation [1c] of Schugar '981 (Ex. A14), Brook '483 (Ex. A28), and/or Amaitis '305 (Ex. A28) (DraftKings' Initial Invalidity Contentions).

[1d] - causing the central server system to generate a cash out offer for the player based on the wager and progress of the sporting event, by:

DeWaal '149 discloses this limitation. *See e.g.*, '439 Patent limitations [1e] and [1f]. To explain, '439 Patent limitation [1f] recites "initiating," and thereby generating, "at least one of the buy-out offer and partial buy-out offer," which correspond to "a cash out offer," to one or more players that are "eligible to win," and '439 Patent limitation [1e] recites that "players winning at least one leg are eligible to win," which corresponds to a "progress of the sporting event," and that "winners of each of the defined number of legs" are identified "based on the wager."

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by one or more of Schugar '981, Brook '483, and Amaitis '305.

See, e.g.:

Schugar '981 at [0070] ("In a further embodiment, the equity concept described herein can be applied to craps."); *id.* at [0072] ("The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.").

See also '969 Patent limitation [1d] of Schugar '981 (Ex. A14), Brook '483 (Ex. A28), and/or Amaitis '305 (Ex. A28) (DraftKings' Initial Invalidity Contentions).

[1e] - monitoring progress of the sporting event, wherein the progress of the sporting event may comprise at least a current status,

DeWaal '149 discloses this limitation. For example:

"In another embodiment, one or more of the gaming devices are in communication with a central server or controller for monitoring purposes only. That is, each individual gaming device randomly generates the game outcomes to be provided to the player and the central server or controller monitors the activities and events occurring on the plurality of gaming devices. In one embodiment, the gaming network includes a real-time or on-line accounting and gaming information system operably coupled to the central server or controller. The accounting and gaming information system of this embodiment includes a player database for storing player profiles, a player tracking module for tracking players and a credit system for providing automated casino transactions." * 21:4-17.

"During one or more gaming sessions, the gaming device and/or player tracking system tracks any suitable information, such as any amounts wagered, average wager amounts and/or the time these wagers are placed." *21:36-39.

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Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See* above.

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by one or more of Schugar '981, Brook '483, and Amaitis '305.

See, e.g.:

Schugar '981 at [0070] (“In a further embodiment, the equity concept described herein can be applied to craps.”); *id.* at [0072] (“The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.”).

See also '969 Patent limitation [1e] of Schugar '981 (Ex. A14), Brook '483 (Ex. A28), and/or Amaitis '305 (Ex. A28) (DraftKings' Initial Invalidity Contentions).

[1f] - identifying that the player's wager is active, and

DeWaal '149 discloses this limitation. For example:

“In one embodiment, each gaming machine is determined to be in either active or enrolled status. Active status means that the gaming machine is being actively played by a player during a certain time period, such as a bonus event qualification period.” * 26:37-41.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See* above.

[1g] - determining an amount of the cash out offer; and

DeWaal '149 discloses this limitation. *See e.g.*, '439 Patent limitation [8b] and '716 Patent limitation [11].

[1h] - causing the central server system to transmit the cash out offer to the wagering input device, prompting the player to accept or reject the cash out offer.

DeWaal '149 discloses this limitation. *See e.g.*, '439 Patent limitations [1b], [1g] and '516 Patent limitation [1j]. Further, corresponding to causing the central server system “to transmit” the cash out offer to the wagering input device, DeWaal '149 discloses, for example:

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“Moreover, the processor of the central server is designed to transmit and receive events, messages, commands or any other suitable data or signal between the central server and each of the individual gaming devices.” * 18:57-61.

“The central controller may cause the display device to display an offer of \$10 to the advancing players. The display may include appropriate messages, such as “YOU HAVE WON \$10 FOR ROUND 1! YOU MAY QUIT THE BONUS EVENT AND KEEP THE \$10 OR RISK THE \$10 AND PLAY ANOTHER ROUND!”” * 34:33-38.

Further, corresponding to “prompting the player to accept or reject the cash out offer,” DeWaal ’149 discloses, for example:

“The central controller may cause the display device to display an offer of \$10 to the advancing players. The display may include appropriate messages, such as “YOU HAVE WON \$10 FOR ROUND 1! YOU MAY QUIT THE BONUS EVENT AND KEEP THE \$10 OR RISK THE \$10 AND PLAY ANOTHER ROUND! If fifty players accept the offer and quit the bonus event, the central controller provides these fifty players with an award portion of \$10.”” *34:33-40.

“FIG. 7 is a chart of one embodiment of a multi-round bonus event, wherein a plurality of players compete for an award at substantially the same time and the bonus event includes an offer and acceptance feature.” 33:10-13.

“As illustrated, one hundred players who qualified to advance to the second round, accepted the offered additional award and quit the bonus event. Three hundred player who qualified for the second round rejected the offered additional award and continue to the second round of the bonus event.” * 33:27-31.

Viewing DeWaal ’149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal ’149, DeWaal ’149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings’ First Election of Prior Art. *See* above.

B. Claim 2

[2a] - The method of claim 1, further comprising:

DeWaal ’149 discloses this limitation. *See e.g.*, limitations [1a]–[1h].

[2b] - causing the central server system to identify that the cash out offer was accepted; and

DeWaal ’149 discloses this limitation. *See e.g.*, ’439 Patent limitation [1g].

[2c] - causing the central server system to issue an electronic ticket corresponding to the cash out offer.

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DeWaal '149 discloses this limitation. *See e.g.*, '516 Patent limitation [11].

C. Claim 3

[3] - The method of claim 1, wherein the cash out offer is a partial cash out offer.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1h] and [2a]–[2c].

D. Claim 4

[4a] - The method of claim 3, further comprising:

DeWaal '149 discloses this limitation. *See e.g.*, limitation [3].

[4b] - causing the central server system to identify that the partial cash out offer was accepted;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1h] and [2a]–[2c].

[4c] - causing the central server system to issue an electronic ticket corresponding to the partial cash out offer;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1h] and [2a]–[2c].

[4d] - causing the central server system to modify the player's wager based on the accepted partial cash out offer; and

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1h] and [2a]–[2c].

[4e] - causing the central server system to determine, at an end of the sporting event, whether the player's modified wager is a winning wager.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1h] and [2a]–[2c], and '439 Patent limitation [1i].

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by Schugar '981 and Amaitis '305.

See, e.g.:

Schugar '981 at [0070] (“In a further embodiment, the equity concept described herein can be applied to craps.”); *id.* at [0072] (“The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.”).

See also '969 Patent limitation [4e] of Schugar '981 (Ex. A14), Brook '483 (Ex. A28), and/or Amaitis '305 (Ex. A28) (DraftKings' Initial Invalidity Contentions).

E. Claim 5

[5a] - The method of claim 1, further comprising:

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DeWaal '149 discloses this limitation. *See e.g.*, limitations [1a]–[1h].

[5b] - causing the central server system to identify that the cash out offer was accepted; and

DeWaal '149 discloses this limitation. *See e.g.*, limitation [2b].

[5c] - causing the central server system to generate a new cash out offer based on an updated progress of the sporting event.

DeWaal '149 discloses this limitation. *See e.g.*, '516 Patent limitation [54j].

Further, regarding a new cash out offer “based on an updated progress of the sporting event,” DeWaal '149 discloses, for example:

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by Schugar '981 and Amaitis '305.

See, e.g.:

Schugar '981 at [0070] (“In a further embodiment, the equity concept described herein can be applied to craps.”); *id.* at [0072] (“The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.”).

See also '969 Patent limitation [5c] of Schugar '981 (Ex. A14), Brook '483 (Ex. A28), and/or Amaitis '305 (Ex. A28) (DraftKings' Initial Invalidity Contentions).

F. Claim 6

[6a] - The method of claim 1, further comprising:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1a]–[1h].

[6b] - causing the central server system to receive a second wager from a second player.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1c].

G. Claim 7

[7a] - The method of claim 6, wherein determining an amount of the cash out offer comprises:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1h] and [6a]–[6b].

[7b] - determining odds of winning with respect to the wager from the first player and the second wager from the second player.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1g].

H. Claim 8

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[8a] - A system for conducting a wagering event for one or more players, comprising:

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1a] and [8b]–[8j].

[8b] - a processor; and

DeWaal '149 discloses this limitation. *See e.g.*, '439 Patent limitation [1b]. Further, corresponding to the claimed “processor,” such as, for example, within a system controller of a system for conducting a wagering event for one or more players, DeWaal '149 discloses, for example:

“In this embodiment, the central server, central controller or remote host is any suitable server or computing device which includes at least one processor and at least one memory or storage device.” * 18:45-48.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See above.*

[8c] - a memory having programming instructions stored thereon, which, when executed by the processor, cause the processor to perform one or more operations, comprising:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [8b] and [8d]–[8j], and '439 Patent limitation [1b]. Further, corresponding to the claimed “memory having programming instructions” as claimed, such as, for example, within a system controller of a system for conducting a wagering event for one or more players, DeWaal '149 discloses, for example:

“In this embodiment, the central server, central controller or remote host is any suitable server or computing device which includes at least one processor and at least one memory or storage device.” * 18:45-48.

“In this embodiment, the central server or controller is capable of storing and utilizing program code or other data similar to the processor and memory device of the gaming device.” 19:19-22.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See above.*

[8d] - initiating a wagering event for one or more players, wherein the wagering event corresponds to a sporting event;

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DeWaal '149 discloses this limitation. *See e.g.*, limitation [1b].

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by one or more of Schugar '981, Brook '483, and Amaitis '305.

See, e.g.:

Schugar '981 at [0070] ("In a further embodiment, the equity concept described herein can be applied to craps."); *id.* at [0072] ("The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.").

See also '969 Patent limitation [8d] of Schugar '981 (Ex. A14), Brook '483 (Ex. A28), and/or Amaitis '305 (Ex. A28) (DraftKings' Initial Invalidity Contentions).

[8e] - receiving, from a wagering input device, a wager corresponding to a player of the one or more players;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1c].

[8f] - generating a cash out offer for the player based on the wager and progress of the sporting event, by:

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1d].

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by one or more of Schugar '981, Brook '483, and Amaitis '305.

See, e.g.:

Schugar '981 at [0070] ("In a further embodiment, the equity concept described herein can be applied to craps."); *id.* at [0072] ("The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.").

See also '969 Patent limitation [8f] of Schugar '981 (Ex. A14), Brook '483 (Ex. A28), and/or Amaitis '305 (Ex. A28) (DraftKings' Initial Invalidity Contentions).

[8g] - monitoring progress of the sporting event, wherein the progress of the sporting event may comprise at least a current status,

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1e].

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by one or more of Schugar '981, Brook '483, and Amaitis '305.

See, e.g.:

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Schugar '981 at [0070] ("In a further embodiment, the equity concept described herein can be applied to craps."); *id.* at [0072] ("The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.").

See also '969 Patent limitation [8g] of Schugar '981 (Ex. A14), Brook '483 (Ex. A28), and/or Amaitis '305 (Ex. A28) (DraftKings' Initial Invalidity Contentions).

[8h] - identifying that the player's wager is active, and

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1f].

[8i] - determining an amount of the cash out offer; and

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1g].

[8j] - transmitting the cash out offer to the wagering input device, prompting the player to accept or reject the cash out offer.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1h].

I. Claim 9

[9a] - The system of claim 8, wherein the one or more operations further comprise: identifying that the cash out offer was accepted; and

DeWaal '149 discloses this limitation. *See e.g.*, limitation [2b].

[9b] - issuing an electronic ticket corresponding to the cash out offer.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [2c].

J. Claim 10

[10] - The system of claim 8, wherein the cash out offer is a partial cash out offer.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1h].

K. Claim 11

[11a] - The system of claim 10, wherein the one or more operations further comprise:

DeWaal '149 discloses this limitation. *See e.g.*, limitation [10].

[11b] - identifying that the partial cash out offer was accepted;

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1h] and [2a]–[2c].

[11c] - issuing an electronic ticket corresponding to the partial cash out offer;

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DeWaal '149 discloses this limitation. *See e.g.*, limitations [1h] and [2a]–[2c].

[11d] - modifying by the central server system, the player's wager based on the accepted partial cash out offer; and

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1h], [2a]–[2c], and [4a]–[4d].

[11e] - determining, at an end of the sporting event, whether the player's modified wager is a winning wager.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1h], [2a]–[2c], and [41]–4c].

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by one or more of Schugar '981, Brook '483, and Amaitis '305.

See, e.g.:

Schugar '981 at [0070] (“In a further embodiment, the equity concept described herein can be applied to craps.”); *id.* at [0072] (“The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.”).

See also '969 Patent limitation [11e] of Schugar '981 (Ex. A14), Brook '483 (Ex. A28), and/or Amaitis '305 (Ex. A28) (DraftKings' Initial Invalidity Contentions).

L. Claim 12

[12a] - The system of claim 8, further comprising:

DeWaal '149 discloses this limitation. *See e.g.*, limitation [8].

[12b] - identifying that the cash out offer was accepted; and

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1h] and [5a]–[5c].

[12c] - generating a new cash out offer based on an updated progress of the sporting event.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1h] and [5a]–[5c].

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by one or more of Schugar '981, Brook '483, and Amaitis '305.

See, e.g.:

Schugar '981 at [0070] (“In a further embodiment, the equity concept described herein can be applied to craps.”); *id.* at [0072] (“The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.”).

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See also '969 Patent limitation [12c] of Schugar '981 (Ex. A14), Brook '483 (Ex. A28), and/or Amaitis '305 (Ex. A28) (DraftKings' Initial Invalidity Contentions).

M. Claim 13

[13] - The system of claim 8, further comprising: receiving a second wager from a second player.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [8], [1h], and [6a]–[6b].

N. Claim 14

[14] - The system of claim 8, wherein determining an amount of the cash out offer comprises: determining odds of winning with respect to the wager from the first player and the second wager from the second player.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [8], [1h], and [7a]–[7b].

O. Claim 15

[15a] - A non-transitory computer readable medium having instructions stored thereon, which, when executed by a processor, cause the processor to perform one or more operations, comprising:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [8b], [8c] and [15b]–[15h].

[15b] - causing a central server system to initiate a wagering event for one or more players, wherein the wagering event corresponds to a sporting event;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1b].

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by one or more of Schugar '981, Brook '483, and Amaitis '305.

See, e.g.:

Schugar '981 at [0070] (“In a further embodiment, the equity concept described herein can be applied to craps.”); *id.* at [0072] (“The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.”).

See also '969 Patent limitation [15b] of Schugar '981 (Ex. A14), Brook '483 (Ex. A28), and/or Amaitis '305 (Ex. A28) (DraftKings' Initial Invalidity Contentions).

[15c] - causing a wager corresponding to a player of the one or more players that is received by a wagering input device for the sporting event to be transmitted to the central server system;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1c].

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To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by one or more of Schugar '981, Brook '483, and Amaitis '305.

See, e.g.:

Schugar '981 at [0070] ("In a further embodiment, the equity concept described herein can be applied to craps."); *id.* at [0072] ("The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.").

See also '969 Patent limitation [15c] of Schugar '981 (Ex. A14), Brook '483 (Ex. A28), and/or Amaitis '305 (Ex. A28) (DraftKings' Initial Invalidity Contentions).

[15d] - causing the central server system to generate a cash out offer for the player based on the wager and progress of the sporting event, by:

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1d].

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by one or more of Schugar '981, Brook '483, and Amaitis '305.

See, e.g.:

Schugar '981 at [0070] ("In a further embodiment, the equity concept described herein can be applied to craps."); *id.* at [0072] ("The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.").

See also '969 Patent limitation [15d] of Schugar '981 (Ex. A14), Brook '483 (Ex. A28), and/or Amaitis '305 (Ex. A28) (DraftKings' Initial Invalidity Contentions).

[15e] - monitoring progress of the sporting event, wherein the progress of the sporting event may comprise at least a current status,

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1e].

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by one or more of Schugar '981, Brook '483, and Amaitis '305.

See, e.g.:

Schugar '981 at [0070] ("In a further embodiment, the equity concept described herein can be applied to craps."); *id.* at [0072] ("The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.").

See also '969 Patent limitation [15e] of Schugar '981 (Ex. A14), Brook '483 (Ex. A28), and/or Amaitis '305 (Ex. A28) (DraftKings' Initial Invalidity Contentions).

[15f] - identifying that the player's wager is active, and

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1f].

[15g] - determining an amount of the cash out offer; and

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1g].

[15h] - causing the central server system to transmit the cash out offer to the wagering input device, prompting the player to accept or reject the cash out offer.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1h].

P. Claim 16

[16a] - The non-transitory computer readable medium of claim 15, further comprising: causing the central server system to identify that the cash out offer was accepted; and

DeWaal '149 discloses this limitation. *See e.g.*, limitations [15a]–[15h], [2a], and [2b].

[16b] - causing the central server system to issue an electronic ticket corresponding to the cash out offer.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [2c].

Q. Claim 17

[17] - The non-transitory computer readable medium of claim 15, wherein the cash out offer is a partial cash out offer.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1h] and [3].

R. Claim 18

[18a] - The non-transitory computer readable medium of claim 17, further comprising:

DeWaal '149 discloses this limitation. *See e.g.*, limitation [17] and [4a].

[18b] - causing the central server system to identify that the partial cash out offer was accepted;

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1h] and [4b].

[18c] - causing the central server system to issue an electronic ticket corresponding to the partial cash out offer;

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1h] and [4c].

[18d] - causing the central server system to modify the player's wager based on the accepted partial cash out offer; and

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DeWaal '149 discloses this limitation. *See e.g.*, limitations [1h] and [4d].

[18e] - causing the central server system to determine, at an end of the sporting event, whether the player's modified wager is a winning wager.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1h] and [4e].

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by one or more of Schugar '981, Brook '483, and Amaitis '305.

See, e.g.:

Schugar '981 at [0070] ("In a further embodiment, the equity concept described herein can be applied to craps."); *id.* at [0072] ("The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.").

See also '969 Patent limitation [18e] of Schugar '981 (Ex. A14), Brook '483 (Ex. A28), and/or Amaitis '305 (Ex. A28) (DraftKings' Initial Invalidity Contentions).

S. Claim 19

[19a] - The non-transitory computer readable medium of claim 15, further comprising: causing the central server system to identify that the cash out offer was accepted; and

DeWaal '149 discloses this limitation. *See e.g.*, limitation [15], [5a], and [5b].

[19b] - causing the central server system to generate a new cash out offer based on an updated progress of the sporting event.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1h] and [5c].

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by one or more of Schugar '981, Brook '483, and Amaitis '305.

See, e.g.:

Schugar '981 at [0070] ("In a further embodiment, the equity concept described herein can be applied to craps."); *id.* at [0072] ("The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.").

See also '969 Patent limitation [19b] of Schugar '981 (Ex. A14), Brook '483 (Ex. A28), and/or Amaitis '305 (Ex. A28) (DraftKings' Initial Invalidity Contentions).

T. Claim 20

[20] - The non-transitory computer readable medium of claim 15, further comprising: causing

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the central server system to receive a second wager from a second player.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [15], [1h], [6a], and [6b].

U. Claim 21

[21a] - A non-transitory computer readable medium having stored thereon a computer program adapted for use with at least one wagering input device and at least one central server system for conducting a wagering event, the computer program comprising a routine of set instructions, which when executed by a processor cause the processor to perform one or more operations, comprising:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [15a] and [1a]–[1c].

[21b] - causing the at least one central server system to initiate the wagering event for one or more players, wherein the wagering event corresponds to a sporting event;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1b].

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by one or more of Schugar '981, Brook '483, and Amaitis '305.

See, e.g.:

Schugar '981 at [0070] (“In a further embodiment, the equity concept described herein can be applied to craps.”); *id.* at [0072] (“The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.”).

See also '969 Patent limitation [21b] of Schugar '981 (Ex. A14), Brook '483 (Ex. A28), and/or Amaitis '305 (Ex. A28) (DraftKings' Initial Invalidity Contentions).

[21c] - causing the at least one wagering input device to accept a wager corresponding to a player of the one or more players that desires to participate in the wagering event;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1c].

[21d] - causing the wager that has been accepted by the at least one wagering input device to be communicated to the at least one central server system;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1c].

[21e] - causing the at least one central server system to generate a cash out offer for the player by:

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1d].

[21f] - evaluating a status of the sporting event,

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DeWaal '149 discloses this limitation. *See e.g.*, limitation [1e].

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by one or more of Schugar '981, Brook '483, and Amaitis '305.

See, e.g.:

Schugar '981 at [0070] (“In a further embodiment, the equity concept described herein can be applied to craps.”); *id.* at [0072] (“The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.”).

See also '969 Patent limitation [21f] of Schugar '981 (Ex. A14), Brook '483 (Ex. A28), and/or Amaitis '305 (Ex. A28) (DraftKings' Initial Invalidity Contentions).

[21g] - determining if the player is eligible to receive the cash out offer, and

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1f] and '439 Patent limitations [1e] and [1f].

[21h] - determining an amount of the cash out offer;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1g].

[21i] - causing the at least one central server system to communicate the cash out offer to the at least one wagering input device;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1h].

[21j] - causing the at least one wagering input device to display the cash out offer;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1h] and '516 Patent limitation [1j].

[21k] - causing the at least one wagering input device to identify if the cash out offer has been accepted or rejected by the player; and

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1d], [1g] and [1h]. For example:

“FIG. 7 is a chart of one embodiment of a multi-round bonus event, wherein a plurality of players compete for an award at substantially the same time and the bonus event includes an offer and acceptance feature.” 33:10-13.

“As illustrated, one hundred players who qualified to advance to the second round, accepted the offered additional award and quit the bonus event. Three hundred player who qualified for the second round rejected the offered additional award and continue to the second round of the bonus event.” * 33:27-31.

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“If the player chooses to quit, the central controller provides (or causes that player to be provided) with the accumulated award.” * 5:61-63.

“If a player accepts the offered portion of the award pool, the player is eliminated from the bonus event (i.e., the player accepts the offered portion of the award pool in exchange for quitting the bonus event).” 34:19-23.

“If the player chooses to continue and does not pick the designated selection in a subsequent round, that player loses or forfeits any awards accumulated in the bonus event.” * 5:63-66.

“If a player ejects the offered portion of the award, that player risks the offered portion of the award to play a subsequent round of the bonus event.” 34:23-25.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See* above.

2[211] - causing the at least one wagering input device to communicate the acceptance of the cash out offer to the at least one central server system.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [2b] and '439 Patent limitation [1g].

V. Claim 22

[22] - The non-transitory computer readable medium of claim 21, further comprising: causing the at least one wagering input device to issue a credit, tokens, coupon, voucher, award or funding of an account of the player based on the amount of the accepted cash out offer.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [21a]–[211] and [2c], and '516 Patent limitation [11].

W. Claim 23

[23] - The non-transitory computer readable medium of claim 21, wherein the at least one wagering input device comprises a wagering terminal, a hand held device, a mobile device, a wireless device, a computer, a smart phone, a telephone, a tablet computer, a PDA or an interactive television.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [21a]–[211] and [1a]–[1d], '516 Patent limitation [29b], and '439 Patent limitation [1b].

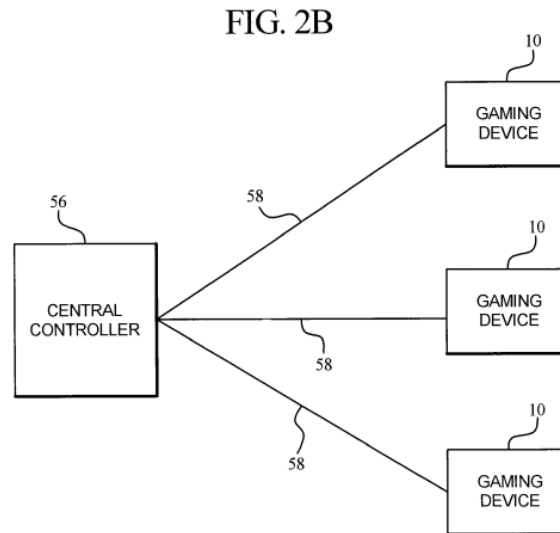
X. Claim 24

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[24] - *The non-transitory computer readable medium of claim 21, wherein the at least one central server system is one or more of remote from the at least one wagering input device, proximate to the at least one wagering input device or a portion of the at least one wagering input device.*

DeWaal '149 discloses this limitation. *See e.g.*, limitations [21a]–[21l] and [1a]–[1d], and '439 Patent limitation [1b]. Further, corresponding to the central server system being “remote,” “proximate to,” or “a portion of” the at least one wagering input device, DeWaal '149 discloses, for example:

FIG. 2B:



“In one embodiment, as illustrated in FIG. 2B, one or more of the gaming devices 10 are in communication with each other and/or at least one central server, central controller or remote host 56 through a data network or remote communication link 58. In this embodiment, the central server, central controller or remote host is any suitable server or computing device which includes at least one processor and at least one memory or storage device.” * 18:41-48.

“In one embodiment, the computerized instructions for controlling any games are executed by a central server, central controller or remote host. In such a “thin client” embodiment, the central server remotely controls any games (or other suitable interfaces) and the gaming device is utilized to display such games (or suitable interfaces) and receive one or more inputs or commands from a player. In another embodiment, the computerized instructions for controlling any games are communicated from the central server, central controller or remote host to a gaming device local processor and memory devices. In such a “thick client” embodiment, the gaming device local processor executes the communicated computerized instructions to control any games (or other suitable interfaces) provided to a player.” * 28:48-61.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone,

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in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See above.*

Y. Claim 25

[25] - The non-transitory computer readable medium of claim 21, wherein the amount of the cash out offer is variable and based on at least one of a calculated probability, an originator of the cash out offer, a negotiation, the one or more players or a third party.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [21a]–[21l] and [1a]–[1d], and '516 Patent limitation [73].

Z. Claim 26

[26] - The non-transitory computer readable medium of claim 21, wherein the cash out offer comprises at least one of or both of a full cash out offer or a partial cash out offer.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [21a]–[21l] and [1a]–[1d].

AA. Claim 27

[27a] - The non-transitory computer readable medium of claim 26, further comprising: wherein a player accepting the full cash out offer is no longer eligible to win the wagering event; and

DeWaal '149 discloses this limitation. *See e.g.*, limitation [26] and [2a]–[2c], and '439 Patent limitation [1g].

[27b] - wherein a player accepting the partial cash out offer remains eligible to win the wagering event.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [2a]–[2c] and '439 Patent limitation [1g].

BB. Claim 28

[28a] - The non-transitory computer readable medium of claim 21, further comprising:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [21a]–[21l].

[28b] - causing the at least one central server system to identify where the player has won the wagering event;

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1h] and [2a]–[2c], and '439 Patent limitation [1i].

[28c] - causing the at least one wagering input device to notify the player that they have won the wagering event;

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DeWaal '149 discloses this limitation. *See e.g.*, limitations [1h] and [2a]–[2c], and '516 Patent limitations [1n] and [1o].

[28d] - causing the at least one wagering input device to notify the player that they have won at least one jackpot or a portion thereof;

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1h] and [2a]–[2c], and '516 Patent limitations [1n] and [1o].

[28e] - causing at least one of the at least one central service system or the at least one wagering input device to issue a credit, tokens, coupon, voucher, award or fund an account of the player that has won the wagering event corresponding to an amount of the at least one jackpot or the portion thereof, wherein the award comprises one or more selected from the group consisting of monetary awards, nonmonetary awards, a prize, a payment, a designated currency, virtual currency, tokens, credits, coupons, services, personal property, real property, virtual property, assets, investments, negotiable instruments, commodities, food, lodging, entertainment, alleviation of obligations, gaming opportunities and wager enhancement.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1h], [2a]–[2c], and [22], '516 Patent limitation [1p], and '341 Patent limitation [2].

CC. Claim 29

[29] - The non-transitory computer readable medium of claim 21, wherein the at least one wagering input device comprises a user interface through which the player may input the wager in order to participate in the wagering event and accept or reject the cash out offer.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1c] and [1h], and '439 Patent limitation [1b]. Further, corresponding to the “user interface,” DeWaal '149 discloses, for example:

“In one embodiment, as mentioned above and seen in FIG. 2A, one input device is a touch-screen 42 coupled with a touch-screen controller 44, or some other touch-sensitive display overlay to allow for player interaction with the images on the display. The touch-screen and the touch-screen controller are connected to a video controller 46. A player can make decisions and input signals into the gaming device by touching the touch-screen at the appropriate places. One such input device is a conventional touch-screen button panel. The gaming device may further include a plurality of communication ports for enabling communication of the processor with external peripherals, such as external video sources, expansion buses, game or other displays, an SCSI port or a key pad.” * 13:18-30.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See* above.

DD. Claim 30

[30] - *The non-transitory computer readable medium of claim 21, wherein the sporting event comprises at least one of an entire sporting event, a partial sporting event, a divisible component of a sporting event, multiple independent sporting events occurring sequentially or concurrently, and a compilation of related sporting events, wherein the one or more sporting events comprises one or more selected from the group consisting of eSports, e-sports, competitive gaming, electronic sports, fantasy events, real games, virtual games, fantasy games, video games, football ("soccer"), American football, Australian rules football, baseball, cricket, basketball, golf, hockey, auto racing, legends, rugby, wrestling, surfing, mixed martial arts, racing, lotteries, live events, pre-recorded events, online events, broadcast events, card games, slot machines, keno, poker, politics, sales, stocks, celebrity gossip, movies, and reality TV.*

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1b], '439 Patent limitation [27], and '516 Patent limitation [2].

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by one or more of Schugar '981, Brook '483, and Amaitis '305.

See, e.g.:

Schugar '981 at [0070] ("In a further embodiment, the equity concept described herein can be applied to craps."); *id.* at [0072] ("The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.").

See also '969 Patent limitation [30] of Schugar '981 (Ex. A14), Brook '483 (Ex. A28), and/or Amaitis '305 (Ex. A28) (DraftKings' Initial Invalidity Contentions).

VII. U.S. Patent No. 10,997,822

A. Claim 1

[1a] - *A system for processing a payment for a wager in connection with a wagering event, the system comprising:*

DeWaal '149 discloses this element. *See e.g.*, '439 Patent limitations [1a]–[1i]. Further, corresponding to "processing a payment for a wager in connection with a wagering event," DeWaal '149 discloses, for example:

"As illustrated in FIG. 2A, in one embodiment, the gaming device includes at least one payment acceptor 24 in communication with the processor. As seen in FIGS. 1A and 1B, the payment acceptor may include a coin slot 26 and a payment, note or bill acceptor 28, where the player inserts money, coins or tokens. The player can place coins in the coin slot or paper money, a ticket or voucher into the payment, note or bill acceptor. In other embodiments, devices such as readers or validators for credit cards, debit cards or credit slips may accept payment. In one embodiment, a player may insert an identification card into a card reader of the gaming device. In one embodiment, the identification card is a smart card having a programmed microchip or a

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magnetic strip coded with a player's identification, credit totals (or related data) and other relevant information. In another embodiment, a player may carry a portable device, such as a cell phone, a radio frequency identification tag or any other suitable wireless device, which communicates a player's identification, credit totals (or related data) and other relevant information to the gaming device. In one embodiment, money may be transferred to a gaming device through electronic funds transfer. When a player funds the gaming device, the processor determines the amount of funds entered and displays the corresponding amount on the credit or other suitable display as described above.” * 12:22-46.

“The accounting and gaming information system of this embodiment includes a player database for storing player profiles, a player tracking module for tracking players and a credit system for providing automated casino transactions.” * 12:13-17.

“During one or more gaming sessions, the gaming device and/or player tracking system tracks any suitable information, such as any amounts wagered, average wager amounts and/or the time these wagers are placed.” * 21:36:39.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See* above.

[1b] - a communications interface;

DeWaal '149 discloses this element. *See e.g.*, '439 Patent limitation [1b] and '969 Patent limitations [1b], [1c], [8b], and [8c]. For example, corresponding to the claimed “communications interface,” DeWaal '149 discloses:

“In one embodiment, as illustrated in FIG. 2B, one or more of the gaming devices 10 are in communication with each other and/or at least one central server, central controller or remote host 56 through a data network or remote communication link 58 ... Moreover, the processor of the central server is designed to transmit and receive events, messages, commands or any other suitable data or signal between the central server and each of the individual gaming devices. The central server processor is operable to execute such communicated events, messages or commands in conjunction with the operation of the central server.” * 18:41-63.

“In one embodiment, a plurality of the gaming devices are capable of being connected together through a data network. In one embodiment, the data network is a local area network (LAN), in which one or more of the gaming devices are substantially proximate to each other and an on-site central server or controller as in, for example, a gaming establishment or a portion of a gaming establishment. In another embodiment, the data network is a wide area network (WAN) in which one or more of the gaming devices are in communication with at least one off-site central server or controller. In this embodiment, the plurality of gaming devices may be located in a different part of the gaming establishment or within a different gaming establishment than the off-site central server or controller. Thus, the WAN may include an off-site central server or controller

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and an off-site gaming device located within gaming establishments in the same geographic area, such as a city or state. The WAN gaming system may be substantially identical to the LAN gaming system described above, although the number of gaming devices in each system may vary relative to each other. In another embodiment, the data network is an internet or intranet.” * 21:48-22:2.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See* above.

[1c] - a processor operatively coupled to the communications interface; and

DeWaal '149 discloses this element. *See e.g.*, '969 Patent limitation [8b]. For example, corresponding to the processor “operatively coupled to the communications interface,” DeWaal '149 discloses:

“In this embodiment, the central server, central controller or remote host is any suitable server or computing device which includes at least one processor and at least one memory or storage device.” * 18:45-48.

“In one embodiment, a plurality of the gaming devices are capable of being connected together through a data network. In one embodiment, the data network is a local area network (LAN), in which one or more of the gaming devices are substantially proximate to each other and an on-site central server or controller as in, for example, a gaming establishment or a portion of a gaming establishment. In another embodiment, the data network is a wide area network (WAN) in which one or more of the gaming devices are in communication with at least one off-site central server or controller. In this embodiment, the plurality of gaming devices may be located in a different part of the gaming establishment or within a different gaming establishment than the off-site central server or controller. Thus, the WAN may include an off-site central server or controller and an off-site gaming device located within gaming establishments in the same geographic area, such as a city or state. The WAN gaming system may be substantially identical to the LAN gaming system described above, although the number of gaming devices in each system may vary relative to each other. In another embodiment, the data network is an internet or intranet.” * 21:48-22:2.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See* above.

[1d] - a memory having programming instructions stored thereon, which, when executed by the processor, performs one or more operations, comprising:

DeWaal '149 discloses this element. *See e.g.*, '969 Patent limitation [8c].

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Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1e] - receiving, over the communications interface, a designated amount for a value of the wager on the wagering event from a first input device,

DeWaal '149 discloses this element. *See e.g.*, '439 Patent limitation [17] and '969 Patent limitation [8e]. For example, corresponding to the "receiving" being "over the communications interface," DeWaal '149 discloses:

"In one embodiment, a plurality of the gaming devices are capable of being connected together through a data network. In one embodiment, the data network is a local area network (LAN), in which one or more of the gaming devices are substantially proximate to each other and an on-site central server or controller as in, for example, a gaming establishment or a portion of a gaming establishment. In another embodiment, the data network is a wide area network (WAN) in which one or more of the gaming devices are in communication with at least one off-site central server or controller. In this embodiment, the plurality of gaming devices may be located in a different part of the gaming establishment or within a different gaming establishment than the off-site central server or controller. Thus, the WAN may include an off-site central server or controller and an off-site gaming device located within gaming establishments in the same geographic area, such as a city or state. The WAN gaming system may be substantially identical to the LAN gaming system described above, although the number of gaming devices in each system may vary relative to each other. In another embodiment, the data network is an internet or intranet." * 21:48-22:2.

"In one embodiment, as illustrated in FIG. 2B, one or more of the gaming devices 10 are in communication with each other and/or at least one central server, central controller or remote host 56 through a data network or remote communication link 58 ... Moreover, the processor of the central server is designed to transmit and receive events, messages, commands or any other suitable data or signal between the central server and each of the individual gaming devices. The central server processor is operable to execute such communicated events, messages or commands in conjunction with the operation of the central server." * 18:41-63.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See above.*

[1f] - receiving, over the communications interface, a cash out offer from a second input device,

DeWaal '149 discloses this element. *See e.g.*, '439 Patent limitations [1b], [1f] and [1g].

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Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1g] - identifying an acceptance of the cash out offer from the first input device prior to the end of the wagering event,

DeWaal '149 discloses this element. *See e.g.*, '439 Patent limitations [1b], [1g].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1h] - processing the cash out offer, and

DeWaal '149 discloses this element. *See e.g.*, '439 Patent limitations [1f] and [1g].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1i] - transmitting, over the communications interface, a value of the cash out offer to the first input device.

DeWaal '149 discloses this element. *See e.g.*, '439 Patent limitation [1b] and '516 Patent limitation [11]. For example, corresponding to the "transmitting" being "over the communications interface," DeWaal '149 discloses:

"The central controller may cause the display device to display an offer of \$10 to the advancing players. The display may include appropriate messages, such as "YOU HAVE WON \$10 FOR ROUND 1! YOU MAY QUIT THE BONUS EVENT AND KEEP THE \$10 OR RISK THE \$10 AND PLAY ANOTHER ROUND!" * 34:33-38.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See above.*

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B. Claim 2

[2] - The system of claim 1, wherein one or more of the first input device and the second input device comprise one or more of wagering stations, wagering terminals, internet connected computing systems, smart phones, tablet computers, and televisions.

DeWaal '149 discloses this element. *See e.g.*, '439 Patent limitations [1b] and [21].

C. Claim 3

[3] - The system of claim 1, wherein the wagering event comprises at least one of an entire sporting event, a partial sporting event, a divisible component of a sporting event, multiple independent sporting events occurring sequentially or concurrently, and a compilation of related sporting events, one or more of sporting events, lotteries, real games, virtual games, live events, pre-recorded events, online events, broadcast events, slot machines, card games, keno, video games and racing.

DeWaal '149 discloses this element. *See e.g.*, '439 Patent limitations [4] and [27].

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by Schugar '981.

See, e.g.:

Schugar '981 at [0070] ("In a further embodiment, the equity concept described herein can be applied to craps."); *id.* at [0072] ("The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.").

See also '822 Patent limitation [3] of Schugar '981 (Ex. A14) (DraftKings' Initial Invalidity Contentions).

D. Claim 4

[4] - The system of claim 1, wherein the wager comprises one or more of fixed odds single wagers, multiple wagers, full cover wagers, full cover wagers with singles, Any to Come ("ATC") or if cash wagers, specialty wagers, forecasts, fixed, variable, guaranteed, parimutuel wagering, fixed-odds wagering, accumulator or parlay wagering, fixed odds, a pool, progressive, fixed pool, variable pool, and guaranteed pool.

DeWaal '149 discloses this element. *See e.g.*, '341 Patent limitation [35].

E. Claim 5

[5] - The system of claim 1, wherein the designated amount for the value of the wager on the wagering event is received from the first input device.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1e].

F. Claim 6

[6] - The system of claim 1, wherein the designated amount for the value of the wager on the wagering event is determined by at least one of the processor, a calculated probability, a negotiation, one or more users or a third party.

DeWaal '149 discloses this element. *See e.g.*, '716 Patent limitation [64].

G. Claim 7

[7] - The system of claim 1, wherein the one or more operations further comprise: adjusting the designated amount for the value of the wager on the wagering event after the initial designated amount is received.

DeWaal '149 discloses this element. *See e.g.*, '969 Patent limitation [4d].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

H. Claim 15

[15a] - A non-transitory computer readable medium having instructions stored thereon, which, when executed by a processor, performs one or more operations, comprising:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1a]–[1i].

[15b] - causing a central server system to receive a designated amount for a value of the wager on the wagering event from a first input device;

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1e] and [5].

[15c] - causing the central server system to receive one or more of a buy-out offer comprising the value of the wager or a partial buy-out offer comprising a portion the value of the wager from a second input device;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1f].

[15d] - causing the central server system to identify an acceptance of the one or more of the buy-out offer or the partial buy-out offer from the first input device prior to the end of the wagering event;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1g].

[15e] - causing the central server system to process the one or more of the buy-out offer or the partial buy-out offer; and

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DeWaal '149 discloses this limitation. *See e.g.*, limitation [1h].

[15f] - causing the central server system to transmit at least a portion of the one or more of the value and the portion of the value to the first input device.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1i].

I. Claim 16

[16] - The non-transitory computer readable medium of claim 15, wherein one or more of the first input device and the second input device comprise one or more of wagering stations, wagering terminals, internet connected computing systems, smart phones, tablet computers, and televisions.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [2].

J. Claim 17

[17] - The non-transitory computer readable medium of claim 15, wherein the wagering event comprises at least one of an entire sporting event, a partial sporting event, a divisible component of a sporting event, multiple independent sporting events occurring sequentially or concurrently, a compilation of related sporting events, one or more of sporting events, lotteries, real games, virtual games, live events, pre-recorded events, online events, broadcast events, slot machines, card games, keno, video games and racing.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [3].

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by Schugar '981.

See, e.g.:

Schugar '981 at [0070] ("In a further embodiment, the equity concept described herein can be applied to craps."); *id.* at [0072] ("The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.").

See also '822 Patent limitation [17] of Schugar '981 (Ex. A14) (DraftKings' Initial Invalidity Contentions).

K. Claim 18

[18] - The non-transitory computer readable medium of claim 15, wherein the wager comprises one or more of fixed odds single wagers, multiple wagers, full cover wagers, full cover wagers with singles, Any to Come ("ATC") or if cash wagers, specialty wagers, forecasts, fixed, variable, guaranteed, parimutuel wagering, fixed-odds wagering, accumulator or parlay wagering, fixed odds, a pool, progressive, fixed pool, variable pool, and guaranteed pool.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [4].

L. Claim 19

[19] - The non-transitory computer readable medium of claim 15, wherein the designated amount for the value of the wager on the wagering event is received from the first input device.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1e] and [5].

M. Claim 20

[20] - The non-transitory computer readable medium of claim 15, wherein the designated amount for the value of the wager on the wagering event is determined by a wagering system.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1e] and '439 Patent limitation [17]. For example, corresponding to “wherein the designated amount for the value of the wager on the wagering event is determined by a wagering system,” DeWaal '149 discloses:

“The play button can be any suitable play activator such as a bet one button, a max bet button or a repeat the bet button. In one embodiment, upon appropriate funding, the gaming device begins the game play automatically. In another embodiment, upon the player engaging one of the play buttons, the gaming device automatically activates game play. ” * 12:54-62.

“In one embodiment, as shown in FIGS. 1A and 1B, one input device is a bet one button 36. The player places a bet by pushing the bet one button. The player can increase the bet by one credit each time the player pushes the bet one button. When the player pushes the bet one button, the number of credits shown in the credit display preferably decreases by one, and the number of credits shown in the bet display preferably increases by one. In another embodiment, one input device is a bet max button (not shown) which enables the player to bet the maximum wager permitted for a game of the gaming device.” * 12:63-13:6.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See* above.

N. Claim 21

[21] - The non-transitory computer readable medium of claim 15, causing the central server system to adjust the designated amount for the value of the wager on the wagering event after the initial designated amount is received.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1e]–[1i] and [7].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination

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with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

VIII. U.S. Patent No. 11,200,779

A. Claim 1

[1a] - A system comprising:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1b]–[1l] and '969 Patent limitation [8a].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1b] - a processor operatively coupled to a memory configured to store computer-readable instructions that, when executed by the processor, cause the processor to:

DeWaal '149 discloses this limitation. *See e.g.*, '969 Patent limitations [8b] and [8c].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1c] - receive, by a trading engine module of a system controller, a wager on a wagering event from one or more input devices via a communications interface, the wager input via a user interface of the one or more input devices;

DeWaal '149 discloses this limitation. *See e.g.*, '338 Patent limitation [1b] and [1j], '969 Patent limitations [8e] and [29], and '822 Patent limitation [1e].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1d] - store, by the system controller, the wager in a record within a database, the record comprising wager information for one or more wagers associated with one or more participants;

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DeWaal '149 discloses this limitation. *See e.g.*, '516 Patent limitation [68e].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by Schugar '981.

See, e.g.:

Schugar '981 at [0105] ("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.").

See also '779 Patent limitation [1d] of Schugar '981 (Ex. A14) (DraftKings' Initial Invalidity Contentions).

[1e] - continuously retrieve, by the system controller, data in real time related to a progress of the wagering event;

DeWaal '149 discloses this limitation. For example:

"In another embodiment, one or more of the gaming devices are in communication with a central server or controller for monitoring purposes only. That is, each individual gaming device randomly generates the game outcomes to be provided to the player and the central server or controller monitors the activities and events occurring on the plurality of gaming devices. In one embodiment, the gaming network includes a real-time or on-line accounting and gaming information system operably coupled to the central server or controller. The accounting and gaming information system of this embodiment includes a player database for storing player profiles, a player tracking module for tracking players and a credit system for providing automated casino transactions." * 21:4-16.

"During one or more gaming sessions, the gaming device and/or player tracking system tracks any suitable information, such as any amounts wagered, average wager amounts and/or the time these wagers are placed." * 21:36-39.

"The central controller receives a signal from gaming machines in the gaming system corresponding to an input from each player in each round. Based on the players' input, the central controller designates (or causes a designation of) certain players to be ineligible (i.e., if the player's input is associated with the losing outcome) and eliminates (or causes an elimination of) those players from the bonus event as indicated by block 110. That is, when one or more of the players are deemed ineligible for one of the rounds, the central controller eliminates those players from the bonus event. For example, the bonus event may include a selection bonus game. In this example, the selection bonus game includes a plurality of rounds, a plurality of selections in each

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round and at least one designated selection (i.e., a winning outcome) in each round. During play of the selection bonus game, players who do not pick the designated selection (i.e., a winning outcome) in an initial round may be deemed ineligible for a subsequent round.” * 30:2-19.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See* above.

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by one or more of Wood '781 and Schugar '981.

See, e.g.:

Wood '781 at 5:8-10 (“EV: is the expected value of the award granted to the player at the end of a round, given conditions existing at the time of the stop play offer”); and

Schugar '981 at [0072] (“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.”).

See also '779 Patent limitation [1e] of Wood '781 (Ex. A27) and/or Schugar '981 (Ex. A14) (DraftKings' Initial Invalidity Contentions).

[1f] - recalculate, by the system controller, the wager information in real time based on the continuously retrieved data;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1e]. For example:

“The central controller receives a signal from gaming machines in the gaming system corresponding to an input from each player in each round. Based on the players' input, the central controller designates (or causes a designation of) certain players to be ineligible (i.e., if the player's input is associated with the losing outcome) and eliminates (or causes an elimination of) those players from the bonus event as indicated by block 110. That is, when one or more of the players are deemed ineligible for one of the rounds, the central controller eliminates those players from the bonus event. For example, the bonus event may include a selection bonus game. In this example, the selection bonus game includes a plurality of rounds, a plurality of selections in each round and at least one designated selection (i.e., a winning outcome) in each round. During play of the selection bonus game, players who do not pick the designated selection (i.e., a winning outcome) in an initial round may be deemed ineligible for a subsequent round.” * 30:2-19.

“In one embodiment, as illustrated, the total accumulated award offered to the players increases with each round. It should be appreciated that the award values associated with each round may be set to any suitable values by the implementer of the gaming system.” *33:66-34:4.

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Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See above.*

[1g] - continuously evaluate, by the system controller, the recalculated wager information;

DeWaal '149 discloses this limitation. *See e.g.,* limitation [1e]. For example:

“The central controller receives a signal from gaming machines in the gaming system corresponding to an input from each player in each round. Based on the players' input, the central controller designates (or causes a designation of) certain players to be ineligible (i.e., if the player's input is associated with the losing outcome) and eliminates (or causes an elimination of) those players from the bonus event as indicated by block 110. That is, when one or more of the players are deemed ineligible for one of the rounds, the central controller eliminates those players from the bonus event. For example, the bonus event may include a selection bonus game. In this example, the selection bonus game includes a plurality of rounds, a plurality of selections in each round and at least one designated selection (i.e., a winning outcome) in each round. During play of the selection bonus game, players who do not pick the designated selection (i.e., a winning outcome) in an initial round may be deemed ineligible for a subsequent round.” * 30:2-19.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See above.*

[1h] - determine, by the system controller, that a participant of the one or more participants is eligible to win an award based on one or more of the wager and a potential outcome of the wagering event;

DeWaal '149 discloses this limitation. *See e.g.,* '439 Patent limitation [1e].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1i] - generate, by the system controller, an option in real time for the participant to one or more of fully cash out of the wager or partially cash out of the wager prior to a conclusion of the wagering event for at least a portion of the award;

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DeWaal '149 discloses this limitation. *See e.g.*, limitation [1e] and '439 Patent limitation [1f]. Further, corresponding to the generating being "in real time," DeWaal '149 discloses:

"In another embodiment, one or more of the gaming devices are in communication with a central server or controller for monitoring purposes only. That is, each individual gaming device randomly generates the game outcomes to be provided to the player and the central server or controller monitors the activities and events occurring on the plurality of gaming devices. In one embodiment, the gaming network includes a real-time or on-line accounting and gaming information system operably coupled to the central server or controller. The accounting and gaming information system of this embodiment includes a player database for storing player profiles, a player tracking module for tracking players and a credit system for providing automated casino transactions." * 21:4-16.

"During one or more gaming sessions, the gaming device and/or player tracking system tracks any suitable information, such as any amounts wagered, average wager amounts and/or the time these wagers are placed." * 21:36-39.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See above.*

[1j] - cause, by the system controller, the option to be presented to the participant via the user interface of the one or more input devices;

DeWaal '149 discloses this limitation. *See e.g.*, '439 Patent limitations [1a] and [1f], '516 Patent limitation [1j], and '969 Patent limitation [29].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[1k] - receive, by the system controller, a selection of the option for the participant from the one or more input devices prior to conclusion of the wagering event; and

DeWaal '149 discloses this limitation. *See e.g.*, '439 Patent limitations [1b] and [1g].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

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[11] - cause, by the trading engine module, the at least the portion of the award to be presented to the participant, such that the user interface displays one or more of a confirmation that the option has been selected and a value of the at least the portion of the award.

DeWaal '149 discloses this limitation. For example:

“The central controller may cause the display device to display an offer of \$10 to the advancing players. The display may include appropriate messages, such as “YOU HAVE WON \$10 FOR ROUND 1! YOU MAY QUIT THE BONUS EVENT AND KEEP THE \$10 OR RISK THE \$10 AND PLAY ANOTHER ROUND!”” * 34:34-38.

“If the player chooses to quit, the central controller provides (or causes that player to be provided) with the accumulated award.” * 5:61-63.

“If a player accepts the offered portion of the award pool, the player is eliminated from the bonus event (i.e., the player accepts the offered portion of the award pool in exchange for quitting the bonus event).” * 34:19-23.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. See above.

B. Claim 2

[2] - The system of claim 1, wherein the communications interface comprises one or more of: the Internet, an intranet, an extranet, a cellular network, a wired or wireless network, a networked communication system, a cloud-based system, an autonomic system, a client-server based system, a grid based system, a mainframe based system, a utility based system, a peer-to-peer based system, a cloud gaming based system, and a computer network.

DeWaal '149 discloses this limitation. For example:

“In one embodiment, as illustrated in FIG. 2B, one or more of the gaming devices 10 are in communication with each other and/or at least one central server, central controller or remote host 56 through a data network or remote communication link 58 ... Moreover, the processor of the central server is designed to transmit and receive events, messages, commands or any other suitable data or signal between the central server and each of the individual gaming devices. The central server processor is operable to execute such communicated events, messages or commands in conjunction with the operation of the central server.” * 18:41-63.

“In one embodiment, a plurality of the gaming devices are capable of being connected together through a data network. In one embodiment, the data network is a local area network (LAN), in which one or more of the gaming devices are substantially proximate to each other and an on-site central server or controller as in, for example, a gaming establishment or a portion of a gaming establishment. In another embodiment, the data network is a wide area network (WAN) in

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which one or more of the gaming devices are in communication with at least one off-site central server or controller. In this embodiment, the plurality of gaming devices may be located in a different part of the gaming establishment or within a different gaming establishment than the off-site central server or controller. Thus, the WAN may include an off-site central server or controller and an off-site gaming device located within gaming establishments in the same geographic area, such as a city or state. The WAN gaming system may be substantially identical to the LAN gaming system described above, although the number of gaming devices in each system may vary relative to each other. In another embodiment, the data network is an internet or intranet.” * 21:48-22:2.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See above.*

C. Claim 3

[3] - The system of claim 1, wherein the wagering event comprises one or more of an entire event, a partial event, a divisible component of an event, multiple independent events occurring sequentially or concurrently, and a compilation of related events, including one or more probabilistic events, sporting events, eSports, e-sports, competitive gaming, electronic sports, fantasy events, real games, virtual games, fantasy games, slot machines, keno, poker, video games, racing, lotteries, live events, pre-recorded events, online events, broadcast events, card games, politics, sales, stocks, celebrity gossip, movies, reality TV, football (“soccer”), American football, Australian rules football, baseball, cricket, basketball, golf, hockey, auto racing, legends, rugby, wrestling, surfing, mixed and martial arts.

DeWaal '149 discloses this limitation. *See e.g.*, '516 Patent limitation [2].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed Schugar '981.

See, e.g.:

Schugar '981 at [0070] (“In a further embodiment, the equity concept described herein can be applied to craps.”); *id.* at [0072] (“The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.”).

See also '779 Patent limitation [3] of Schugar '981 (Ex. A14) (DraftKings' Initial Invalidity Contentions).

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D. Claim 5

[5] - The system of claim 1, wherein the wager comprises one or more of an accumulator, parlay, fixed odds single or fixed odds multiple wager comprising one or more combinations, wherein the one or more combinations are selectable by at least one of a participant, a third party, and the system controller, and wherein at any time before completion of the wagering event, at least one further offer is initiated to any number of the one or more participants remaining eligible to win the at least one award.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1c], '439 Patent limitations [3] and [30], '341 Patent limitation [35], and '516 Patent limitations [54j] and [72b].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

E. Claim 6

[6] - The system of claim 1, wherein the award comprises one or more of a credit, a ticket, an electronic notice that is redeemable by the participant, a funding of an account of the participant, monetary awards, a designated monetary amount, a percentage of the designated monetary amount, nonmonetary awards, a prize, a payment, a designated currency, virtual currency, tokens, coupons, services, personal property, real property, virtual property, assets, investments, negotiable instruments, commodities, food, lodging, entertainment, alleviation of obligations, gaming opportunities and wager enhancement.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [11] and '341 Patent limitation [2].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

F. Claim 7

[7] - The system of claim 1, wherein the wager comprises one or more of fixed odds single wagers, multiple wagers, full cover wagers, full cover wagers with singles, 'Any to Come' (ATC) or 'if cash' wagers, specialty wagers, forecasts, fixed, variable, guaranteed, parimutuel wagering, tote wagering, fixed-odds wagering, accumulator or parlay wagering, fixed odds, a pool, progressive, fixed pool, variable pool or guaranteed pool.

DeWaal '149 discloses this limitation. *See e.g.*, '341 Patent limitation [35].

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Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

G. Claim 8

[8a] - The system of claim 1, wherein the computer readable instructions, when executed by the processor, further cause the processor to one or more of:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1a]–[1l].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[8b] - upon receiving the selection of the option, one or more of by the system controller:

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1k].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[8c] - terminate the participant's participation in the wagering event, allow the participant to continue to participate in the wagering event with at least a portion of the wager, generate a new wager for the participant, relinquish rights of the participant in at least a portion of the wager, and one or more of transfer, sell or put out for bid or auction at least a portion of one or more of an entitlement, right, or ownership of the participant in at least a portion of the wager to a third party or another participant.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1i]–[1l], '439 Patent limitation [1g], '516 Patent limitations [28a]–[28e].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

H. Claim 9

[9] - The system of claim 1, wherein an amount of the award is variable and based on one or more of a calculated probability, an originator of the wager, a negotiation, a bidding process, an auction, the one or more participants, and a third party.

DeWaal '149 discloses this limitation. *See e.g.*, '716 Patent limitation [73].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

I. Claim 10

[10a] - The system of claim 1, wherein the one or more input devices comprise one or more of:

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1c].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[10b] - a wagering station, a wagering terminal, a hand held device, a mobile device, a wireless device, a computing system, a smart phone, a telephone, a tablet or desktop computer, a PDA, an interactive television, an internet connected device, and a cashier system.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1c], '439 Patent limitation [21], and '516 Patent limitation [29b].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

J. Claim 11

[11a] - The system of claim 1, wherein the computer readable instructions, when executed by the processor, further cause the processor to:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1a]–[11].

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[11b] - determine, by the system controller, that at least a portion of the one or more participants are eligible to win the award based on a final outcome of the wagering event; and

DeWaal '149 discloses this limitation. *See e.g.*, '439 Patent limitations [1e] and [1i].

[11c] - transmit, by the trading engine module, the award to at least a portion of the one or more participants, such that user interfaces of one or more input devices corresponding to the at least a portion of the one or more participants display a value of the award.

DeWaal '149 discloses this limitation. *See e.g.*, '439 Patent limitation [1b] and '516 Patent limitation [11]. Further, corresponding to the "user interfaces of one or more input devices corresponding to the at least a portion of the one or more participants display a value of the award," DeWaal '149 discloses:

"As seen in FIGS. 1A and 1B, in one embodiment, the gaming device includes a credit display 20 which displays a player's current number of credits, cash, account balance or the equivalent. In one embodiment, gaming device includes a bet display 22 which displays a player's amount wagered." * 11:52-57.

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See* above.

K. Claim 12

[12] - The system of claim 11, wherein the award comprises one or more of a credit, a ticket, an electronic notice that is redeemable by the at least a portion of the one or more participants, a funding of an account of the at least a portion of the one or more participants, monetary awards, a designated monetary amount, a percentage of the designated monetary amount, nonmonetary awards, a prize, a payment, a designated currency, virtual currency, tokens, coupons, services, personal property, real property, virtual property, assets, investments, negotiable instruments, commodities, food, lodging, entertainment, alleviation of obligations, gaming opportunities and wager enhancement.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [6] and [11c].

L. Claim 16

[16a] - A system for conducting a wagering event among one or more participants in real time, the system comprising:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1a]–[11].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the

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limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[16b] - a system controller comprising a trading engine module;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1c].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[16c] - a database;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1d].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by Schugar '981.

See, e.g.:

Schugar '981 at [0105] ("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.").

See also '779 Patent limitation [16c] of Schugar '981 (Ex. A14) (DraftKings' Initial Invalidity Contentions).

[16d] - a plurality of input devices each having a user interface; and

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1c].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination

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with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[16e] - a communications interface for facilitating communications between the system controller and the plurality of input devices;

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1c].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[16f] - the system controller configured to:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1c]–[11].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[16g] - receive, by the trading engine module, a plurality of wagers on the wagering event from the plurality of input devices via the communications interface, the plurality of wagers input by a plurality of participants via the user interfaces of respective input devices from the plurality of input devices,

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1c].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[16h] - store the plurality of wagers in a record within the database, the record comprising wager information for the plurality of wagers associated with the plurality of participants,

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1d].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone,

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in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by Schugar '981.

See, e.g.:

Schugar '981 at [0105] ("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.").

See also '779 Patent limitation [16h] of Schugar '981 (Ex. A14) (DraftKings' Initial Invalidity Contentions).

[16i] - continuously retrieve data in real time related to a progress of the wagering event,

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1e].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[16j] - recalculate the wager information in real time based on the continuously retrieved data,

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1f].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[16k] - continuously evaluate the recalculated wager information,

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1g].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

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[16l] - determine that one or more participants of the plurality of participants is eligible to win an award based on their respective one or more wagers and a potential outcome of the wagering event,

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1h].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[16m] - generate one or more options in real time for the one or more participants to cash out prior to a conclusion of the wagering event for at least a portion of the award,

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1i].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[16n] - cause the one or more options to be presented to the one or more participants via the user interfaces of the respective one or more input devices,

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1j].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[16o] - receive a selection of an option from the one or more options for a participant from at least one input device from the one or more input devices prior to conclusion of the wagering event, and

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1k].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination

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with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[16p] - cause the at least the portion of the award to be presented to the a least one participant, such that the user interface displays one or more of a confirmation that the option has been selected and a value of the at least the portion of the award.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [11].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

M. Claim 17

[17] - The system of claim 16, wherein the communications interface comprises one or more of: the Internet, an intranet, an extranet, a cellular network, a wired or wireless network, a networked communication system, a cloud-based system, an autonomic system, a client-server based system, a grid based system, a mainframe based system, a utility based system, a peer-to-peer based system, a cloud gaming based system, and a computer network.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [2].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

N. Claim 18

[18] - The system of claim 16, wherein the wagering event comprises one or more of an entire event, a partial event, a divisible component of an event, multiple independent events occurring sequentially or concurrently, and a compilation of related events, including one or more probabilistic events, sporting events, eSports, e-sports, competitive gaming, electronic sports, fantasy events, real games, virtual games, fantasy games, slot machines, keno, poker, video games, racing, lotteries, live events, pre-recorded events, online events, broadcast events, card games, politics, sales, stocks, celebrity gossip, movies, reality TV, football ("soccer"), American football, Australian rules football, baseball, cricket, basketball, golf, hockey, auto racing, legends, rugby, wrestling, surfing, mixed and martial arts.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [3].

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Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

To the extent it is determined that DeWaal '149 does not disclose this limitation, either literally or inherently, it is disclosed by Schugar '981.

See, e.g.:

Schugar '981 at [0070] ("In a further embodiment, the equity concept described herein can be applied to craps."); *id.* at [0072] ("The embodiments described herein can also be used to bet on sporting events, either at intervals on individual games or series of games.").

See also '779 Patent limitation [18] of Schugar '981 (Ex. A14) (DraftKings' Initial Invalidity Contentions).

O. Claim 20

[20] - The system of claim 16, wherein the plurality of wagers comprise one or more of an accumulator, parlay, fixed odds single or fixed odds multiple wager comprising one or more combinations, wherein the one or more combinations are selectable by at least one of a participant, a third party, and the system controller, and wherein at any time before completion of the wagering event, at least one further offer is initiated to any number of the one or more participants remaining eligible to win the at least one award.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [5].

P. Claim 21

[21] - The system of claim 16, wherein an amount of the award is variable and based on one or more of a calculated probability, an originator of the wager, a negotiation, a bidding process, an auction, the plurality of participants, and a third party.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [9].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

Q. Claim 22

[22] - The system of claim 16, wherein the award comprises one or more of a credit, a ticket, an

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electronic notice that is redeemable by the participant, a funding of an account of the participant, monetary awards, a designated monetary amount, a percentage of the designated monetary amount, nonmonetary awards, a prize, a payment, a designated currency, virtual currency, tokens, coupons, services, personal property, real property, virtual property, assets, investments, negotiable instruments, commodities, food, lodging, entertainment, alleviation of obligations, gaming opportunities, and wager enhancement.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [6].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

R. Claim 23

[23] - The system of claim 16, wherein the plurality of wagers comprise one or more of fixed odds single wagers, multiple wagers, full cover wagers, full cover wagers with singles, 'Any to Come' (ATC) or 'if cash' wagers, specialty wagers, forecasts, fixed, variable, guaranteed, parimutuel wagering, tote wagering, fixed-odds wagering, accumulator or parlay wagering, fixed odds, a pool, progressive, fixed pool, variable pool or guaranteed pool.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [7].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

S. Claim 24

[24a] - The system of claim 16, wherein the system controller is further configured to:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [16a] and [16b].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[24b] - upon receiving the selection of the option, one or more of terminate the participant's participation in the wagering event, allow the participant to continue to participate in the

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wagering event with at least a portion of the wager, generate a new wager for the participant, relinquish rights of the participant in at least a portion of the wager, and one or more of transfer, sell, or put out for bid or auction at least a portion of one or more of an entitlement, right, or ownership of the participant in at least a portion of the wager to a third party or another participant.

DeWaal '149 discloses this limitation. *See e.g.*, limitations [1i]–[1l] and [8a]–[8c].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

T. Claim 25

[25a] - The system of claim 16, wherein the plurality of input devices comprise one or more of:

DeWaal '149 discloses this limitation. *See e.g.*, limitations [16a]–[16p] and [10a].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

[25b] - a wagering station, a wagering terminal, a hand held device, a mobile device, a wireless device, a computing system, a smart phone, a telephone, a tablet or desktop computer, a PDA, an interactive television, an internet connected device, and a cashier system.

DeWaal '149 discloses this limitation. *See e.g.*, limitation [1c] and [10b].

Viewing DeWaal '149 as a whole and in view of other prior art, this limitation would have been inherent or obvious to one of ordinary skill in the art. To the extent it is found that the limitation is not expressly disclosed in DeWaal '149, DeWaal '149 renders it obvious, either alone, in combination with the knowledge of a person of ordinary skill in the art, and/or in combination with other prior art references identified herein and in DraftKings' First Election of Prior Art. *See id.*

U. Claim 26

[26a] - The system of claim 16, wherein the system controller is further configured to determine that at least a portion of the plurality of participants are eligible to win the award based on a final outcome of the wagering event; and

DeWaal '149 discloses this limitation. *See e.g.*, limitations [11a] and [11b].

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[26b] - the trading engine module is further configured to transmit the award to at least a portion of the one or more participants, such that user interfaces of one or more input devices corresponding to the at least a portion of the one or more participants display a value of the award.

DeWaal '149 discloses this limitation. See e.g., limitation [11c].

V. Claim 27

[27] - The system of claim 26, wherein the award comprises one or more of a credit, a ticket, an electronic notice that is redeemable by the at least a portion of the one or more participants, a funding of an account of the at least a portion of the one or more participants, monetary awards, a designated monetary amount, a percentage of the designated monetary amount, nonmonetary awards, a prize, a payment, a designated currency, virtual currency, tokens, coupons, services, personal property, real property, virtual property, assets, investments, negotiable instruments, commodities, food, lodging, entertainment, alleviation of obligations, gaming opportunities and wager enhancement.

DeWaal '149 discloses this limitation. See e.g., limitation [11] and [6].