

DK CROWN HOLDINGS, INC. vs DIOGENES LIMITED
Dwight Crevelt on 06/27/2024

1 UNITED STATES PATENT AND TRADEMARK OFFICE
2 BEFORE THE PATENT TRIAL AND APPEAL BOARD

3

4 DK CROWN HOLDINGS, INC.,
5 Petitioner

6

7 V.
8 DIOGENES LIMITED,
9 Patent Owner

10

11 U.S. PATENT NO. 11,200,779

12

13 DEPOSITION OF DWIGHT CREVELT
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18 TAKEN ON BEHALF OF THE PATENT OWNER

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20 JUNE 27, 2024

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I N D E X

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EXHIBITS:	MARKED:
Exhibit 1 - Patent 5,326,104	5
Exhibit 2 - Book Slot Machine Mania	12
Exhibit 3 - Patent 6,547,131	19

Exhibits retained by counsel

1 IT IS HEREBY STIPULATED AND AGREED, by and
2 between counsel for the PETITIONER and counsel for the
3 PATENT OWNER that this deposition may be taken in
4 shorthand by Joann Renee Richardson, Certified Court
5 Reporter, and afterwards transcribed into typewriting;
6 and the signature of the witness is expressly RESERVED.

7 * * * * *

8 MR. CARRUTHERS: Colin Carruthers from
9 Gilbert's LLP with Diogenes, the patent owner.

10 MR. VANCURA: Olef Vancura. I'm an
11 expert with Gilbert's LLP.

12 MR. HONG: I am Christopher Hong at Baker
13 Botts for DK Crown Holdings, Petitioner.

14 MR. WILSON: Andrew Wilson with Baker
15 Botts for Petitioner DK Crown Holdings.

16 MR. GILBERT: Tim Gilbert and I'm with
17 the patent owner, Diogenes.

18 MR. DUMIGAN: Thomas Dumigan, Gilbert's
19 LLP, for patent owner.

20 MR. JUREN: Matthew Juren with Stephens
21 Juren PLLC, for patent owner.

22 MR. WRIGHT: Andrew Wright with Bruster
23 PLLC, patent owner.

24

25

1 DWIGHT CREVELT,
2 being first duly sworn, produced and examined, testified
3 as follows:

4 QUESTIONS BY MR. GILBERT

5 Q. Good morning, Mr. Crevelt.

6 A. Morning.

7 Q. I understand that you're an inventor on a few
8 patents?

9 A. Yes.

10 Q. And they're in the gaming machine field?

11 A. Yes.

12 Q. They're related to computer technology?

13 A. Yes.

14 Q. I'm showing you U.S. Patent 5,326,104. Take a
15 look at it in the top left. Where Line 75 says
16 inventors, you are named as an inventor on this patent?

17 A. That's correct.

18 MR. GILBERT: Can we mark that as the
19 first exhibit, Exhibit 1.

20 Q. So this patent describes an automated casino
21 gaming system?

22 A. That's one way to characterize it, yes.

23 Q. If you turn to the abstract on the first page,
24 under Line 57, it says abstract: An automated casino
25 gaming system. Is that right?

1 A. Yes.

2 Q. And part of this gaming system is what is
3 described as an automated writer station or stations?

4 A. Yes.

5 Q. Do you see that?

6 A. It sounds correct.

7 Q. The abstract says it includes a central --
8 this is the first line of the abstract. Continuing to
9 read -- includes a central game controller to which a
10 number of automated writer stations are connected?

11 A. Correct.

12 Q. Okay. And an automated writer station would
13 include a keypad and display board?

14 MR. WILSON: Objection. Form.

15 Q. If you go to Column 7, if it might be helpful,
16 of the patent, Line 20.

17 A. Yes.

18 Q. And if you go to the second line where it
19 starts at 22: Installed in housing are keypad -- 24,
20 this is Line 20 -- keypad -- do you have Column 7?

21 A. Okay. Yeah.

22 Q. Line 20.

23 A. Yes. Now I'm there.

24 Q. Second line of the paragraph, it reads:
25 Installed in housing are keypad, display board

1 associated with keypad card reader having card slot,
2 attendant call button -- pardon me, I'm not reading out
3 the numbers. It's associated with numbers.

4 Installed in housing 22 are keypad 24, display
5 board 23 associated with keypad 24, card reader 25
6 having card slot 26, attendant call button 28, status
7 display 31 comprising account balance display 30, bet
8 display 33, game display 35, and payoff display 37.

9 Do you see that?

10 A. Yes.

11 Q. And basically what this is is an electronic
12 gaming system that let's a wagerer play a wagering game
13 at a wagering station?

14 MR. WILSON: Objection. Form.

15 A. Which line did you take that from? That's
16 pretty much valid, yes.

17 Q. Okay. And these automated writer stations,
18 their functions are implemented in software?

19 A. It's a combination of hardware and software to
20 complete the functions.

21 Q. Okay. If you look at Column 15, Line 25, I
22 was interested in the functions. It says: As noted
23 previously -- the top of the paragraph, Line 25 -- the
24 functions of AWS 8 described herein are implemented in
25 software stored in a nonvolatile memory accessible by

1 processor.

2 Do you see that?

3 A. Yes.

4 Q. And the specification then describes -- what
5 it describes as the main program in the software and it
6 calls it mainline.

7 A. Correct.

8 Q. And you'll see that in the description at
9 Column 15, Line 34, the main program designated as --
10 designated mainline.

11 Do you see that?

12 A. Yes.

13 Q. And it says it is a continuous -- continuing
14 to read -- it is a continuous loop in which the various
15 input and output devices connected to AWS 8 are
16 serviced.

17 Do you see that?

18 A. Yes.

19 Q. And according to the specification, the
20 mainline is a continuous loop?

21 MR. WILSON: Objection. Form. Scope.

22 A. Yeah, the mainline is a looping program that
23 monitors the inputs and handles the outputs for the
24 device, yes.

25 Q. And within that loop are various functions?

1 MR. WILSON: Objection. Form. I'll
2 raise a standing objection to the scope of this
3 questioning. The witness is not prepared to testify
4 about this particular document. It's not otherwise
5 apparently relevant to the proceedings.

6 MR. GILBERT: If you'll let the questions
7 go ahead, you'll see the relevance.

8 A. Yeah. The mainline program monitors the
9 inputs from the various devices and does whatever output
10 is necessary to accommodate the tasks.

11 Q. One function that's described in this patent
12 is a thing called card strobe interrupt. And you'll see
13 that at Line 54. The specification states: The
14 insertion or removal of a card in card reader 25 will
15 generate an interrupt to cause execution of the card
16 strobe interrupt routine which sets a card status flag.
17 Do you see that?

18 A. Yes.

19 Q. And then at Line 62, in the full paragraph it
20 states: The card read routine is executed periodically
21 as part of the mainline continuous loop. When a change
22 in card status has been noted as a result of a card
23 strobe interrupt routine execution, the card read
24 routine will read in and validate new card data or clear
25 card data from memory if the card has been removed.

1 Do you see that?

2 A. Yes.

3 Q. Another function described in the
4 specification is something called draw service, if you
5 see at the top of Column 16?

6 A. Yes.

7 Q. And the patent specification states:
8 Similarly, the draw service routine is executed
9 periodically as part of the serial message service of
10 the mainline loop. If a draw has been performed by game
11 controller 10 and a card is inserted in AWS 8 and a
12 valid ticket was vended by AWS 8 for the draw, the draw
13 service routine will display the draw using display
14 board 23.

15 Do you see that?

16 A. Yes.

17 Q. And so the insertion of a card, that is
18 something that is -- would be described as a player
19 instigated action?

20 MR. WILSON: Objection. Form.

21 Q. Is that fair?

22 A. Yes. It's an activity done by the player to
23 start the game, so I guess it qualifies as a player
24 instigated action, yes.

25 Q. The term "player instigated action" is

1 something you have used in a book you've written; is
2 that right?

3 A. Yes.

4 Q. And the book is called "Slot Machine Mania"?

5 A. Yes.

6 Q. And you wrote that with your wife, Louise
7 Crevelt; is that right?

8 A. No, that's my mother.

9 Q. Your mother?

10 A. Yes.

11 Q. Got that wrong. I didn't read the footnote,
12 but that's very good. I have a copy of the book here
13 and at Page 16 of it, you say: All modern computerized
14 machines operate on what is called "player instigated
15 action." We have included the acronym PIA for brevity
16 in this explanation. It is not a common one heard in
17 gaming jargon.

18 PIA may occur at various times, depending on
19 how the machine is programmed. It may differ with the
20 machine and manufacturer. PIA could occur at the moment
21 the coin is inserted, accepted and/or registered on the
22 meter, at the instant the player pulls the handle or
23 pushes the button for the "deal," or some specific
24 millisecond after the player does one of these things.
25 Is that fair?

1 MR. WILSON: Objection to form.

2 A. Yes, that's what I wrote.

3 MR. GILBERT: What I'd like to do is mark
4 the -- at least the page and cover, or if you want, the
5 whole book, as the next exhibit.

6 MR. WILSON: Ideally the witness would
7 have the book, a copy of the book before him to confirm
8 what was read and to review and refresh his recollection
9 of it.

10 Q. (By Mr. Gilbert) Page 16 is what I read from.

11 A. Yes, that's what I wrote.

12 MR. WILSON: And more than just the cover
13 and the title page, we need the content that was read at
14 least and the responding pages for context.

15 MR. GILBERT: We can mark the book
16 Exhibit 2.

17 Q. (By Mr. Gilbert) So in the book, a PIA can
18 occur at the moment the coin is inserted, right? You've
19 described that as a PIA?

20 A. Yes.

21 Q. So would you agree, then, that a PIA can also
22 be inserting or removing a card?

23 MR. WILSON: Objection to form.

24 A. Yes. It would be a player instigated action,
25 yes.

1 Q. And these are -- an action like that is a
2 periodic action?

3 MR. WILSON: Objection. Form.

4 A. No. An action -- a player instigated action,
5 as I wrote in the book and described, is typically used
6 as a random action, not a periodic action.

7 It's used to trigger something, an activity,
8 an action, usually a random number generator to select a
9 random number. Something that is not controlled, not
10 periodic, cannot being timed or monitored or predicted.

11 That's how we use a player instigated action
12 in most gaming machines and what I described in the book
13 in that way.

14 Q. Let's go back to your patent, Column 15, Line
15 54.

16 A. Uh-huh.

17 Q. You say the insertion or removal of a card in
18 the card reader will generate an interrupt to cause
19 execution of the card strobe interrupt routine?

20 A. That's correct.

21 Q. And dropping down, you said the card in the
22 specification are -- the card read routine is executed
23 periodically as part of the mainline continuous loop.
24 And that's also correct?

25 A. Yes. The card routine looks for information

1 from the card strobe interrupt and acts accordingly.

2 **Q. And then on the draw service, that is**
3 **something that happens periodically?**

4 MR. WILSON: Objection. Form.

5 A. Again, the draw service is monitoring the
6 result of communications from the central controller to
7 see if a ball has been drawn. And if so, it then
8 displays that draw. So it's looking for a response from
9 the input service.

10 **Q. Can you point me in the specification where it**
11 **describes that?**

12 A. It will take a while to find it. I haven't
13 looked at this patent in 20, 30 years. It was in 1989.
14 I think you indicated Column 16, Row 3: Similarly, the
15 draw service routine is executed periodically as part of
16 the serial message service of the mainline loop.

17 If a draw has been performed by game
18 controller 10 and a card is inserted in the AWS 8 and a
19 valid ticket was vended by AWS 8 for the draw, the draw
20 service routine will display the draw using display
21 board 23.

22 The displays 31 and 32 are serviced in the
23 mainline loop by transmitting to the displays 31 and 32
24 message data which has been received through the
25 operation of the serial interrupt routine. That serial

1 interrupt routine is the same routine that receives the
2 draw for the draw service.

3 And that can be show shown in Figure -- Figure
4 6 shows transmitting the results to the AWS. Once the
5 game draw is done, that transmission is done through
6 that serial interface.

7 **Q. What are you referring to?**

8 A. The transmit results to AWS, that line, that's
9 transmitted over the serial interface. That's the main
10 controller. And that is -- on Figure 1, that would be
11 item 20, which is the communications -- serial
12 communications from the main game controller to each of
13 the AWS's.

14 **Q. Okay. You referenced the serial interrupt**
15 **routine, and that is referred to in the excerpt at**
16 **Column 15. And there's a couple of references to it,**
17 **but the one I can see right now is line 54: The**
18 **insertion or removal of a card in card reader will**
19 **generate an interrupt to cause execution of the card**
20 **strobe interrupt routine which sets a -- which sets a**
21 **card status flag.**

22 **Correct?**

23 A. You combined serial interrupt and card strobe
24 interrupt. Those are two separate entities.

25 **Q. In reading on, it says: The presence of**

1 serial data at fiberoptic connector 36 will generate an
2 interrupt causing execution of the serial interrupt
3 routine?

4 A. Yes, that is correct.

5 Q. So there are two functions here referenced.
6 One is the card strobe interrupt and the other is the
7 draw service we've been talking about, correct?

8 A. We've been talking about the serial interrupt
9 routine and draw service.

10 Q. Uh-huh. And those functions can be executed
11 periodically?

12 MR. WILSON: Objection. Form.

13 A. How best to describe this. The mainline is a
14 looping program that continuously loops through and
15 checks various flags or conditions. The draw service is
16 one of those conditions that it checks to see, do I have
17 a draw from the main controller.

18 In addition to that main routine that is
19 running, the computer has several routines known as
20 interrupt services. The interrupt services, such as the
21 card strobe interrupt or the serial interrupt, occur
22 when an external event has happened to the device,
23 whether it was the card strobe, and creates an interrupt
24 to the program which stops the mainline flow, executes
25 the interrupt routine, and then when it's done, it

1 returns back to where it was at.

2 The purpose of the interrupt routine is to
3 handle whatever that condition was. In the case of the
4 two things you've discussed thus far, the card strobe
5 interrupt is when they insert or remove a card and it
6 then reads the appropriate data from the card reader.
7 That's the interrupt service routine.

8 The serial interrupt routine is when data is
9 received off a fiberoptic line from the controller. It
10 then takes that data and inputs it in for the draw
11 service. So if it's a draw, it would be a draw. If
12 it's the update the display or -- whatever information
13 came from the server from that serial interrupt, that is
14 then handled by the mainline routine.

15 Q. And those functions are so called part of the
16 continuous loop?

17 A. The continuous loop is a loop looking for
18 changes in actions. The interrupts occur whenever
19 something physically happens out there. That's why it's
20 called an interrupt. It interrupts the continuous loop
21 so it can process that piece of information, then it
22 returns back to the loop, and then the loop handles the
23 rest of that processing as necessary to keep the game
24 function going.

25 Q. In the specification, Column 15, Line 62, the

1 specification state: The card read routine is executed
2 periodically as part of the mainline continuous loop,
3 right?

4 A. Yes.

5 Q. So it itself, the card read routine, is
6 executed periodically as set out in the spec?

7 A. A card read routine is executed to check and
8 see if we have any new card data during the main loop.
9 That's one of the main functions of the main loop, to
10 check for these conditions as they change.

11 Q. As a matter of plain and ordinary language,
12 periodic is something different than continuous?

13 MR. WILSON: Objection. Form.

14 A. In terms of this patent, the main loop is
15 continuously looping, looking for an activity and will
16 periodically check card reader or another routine if
17 something has happened, yes.

18 Q. And in the two cases we've noted, being the
19 insertion of a card or the draw, these are prompted
20 functions, prompted by some action?

21 MR. WILSON: Objection. Form.

22 A. Yeah, they're the result of some action
23 happening.

24 Q. I want to turn to -- you can put that aside.
25 I want to turn to another patent, 6,547,131. My

1 colleague will hand a copy to you. First of all, it's
2 called: Preset Amount Electronic Funds Transfer System
3 For Gaming Machines.

4 Do you see that?

5 A. Yes.

6 Q. And under 75, it says inventors, plural, and
7 one of the inventors is you?

8 A. Yes.

9 MR. GILBERT: Might that be marked, then,
10 as Exhibit 3.

11 MR. WILSON: Same objection. Outside the
12 scope.

13 Q. Turning to the abstract, which might be our
14 guide to generally what the patent is about, you'd agree
15 this patent is described as a gaming machine is
16 disclosed which includes apparatus necessary to send
17 requests to and receive authorizations from an EFT
18 system.

19 Do you see that?

20 MR. WILSON: Object to the form.

21 A. Yes.

22 Q. And like the other patent, this is a
23 computer-based system?

24 A. It uses a combination of hardware and software
25 to make it happen to the whole computer network, yes.

1 Q. And then if you turn to Figure 2, which is a
2 few pages in, on the bottom right-hand -- there's a
3 figure of a system and in the bottom right corner,
4 there's a reference to DCU 34, 36, 38 and 40?

5 A. Yes.

6 Q. And on the left are 22, 24 and 26. Those are
7 slot machines?

8 A. Gaming machines.

9 Q. Yeah. And then 46 is described as a front end
10 controller, correct?

11 A. Yes.

12 Q. And the patent describes what these DCUs do.
13 If you'd turn to Column 7, at Line 61. So starting
14 halfway through the line beginning with: Of particular
15 note, in the context of this invention is a workstation
16 46 which acts as a front end controller to process
17 signals from the various slot machines in the floor
18 network. It continuously polls the various DCUs
19 requesting information pertaining to transactions on the
20 floor.

21 The DCUs are, in turn, continuously polling
22 the various slot machines. For example, if a debit card
23 has been inserted into a gaming machine, the machine
24 will communicate a card insertion event to its DCU in
25 response to the next DCU poll. Then when the front end

1 controller 46 polls the DCU, the DCU communicates the
2 card insertion event.

3 Do you see that?

4 A. Yes.

5 Q. And if you go back and walk through it, the
6 first reference is to what workstation 46 is doing at
7 the top. It says that workstation 46 is continuously
8 polling the various DCUs; is that correct?

9 A. Which line are we on again?

10 Q. That is Line 64. It continuously polls. And
11 the "it" is referring to workstation 46 above.

12 A. You're on Column 7?

13 Q. Column 7.

14 A. Yes. It continuously polls the various DCUs
15 requesting information pertaining to transactions on the
16 floor, yes.

17 Q. Right. And then the next sentence at Line 66:
18 The DCUs are, in turn, continuously polling the various
19 slot machines.

20 A. Yes.

21 Q. Do you see that?

22 A. Yes.

23 Q. So that's also going on?

24 A. Yes.

25 Q. And then there's an example described, which

1 is at the bottom of the page, Line 67: For example, if
2 a debit card has been inserted in a gaming machine, that
3 machine will communicate a card insertion event to its
4 DCU in response to the next DCU poll.

5 Do you see that?

6 A. Yes.

7 Q. And then when the front end controller 46
8 polls the DCU, the DCU communicates the card insertion
9 event, right?

10 A. Correct.

11 Q. So this involves the insertion of a card into
12 a slot machine?

13 MR. WILSON: Object to the form.

14 A. It's actually into the player tracking device
15 on the slot machine.

16 Q. Fair. And the language that is used in the
17 specification is continuously poll?

18 A. Yes.

19 Q. And the patent tells the reader that the DCUs
20 are polling regardless of events actually occurring on
21 the machines?

22 A. That is correct.

23 Q. But if there is an in event, like a card
24 insertion event, the continuous polling will capture?

25 A. Yes.

1 Q. And the polling operation, then, is retrieving
2 information as developments occur?

3 MR. WILSON: Object to form.

4 A. The polling process in each of these devices
5 is polling each of its connected devices, one right
6 after the other, requesting any activity. If there is
7 one, it's sent. If not, it goes on to the next device.
8 This is to capture the data as fast as possible.

9 Q. So in this one, though, you're talking about
10 these machines. I'm talking about the machine described
11 in Patent 6,547,131.

12 A. Could you repeat the question?

13 Q. When you said what's being captured, my
14 question was, the retrieving is happening as
15 developments occur in the system depicted in Patent 131,
16 I'll call it?

17 MR. WILSON: Objection. Form.

18 A. Yes.

19 Q. Now I'm going to turn to Scott. And that's
20 already an Exhibit, Draft Kings 1006. We don't need to
21 mark this. I want to go to Figure 4, which is found at
22 Page 5. And that's one of the figures that you
23 reproduced in your own Declaration, correct?

24 A. Correct.

25 Q. And it shows the operation of the whole gaming

1 machine in Scott, in this reference? If you need some
2 assistance, you can turn to Paragraph 70 on Page 5 of
3 the patent.

4 A. You said Paragraph 70?

5 Q. Uh-huh. Right column of Page 5. Figure 4.
6 Do you have that?

7 A. Yes.

8 Q. Figure 4 it is a flow diagram illustrating
9 operation of an exemplary gaming machine having the
10 value engine.

11 So my question before was, Figure 4 shows the
12 operation of the whole gaming machine?

13 A. It shows one example of the operation with a
14 gaming machine. I would not use the term whole.

15 Q. Okay. But it's basically one example of how
16 the whole system would work?

17 A. It's one example of how an embodiment of the
18 system can work.

19 Q. Okay. And it shows -- going back to Figure 4
20 on Page 5, I was making reference to the top and bottom
21 of the page. I'll try and clear that up. It's the
22 bottom of the page. Page 5 has Figure 4. Do you have
23 that?

24 A. Yeah, Figure 4. Uh-huh.

25 Q. And you'll see 404 is the start of the

1 **wagering game, acceptance of a wager?**

2 MR. WILSON: Objection. Form.

3 A. Figure 4 is identified as accept a wager, yes.

4 **Q. That's the start of the wager? Start of the**
5 **wagering game?**

6 A. A wager starts the process of the systems --
7 of the system.

8 **Q. And then it goes to the end of it when either**
9 **the game is ended, 420?**

10 A. You have an end game in 420 after a winning
11 outcome.

12 **Q. Or the player is paid out. That's 424?**

13 A. 424. For a given player's wager, yes.

14 **Q. And in Scott there's a thing called the value**
15 **engine; is that right?**

16 A. Yes.

17 **Q. It's referred to at -- I think the first**
18 **reference is Paragraph 8 under Summary of the Invention:**
19 A value engine for determining and presenting current
20 cash value of a player's cards, symbols, or other game
21 indicia is disclosed herein?

22 A. Yes.

23 **Q. And then the next line: In general, the value**
24 **engine provides a current cash value for non-final sets**
25 **of symbols or hands?**

1 A. Yes.

2 Q. And this value engine, if you go back to
3 Figure 4, it's within step 428?

4 MR. WILSON: Objection. Form.

5 Q. If you want help in the specification, it's
6 Paragraph 73: At the decision step 412, if the game is
7 not over, at a step 428, a current cash value for the
8 player's current game symbols may be generated and
9 presented by the value engine of the gaming machine.

10 Do you see that?

11 A. Yes. This is describing the functions that
12 occur. They're not necessarily limited to the value
13 engine or that is the value engine in its entity.

14 Q. So the presentation in the specification of
15 what happens in 428 is in Figure 5. If you want help
16 with that, Paragraph 82 of Scott is a reference to what
17 Figure 5 is. And it says: Figure 5 is a flow diagram
18 illustrating how current cash value may be determined by
19 an exemplary value engine.

20 A. Figure 5 is showing an example of the
21 functions done by the value engine.

22 Q. Figure 4 and the value engine -- sorry -- and
23 the value engine function is what's described at 428 in
24 Figure 4?

25 A. Would you repeat that?

1 Q. If you're looking at Figure 4, where it says
2 present current cash value at 428, do you see that?

3 A. Yes.

4 Q. That there is the value engine function?

5 A. Again, this is an example of the flow of the
6 process. Presenting the current cash value would imply
7 presenting it to the player for the player to accept in
8 the next step, 432. It is not the value engine
9 calculation and processing of it. This is the step in
10 presenting the process to the player. So I would not
11 equivocate that to the value engine itself.

12 Q. But what we went through of Figure 4, more
13 detail is in Figure 5 of what takes place at 428. If
14 you want some help with that, at Paragraph 73, it says:
15 At the decision step 428, a current cash value for the
16 player's current game symbols may be generated and
17 presented by the value engine of the gaming machine.

18 MR. WILSON: Objection. Form.

19 Q. So that's what's happening at 428. The words
20 in the specification are generated, generated and
21 presented at 428.

22 MR. WILSON: Objection. Form.

23 A. Looking at Figure 1-B, it identifies the value
24 engine as 122 and associated processor 128. So in light
25 of this, I would agree that it's referring to -- the

1 value engine did the calculation, and then using the
2 input devices, peripherals, displays associated in
3 Figure 1-B and the processor, does send the information
4 and present it to the player. But is the value engine
5 specifically displaying it? I would say there's some
6 communications activity going on.

7 Q. And all that value engine activity is depicted
8 in Figure 5?

9 A. Figure 5 does disclose an example of the value
10 engine processing, yes.

11 Q. If I go to your Declaration, Paragraph 98 you
12 say -- second line from the end of 98 -- Figure 5 is a
13 flow diagram illustrating how current cash value may be
14 determined by an exemplary value engine?

15 A. Yes.

16 Q. You're quoting Scott, Paragraph 82?

17 A. Yes, that's what I've written there.

18 Q. And then at Paragraph 103, you say: This
19 continuously loop process includes step 428 at which "a
20 current cash value for the player's current game symbols
21 may be generated and presented by the value engine of
22 the gaming machine."

23 Do you see that?

24 A. Yes.

25 Q. And you're quoting from Scott, Paragraph 73?

1 A. Yes.

2 Q. And if you go to Figure 5, you have it in your
3 -- it's either in Scott or in your own reproduction at
4 Page 61 of your Declaration -- you have reproduced
5 Figure 5. You see at 504 you have receive player
6 symbol, correct?

7 A. Yes.

8 Q. And then 508 is receive additional game
9 information?

10 A. Yes.

11 Q. And Paragraph 101 of your Declaration about
12 four lines from the bottom -- pardon me, four lines from
13 the top, you say: At a step 508, additional information
14 may be received or retrieved by the value engine.

15 And you give an example of it; is that
16 correct?

17 A. Yes.

18 Q. And Paragraph 99 you say in the second line:
19 As shown above -- and the above is Figure 5 -- a person
20 skilled in the art would have understood that each step
21 in Scott's process for determining the current cash
22 value, including the "retrieve" step, is also performed
23 continuously as each event occurs.

24 Do you see that?

25 A. It is performed continuously as each event

1 occurs in the game in real time is the complete
2 sentence. Yes, this is a continuous loop that is being
3 processed by the value engine in the system to generate
4 a new cash value based on external inputs as data is
5 received.

6 And it's done in real time, because when you
7 look at the generate current cash value, that's current.
8 So when we're looking at what's currently available,
9 that is essentially real time. And Scott even describes
10 that as in real time in one of its paragraphs.

11 **Q. The question I had was about where retrieval**
12 **takes place. And to be clear, Figure 5 is where the**
13 **person skilled in the art would find the retrieval**
14 **function?**

15 MR. WILSON: Objection. Form.

16 A. This is a flow diagram of what is happening.
17 A person skilled in art would understand that as that
18 data is received in 508, it is then processed and used
19 to calculate a new value if a value is required. Again,
20 a person skilled in the art, this is the flow of how
21 it's happening. It's not the device or the methodology
22 of which that input is coming in.

23 **Q. But the flow shows when it is happening?**

24 MR. WILSON: Objection. Form.

25 A. It shows it's happening during this process

1 and in combination with 4, Figure 4, which is also
2 referring to present game symbols, game over, present
3 current cash value, accepts, and go back up and get new
4 game symbols. Again, it's looking at a continuous
5 process of continuous input.

6 Q. But I'm trying to pin down when these
7 activities take place. And in your Paragraph 104 of
8 your Declaration, you say: A POSITA, person skilled in
9 the art, would understand that these steps 504 and 508
10 for retrieving the player's current game indicia and
11 additional game information are performed continuously
12 because they are invoked as part of the continuously
13 looped process illustrated in Figure 4.

14 A. Yes.

15 Q. But they take place at the time of the
16 activities in Figure 5, which are the generation and
17 presentation of the payout offer?

18 MR. WILSON: Object to form.

19 A. The generation and the presentation occur
20 after something has been received, because if you
21 haven't received any data, there's no reason to
22 recalculate or re-present a new value.

23 MR. GILBERT: I'm going to take a short
24 break.

25 (Break.)

1 Q. (By Mr. Gilbert) Okay. We had a good break.
2 Did you happen to talk to your counsel at all about the
3 evidence you're giving?

4 A. No, we did not.

5 Q. In Paragraph 103 of your Declaration, I did
6 read one section to you, the first sentence. The other
7 one involves your description of the generation of a
8 cash value. You describe it as a sub-process; is that
9 right? I'll read it: Scott discloses that the
10 continuously looped step 428 for generating a current
11 cash value itself utilizes a sub-process, correct?

12 A. Yes, that's what's written there.

13 Q. And then you refer to Figure 5. You say:
14 Scott discloses that Figure 5 is a flow diagram
15 illustrating how the current cash value may be
16 determined by an exemplary value engine.

17 Do you see that?

18 A. Yes.

19 Q. And you agree with that?

20 A. Yes.

21 Q. And then you go on to say: As mentioned
22 above, Scott discloses that this sub-process for
23 generating a current cash value may occur in real time
24 or in substantially real time.

25 Do you see that?

1 A. Yes.

2 Q. And you'd agree with me, then, that Figure 5
3 is a sub-process? It's a sub-process of 428?

4 A. Yes. It's a sub-process, yes.

5 Q. And you agree with me, then, that the
6 retrieval takes place at the time of the sub-process?

7 MR. WILSON: Objection. Form.

8 A. Yeah. This process and the calculation of the
9 new current value takes place when the data is received,
10 yes.

11 Q. Now, turning to your Paragraph 110, you refer
12 to Scott in Paragraph 36 and you say at the bottom of
13 Page 69: As another example of recalculating the odds,
14 Scott teaches, for example, in the keno example, the
15 odds of a player winning may be altered when each
16 subsequent number is revealed, even though each number
17 is not marked on the player's keno card, i.e., the
18 player's keno card remains unchanged.

19 Do you see that?

20 A. Yes.

21 Q. And you say further down in bold: Some events
22 that occur during a wagering game may change the odds or
23 other characteristics of the game without changing game
24 symbols or indicia.

25 Do you see that?

1 A. Yes.

2 Q. And those events are things other than the
3 player's own symbols?

4 A. Yes, they can be.

5 Q. For example, in the case of keno, if a player
6 has selected some numbers and a number might be drawn,
7 but it's not the player's card, that's the kind of
8 information in keno that might be relevant?

9 A. That is a relevant one, yes.

10 Q. And those type of events would then be
11 additional game information as we talked about in Box
12 508 of Figure 5?

13 A. They could be, yes.

14 Q. Turn to Paragraph 160 of your Declaration.
15 And in your declaration you state: In my opinion, a
16 person skilled in the art would have understood that
17 Scott discloses Claim 5. For example, corresponding to
18 "wherein the wager comprises one or more of...fixed odds
19 single," Scott discloses that the wager may be on a
20 bingo game.

21 Do you see that?

22 A. Yes.

23 Q. And then halfway down, beginning with: A
24 POSITA would know that all bingo cards have the same
25 odds of winning no matter what numbers are on them at

1 the initiation of the game, therefore the wager on a
2 bingo game would be a "fixed odd single" wager when
3 placed because the odds of winning are fixed and the
4 wager is on a single outcome, obtaining "bingo."

5 Do you see that?

6 A. Yes.

7 Q. You have interpreted fixed odds to mean that
8 the probability of the wager winning is fixed?

9 A. Would you repeat the question?

10 Q. You have interpreted fixed odds to mean that
11 the probability of the wager winning is fixed?

12 A. I would agree with that.

13 Q. I'm going to turn to Claim 16, the 779 patent.
14 You'll find at the back the claims are aggregated back
15 there. Column 54.

16 A. Okay.

17 Q. So Claim 16 starts with: A system for
18 conducting a wagering event among one or more
19 participants.

20 Do you see that?

21 A. Yes.

22 Q. Refers to a wagering event, the singular?

23 A. Was that a question?

24 Q. Yes.

25 A. It says a wagering event, yes.

1 Q. And that's the singular?

2 A. That is the singular.

3 Q. And then it refers to the line beginning with
4 the system controller configured to: receive, by the
5 trading engine module, a plurality of wagers on the
6 wagering event from the plurality of input devices.

7 Stopping there, the patent, Claim 16, refers
8 again to a singular wagering event. It says the
9 wagering event?

10 A. Yes. Wagers on the wagering event, yes.

11 Q. And you see a reference a few lines down where
12 it begins: Continuously retrieve data in real time
13 related to a progress of the wagering event, correct?

14 A. Correct.

15 Q. And then beginning with -- and then:
16 Determine that one or more participants of the plurality
17 of the participants is eligible to win an award based on
18 their respective one or more wagers and a potential
19 outcome of the wagering event.

20 Do you see that?

21 A. Yes.

22 Q. And those last two references are singular
23 again, singular event?

24 A. The wagering event, yes, singular.

25 Q. And then there are two more references, one is

1 under generate. You'll see it says: Generate one or
2 more options -- and I'm skipping -- and it says prior to
3 a conclusion of the wagering event.

4 So the same, the singular is referred to?

5 A. Yes, the same event. The same wagering event.

6 Q. And then under receive a selection of an
7 option, there's again a reference to the wagering event,
8 correct?

9 A. Which line was that?

10 Q. That's the last line of the little paragraph
11 beginning "receive a selection of an option." It refers
12 to the wagering event again?

13 A. The wagering event, yes.

14 Q. If I could go back to your Declaration, Page
15 123.

16 A. Okay.

17 Q. So this is -- it's Paragraph 191 -- about a
18 plurality of input devices each having a user interface.
19 Do you see that?

20 A. Yes.

21 Q. And you'd agree with me using the term
22 plurality of input devices, there must be multiple input
23 devices?

24 A. Yes, there are multiple input devices.

25 Q. Each having a user interface?

1 A. Yes.

2 Q. And in your Paragraph 191, you refer back to
3 your analysis of Claim Element 1-C?

4 A. Yes.

5 Q. Okay. And if we could go to Claim Element
6 1-C, it's referred to at Paragraph 82 of your
7 declaration. You say: Corresponding to the wager being
8 received from one or more input devices and the wager
9 being input via a user interface of the one or more
10 input devices.

11 Do you see that?

12 A. Yes.

13 Q. So there's one or more input devices?

14 A. Yes.

15 Q. Okay. And then you go on to say: Scott
16 discloses a display device of the wagering machine that
17 includes a touch display user interface through which a
18 user can interact with and input information into the
19 system, including inputting a wager.

20 Do you see that?

21 A. Yes.

22 Q. So there's "a" display device, right?
23 Reference to one devices?

24 A. One or more devices, yes.

25 Q. It says a device. It doesn't say or more.

1 MR. WILSON: Objection. Form.

2 A. We're referring to Figure B here where it
3 shows the value engine has multiple input devices,
4 display device, peripherals, memory devices as an
5 exemplary one embodiment of this device.

6 Q. I'm reading the claim, though, right? Your
7 analysis was conducted of Claim 1-C or Claim 1?

8 A. Uh-huh.

9 Q. And you call it Element 1-C, right?

10 A. Yes. Element 1-C.

11 Q. And your words in your analysis in Paragraph
12 82, it is a display device, correct?

13 A. It does show a display device.

14 Q. And the wagering machine?

15 A. Yes.

16 Q. A touch display interface?

17 A. Which includes a touch display interface, yes.

18 Q. Which a user can interact?

19 A. Yes.

20 Q. Each of those is singular in Paragraph 82?

21 A. In an individual wagering device, yes, it's
22 referring to them as singular.

23 Q. Then going to Paragraph 191, in the middle of
24 the paragraph you make also a reference to Scott 0096.

25 You say: Scott discloses there may be a number of

1 players electrically connected in the system. Scott at
2 0096.

3 Do you see that?

4 A. Yes.

5 Q. And then at a couple of other references.

6 182, you also make reference to 0096. If you look on
7 Page 120, in the middle of the paragraph, the body there
8 on Page 120 of 182.

9 A. Uh-huh.

10 Q. Above 183.

11 A. Yes, I refer to Paragraph 96.

12 Q. You say: Scott also discloses that the system
13 of Claim 1 can be utilized by a number of players,
14 including at least a player and another player, such
15 that they are electronically connected to the system via
16 their respective wagering machines.

17 Is that right?

18 A. Correct.

19 Q. If you go to 197, you refer in the middle of
20 the paragraph to the "multiplayer embodiment of Scott."
21 Do you see that?

22 A. We're on page...

23 Q. Page 126, middle of 197.

24 A. Right.

25 Q. You refer to a multiplayer embodiment of

1 Scott?

2 A. Yes.

3 Q. And Paragraph 198 you again repeat that term.
4 Three lines down at 198, you say: Indeed, in the
5 multiplayer embodiment.

6 Do you see that?

7 A. Yes.

8 Q. The only reference to that is 0096 in Scott?

9 MR. WILSON: Objection. Form.

10 Q. You're referring to 0096 in Scott?

11 MR. WILSON: Objection. Form.

12 A. Actually, all those claims also refer back to
13 1-C.

14 Q. Well, you don't cite that in your report that
15 way, the multiplayer embodiment is something -- but what
16 I was referring to in particular was to the reference in
17 Scott.

18 A. Yes. If you look at the reference in number
19 96 in Scott --

20 Q. Yeah.

21 A. -- it says it is contemplated --

22 Q. Just hold on a second. I just want to get
23 what line you're at.

24 A. 96, the Paragraph 96, the second line from the
25 bottom, starts "it is contemplated."

1 **Q. Oh, okay.**

2 A. It is contemplated that the player may engage
3 a sell button or the like to suspend the current game
4 and solicit wagers or credits from other players, who
5 may purchase the symbols from the player. The player's
6 symbols may then enter an electronic marketplace for
7 sets of symbols. The player may play a new game at this
8 point. And continues.

9 Alternatively, the player could simply wait
10 for the symbols to be sold before playing again. With a
11 number of players electronically connected, it can be
12 seen that a substantial marketplace for non-final sets
13 of game symbols may be constructed.

14 If you're not in the multiplayer environment,
15 there's no way you can solicit sales or credits from
16 other players. And they are electrically connected as
17 specifically identified there on that one line.

18 **Q. I'm just looking at what the specification**
19 **itself says that's going on, right? And what it says is**
20 **going on is that the player may engage a sell button or**
21 **the like to suspend the current game and solicit wagers**
22 **or credits from other players who may purchase the**
23 **symbols from the player, right?**

24 A. As a multiplayer game with multiple players
25 playing in the same electronically connected game, they

1 have that option. A person skilled in the art would
2 understand that it has to be a multiplayer game to be
3 able to do that.

4 Q. But it doesn't describe in the specification
5 those players playing the same game. There's no
6 description of that, right?

7 A. Scott refers to a system for playing the
8 games. You can have one player or multiple players.
9 Figure 1 gives a prime example of that. And, secondly,
10 with their Figure 1 in connection to additional servers,
11 where I describe elsewhere in here on the system. I
12 believe in 55, Paragraph 55 also includes such items as
13 other games.

14 Keno has been mentioned in the previous one
15 you discussed. Let me see here. 55, for example: The
16 gaming machine may be configured as a client-type device
17 to obtain game or game outcome information from remote
18 server through network or other communications. These
19 one or more gaming servers may be configured to perform
20 accounting, player tracking, bonusing, game generation.
21 Scott does talk about multiplayer games throughout this,
22 including that piece.

23 Q. Multiplayer is different than multiple players
24 playing the same game. You can play different games?

25 A. Multiplayers, if they're playing different

1 games, they're not in the same system playing the game.

2 Q. That's your assumption?

3 A. That is what Scott is discussing here, is
4 where the players are playing the same game. Just like
5 this keno game, multiple players playing the same keno
6 game.

7 Q. That's your conclusion?

8 A. That's my conclusion.

9 Q. And in the words of the specification here,
10 when you talk about multiplayer embodiment, you're
11 referring to this section of Scott 0096, right?

12 A. That is the one section I referred to in that
13 particular paragraph, yes.

14 Q. That's the only one in your whole declaration
15 you refer to?

16 A. No. I refer to 55 in the multiplayer games
17 and elsewhere in my Declaration.

18 Q. Take a moment and look at those. This
19 section, 0096, is a reference to a marketplace for
20 non-final sets of game symbols.

21 A. Which requires a multiplayer game as someone
22 skilled in the art would understand.

23 Q. That other players -- so your conclusion is,
24 in order for someone to accept the wager, they've got to
25 be playing a game?

1 MR. WILSON: Object to the form.

2 A. He's got to be connected to the same game,
3 yes.

4 Q. And you say it has to be the same game?

5 A. They have to be electronically connected to
6 the game. If you're going to accept a wager from this
7 game, you've got to be in that game.

8 Q. But it doesn't say that in the specification
9 itself?

10 A. Not in that specific paragraph, other than
11 what I've already quoted.

12 Q. And is the game the same as a gaming system?

13 A. Scott discloses a gaming system, which may be
14 one game or multiple games connected together.

15 Q. In this specification it says the player may
16 play a new game while awaiting the sale of the symbols
17 or the player could simply wait for the symbols to be
18 sold. Is that fair?

19 A. Is that in 96?

20 Q. Yes.

21 A. That is a statement in Scott, yes.

22 Q. There is no description in Scott of multiple
23 wagers being placed on the same event?

24 MR. WILSON: Objection. Form.

25 A. Scott describes the playing of wagers either

1 on a single device or multiple devices connected in the
2 same game. That game is the event, the wagering event,
3 and people playing multiple wagers on that wagering
4 event. So as a person skilled in the art, I read that
5 as being the same thing.

6 **Q. What your reference for that you've given me**
7 **is 0096?**

8 A. I've given you 0096 and elsewhere in here we
9 talk about the multiplayer games, such as keno, in 55.
10 It may not be on any given page here, but there is -- in
11 here I discuss 55, where it talks about multiple players
12 and multiple systems for bonusing, game generation.

13 **Q. Slow down. If we could just go to 55.**

14 A. Yes.

15 **Q. I want to pin down what your specific**
16 **reference is to. This is of Scott?**

17 A. Yes.

18 **Q. It says: The gaming machine 100 may be**
19 **configured as a standalone device or be in communication**
20 **with one or more external devices at one or more times,**
21 **such as through one or more communication devices.**

22 For example, the gaming machine may be
23 configured as a client-type device and obtain game code
24 or game outcome information from remote server 120
25 through a network or other communications.

1 These one or more gaming servers may be
2 configured to perform accounting, player tracking,
3 bonusing, game generation, random number generation, or
4 other functions.

5 To illustrate, in some embodiments, the gaming
6 machine need not have a random number generator since
7 such functionality may be provided by a gaming server.

8 That's the paragraph?

9 A. Correct.

10 Q. If we could go to your Page 124, 16(e) of 779.

11 A communications interface for facilitating
12 communications between the system controller and the
13 plurality of input devices.

14 Do you see that?

15 A. Yes.

16 Q. And that's multiple input devices; is that
17 right?

18 A. Yes.

19 Q. But one system controller?

20 A. Yes, in the embodiment. It does show that
21 embodiment, yes.

22 Q. And then if we go to your discussion of 16(g),
23 Page 126, that's element 16(g), and you've described it
24 as: Receive, by the trading engine module, a plurality
25 of wagers on the wagering event from the plurality of

1 input devices via the communications interface, the
2 plurality of wagers input by a plurality of participants
3 via the user interfaces of respective input devices from
4 the plurality of input devices.

5 Do you see that?

6 A. Yes.

7 Q. So the single controller receives a plurality
8 of wagers, right?

9 A. Yes.

10 Q. And the plurality of wagers is inputted by a
11 plurality participants?

12 A. Yes.

13 Q. Via the user interfaces of the respective
14 input devices?

15 A. Yes.

16 Q. And then at the beginning of that, the
17 language is, receive by the training engine module. Do
18 you see that?

19 A. Yes.

20 Q. So there's a single trading engine module?

21 A. I'll refer back to 1(c). It's referring to
22 the trading module on the system that's doing the
23 calculations. So it would be one of those, yes.

24 Q. So it's singular, a trading engine module?

25 A. For a given system, yes.

1 Q. And then if we go to Paragraph 197 and look
2 four lines down, you say: A person skilled in the art
3 would have understood that, in the multiplayer
4 embodiment of Scott, each of the trading engine modules
5 would operate as described above regarding limitation
6 1(c).

7 Do you see that?

8 A. Yes.

9 Q. And you make reference to modules, plural?

10 A. Could you repeat the question?

11 Q. You refer in Paragraph 197 to a plurality of
12 trading engine modules in Scott. Your words are each of
13 the trading engine modules would operate. It's pretty
14 simple. It's your Declaration. We've had a little bit
15 of a break here while you looked through things. Your
16 words are modules, plural?

17 A. Yes, they are modules, plural.

18 Q. Okay. I'm going to go to Claim 1 of the
19 patent. And in Claim 1, if you have it there, Column
20 51, Line 39, it says: Generate, by the system
21 controller. Column 51.

22 A. Yes.

23 Q. Line 39. Generate, by the system controller,
24 an option in real time for the participant to one or
25 more of fully cash out of the wager or partially cash

1 out of the wager prior to a conclusion of the wagering
2 event for at least a portion of the award.

3 Do you see that?

4 A. Yes.

5 Q. So this part of Claim 1 contemplates the
6 generation of an option to cash out for at least a
7 portion of the award?

8 A. Would you repeat that question?

9 Q. So this portion of Claim 1 contemplates the
10 generation of an option to cash out for "at least a
11 portion of the award"?

12 A. It identifies fully cashing out the wager or a
13 partial cash out of the wager. In Scott, I use the
14 fully cash out as an option as to what Scott reveals.

15 Q. I'm focusing on the term "award."

16 A. Award.

17 Q. You would agree with me at least a portion of
18 the award is something different from the award itself?

19 A. The award would be the final outcome at the
20 end of the game. This refers to a fully cash out, which
21 would be a separate cash out to get out of the game, or
22 a partial cash out. It refers to three different
23 amounts.

24 Q. But the award itself is the final amount?

25 A. The final amount and final win to the

1 completion.

2 Q. The full cash out isn't the award?

3 A. The full cash out amount is not the award, no.

4 Q. So if we go to your 134 at Page 87, starting
5 at the second line: As an initial matter, it is my
6 understanding based on the claim's use of "one or more
7 of fully cash out of the wager or partially cash out of
8 the wager" that the claim requires that the option be
9 for one of a full cash out or a partial cash out as set
10 forth below. Scott discloses this limitation with
11 respect to full cash out.

12 Do you see that?

13 A. Yes.

14 Q. And you say that 779's option in Scott is
15 like -- it is the current cash value for the player's
16 current game symbols? You say that at Paragraph 134?

17 A. Yes.

18 Q. And so the current cash value is the 779's
19 cash out option. So Scott's current cash value is the
20 779's cash out option?

21 A. It's the fully cash out option.

22 Q. Let's go to your 174. You are dealing with
23 Claim 9 and you say on the first line: Scott discloses
24 "wherein an amount of the award is variable and based on
25 one or more of a calculated possibility."

1 Do you see that?

2 A. Probability.

3 Q. Probability. Sorry.

4 A. Yes, I see that.

5 Q. And Claim 9 requires that the award is
6 variable?

7 A. Claim 9 says, wherein the amount of the award
8 is variable.

9 Q. And you say in Paragraph 174 that Scott
10 discloses this variable award. Looking at Paragraph
11 174, you says: For example, Scott's discloses wherein
12 an amount of the award is variable based on one or more
13 of a calculated probability. For example, Scott
14 discloses that Figures 3-A to 3-B illustrate that the
15 current cash value is dynamic, i.e., variable, because
16 it is based on the current situation of the game being
17 played.

18 Do you see that?

19 A. Yes.

20 Q. So you equate the current cash value in Scott
21 with the award in 779?

22 A. In this example of the poker game that Scott
23 is discussing, the cash out value varies based on the
24 game because the award is variable based on the cards
25 that have been received.

1 Q. So you're saying one example?

2 A. One embodiment, yes.

3 Q. Isn't the award fixed?

4 A. The award -- the potential awards are
5 identified and fixed, however, based on each card that
6 comes up, that award changes and may not be available
7 because of the cards that have come up, the choices. So
8 it has a variable award in a poker example, which this
9 is one embodiment of the Scott patent.

10 (Break.)

11 Q. (By Mr. Gilbert) Okay. I'm going to turn back
12 to Paragraph 81 of your Declaration and this is about
13 types of games disclosed by Scott. And you say -- Page
14 50, you say: Scott discloses that its system supports
15 wagering on various games and you list them: poker
16 games, card games, slot games.

17 Do you see that?

18 A. Yes.

19 Q. And you go on to expand on the list of games,
20 saying in the third line down, slot machine symbols,
21 keno numbers, bingo numbers. And then the fifth line
22 down you talk about video poker games, keno, slot-type
23 games, and blackjack or other card, dice or various
24 other games. And then you repeat below that video
25 lottery, bingo and bingo-based games.

1 Do you see those?

2 A. Yes.

3 Q. And you'd agree with me that the games
4 disclosed in Scott are all games that the wagerer plays?

5 A. Yeah. They are wagering games, so the player
6 would be placing a wager, yes.

7 Q. And nothing in Scott has the wager making a
8 bet on an external event?

9 MR. WILSON: Objection. Form.

10 Q. Like a hockey game played by, say, the NHL.

11 A. I don't recall seeing a sporting event at this
12 point, no.

13 Q. So on the Scott system there are -- in context
14 of the games the wagerer plays, the events that happen
15 on Scott's system all happen within that game system?
16 They're not external events to the game itself?

17 A. I would disagree with that as a person skilled
18 in the art. Video lottery is not contained within that.
19 Some of the progressive games, you're playing both local
20 machines and external jackpots. So I would not
21 characterize it at that, limit it at that.

22 Q. They're all about games?

23 MR. WILSON: Objection. Form.

24 A. Again, Scott is gearing his disclosure with
25 games and the types of games that are used throughout

1 the industry.

2 Q. And there's nothing in Scott that describes
3 external games or external jackpots?

4 A. No. Video lottery is an external jackpot
5 because the game is usually there and has local wins,
6 local jackpots, as well as external jackpots. Poker
7 games, gaming systems -- and in that timeframe, a person
8 skilled in the art is well aware of all these linked
9 progressive games, linked bonusing games, linked
10 networks that have jackpots generated from external
11 sources that people are playing for and toward.

12 Q. So can you point me -- you're saying a person
13 skilled in the art seeing the words video lottery
14 terminal would assume this, but it's not in Scott
15 itself?

16 A. Yes. A person would understand that is an
17 external jackpot available that's not local to where
18 that device is located.

19 Q. So this is all to be inferred, you're
20 thinking?

21 A. Again, a person skilled in the art would know
22 this could be applied to any of those type of games and
23 devices. External jackpots are out there at that
24 timeframe.

25 Q. I want to get back to external games, whether

1 it be football or hockey. Would you agree that the
2 patent contemplates that sporting events can be wagering
3 events?

4 A. I believe it does.

5 Q. If you get the patent out, Column 4, Line 6.

6 A. Okay.

7 Q. It says: The concept, however, has more
8 widespread applications and potential appeal, and thus
9 it may be applied to other types of sporting events,
10 i.e., American football, horse racing, car racing,
11 hockey, baseball, basketball, lacrosse, wrestling, just
12 as a few examples.

13 Do you see that?

14 A. Yes.

15 Q. And I take it, for example, the hockey game,
16 the information that is continuously retrieved in Claim
17 1 would be on the progress of the game?

18 A. Yes.

19 Q. And that could include, for example, whether
20 goals are scored?

21 A. I would say, yes.

22 Q. Whether there's been penalties to any team?

23 A. That's a possible wagering item, I guess, yes.

24 Q. The fact of having, say, two penalties for one
25 team could have an affect on the likelihood of the other

1 team scoring?

2 A. You're testing my knowledge of hockey at the
3 moment, but if you're two players short, it probably has
4 an effect on the odds of the other team making a score,
5 yes.

6 Q. The same with a soccer game, for example. If
7 two players are sent off, one team has 11 players and
8 the other has got nine, that could affect the odds as
9 well?

10 A. Again, you're testing my knowledge of soccer,
11 which I don't know if they can put people in a penalty
12 box in soccer. But if that was the case, yes.

13 Q. Even the amount of time left in the game can
14 affect the odds of one team winning?

15 MR. WILSON: Objection. Form and scope.

16 A. Obviously, the amount of time in the game,
17 that would have an effect, yes.

18 Q. And that affects the odds?

19 A. It could affect the odds of some things.

20 Q. But from your answers in hesitancy, you're not
21 an expert in sports wagering?

22 A. I'm not an expert in sports.

23 Q. Okay. But the question is, time affects the
24 odds?

25 MR. WILSON: Objection to form.

1 A. For example, in a football game, if you're
2 down by 20 points and you've got five minutes left, the
3 odds are slim that you're going to get there. If you've
4 got two minutes left, it's even less. So in that aspect
5 of you're running out of time, it affects the odds of a
6 team coming back. It doesn't affect the odds of the
7 leading team winning. So it depends on your wager.

8 **Q. It increases the odds of the leading team**
9 **winning?**

10 A. I would look at it from the point of view, it
11 decreases the odds of the losing team coming back to
12 win. The winning team has already -- has the lead.
13 It's not increasing their odds, it's making it more
14 difficult for the other team to get back.

15 **Q. Isn't the converse of less chance of come back**
16 **mean a higher chance the other team is going to win?**

17 A. In terms of my experience in the gambling
18 industry, you can bet on anything. And you can bet on
19 them coming back and not be betting on the team winning.
20 So as a result, the odds would be a different bet.

21 **Q. It all affects odds?**

22 A. The odds is affected, yes.

23 **Q. And in a game situation, in order to capture**
24 **the sense of timing -- in essence, you agree with me**
25 **that timing affects the odds in sports of one team**

1 winning or one team losing, how much time is left in the
2 game?

3 A. Yes.

4 Q. And to capture that type of effect on the
5 odds, you really have to check very frequently on the
6 amount of time left like any kind of gaming system has
7 to check extremely frequently?

8 MR. WILSON: Objection. Form.

9 A. Yes. It would have to check in an appropriate
10 frequency to capture anything of significance.

11 Q. And that includes time itself?

12 A. Yes.

13 Q. I want to go to Paragraph 96 of your report.
14 So you say: In addition to being real time, Scott
15 discloses that the calculation and presentation of the
16 current cash value is continuous throughout the wagering
17 game in that it may continue with newly presented game
18 symbols until the game is over or until the player
19 accepts the current cash value for his or her set of
20 symbols. This is consistent with the use of the term
21 continuously in the 779 Patent.

22 Then you go on to say for reference: For
23 example, similar to Scott's disclosure that the current
24 cash value is determined as each game indicia or event
25 is revealed, the 779 Patent describes continuously

1 performing certain operations "as each bet is placed and
2 accepted, and as each event result occurs within the
3 pool," quoting from the patent at Column 11, 5 to 10,
4 right?

5 A. Yes.

6 Q. If you go to the patent itself, if you turn to
7 Column 11, that's 5 to 10, there's a reference here to
8 -- beginning it says: Also, within the Micro Tote 408
9 is a Memory Grid 522 program that includes a Pool
10 Collations 540 routine. The Pool Collations 540 routine
11 calculates and continuously recalculates the odds as
12 each bet is placed and accepted, and as each event
13 result occurs within the pool, so as to determine the
14 odds with respect to each remaining active ticket within
15 the pool bet.

16 Do you see that?

17 A. Yes.

18 Q. If you go back to Column 10, it's the
19 beginning section of this, and it starts with: Now
20 referring to the right side of block -- Line 57, Column
21 10: Now referring to right side block of Figure 3, the
22 Micro Tote 408 routine is the program equivalent to a
23 Totalisator which receives, calculates and provides a
24 display output for all bets made in a given progressive
25 pool bet system.

1 Do you see that?

2 A. Yes.

3 Q. And at the bottom it says: The Gateway 520
4 program also includes a routine for pooling and
5 accumulating all of the Gateway Tickets.

6 Do you see that?

7 A. Yes.

8 Q. So this section is an example, it's a tote, is
9 an example of certain operations in your Paragraph 96?

10 A tote is a type of operation.

11 A. Yes.

12 Q. And what's described here is a pool bet in the
13 context of a tote?

14 A. It could be a pool bet or any other
15 progressive type bet or collection of bets where
16 additional bets are collected throughout, yes.

17 MR. GILBERT: Another break and I think
18 we'll wrap it up.

19 (Break.)

20 MR. GILBERT: Thank you, Mr. Crevelt.
21 Those are all my questions.

22 MR. WILSON: A brief redirect.

23 QUESTIONS BY MR. WILSON:

24 Q. Mr. Crevelt, do you recall you were asked
25 about Scott's disclosure of multiplayer games?

1 A. Yes.

2 Q. Does Scott disclose multiplayer games?

3 A. Yes, it does.

4 Q. What are those games?

5 A. Things like keno, bingo, other progressive and
6 bonusing games. Progressive is not specifically stated.

7 Q. And those are games that would typically have
8 multiple players; is that correct?

9 A. Yes.

10 Q. For a single game?

11 A. Yes.

12 Q. Do you recall before the break you were being
13 asked about Paragraph 81 of your Declaration?

14 A. Yes.

15 Q. In Paragraph 81 you reference Class III and
16 Class II games. Do you see that?

17 A. Yes.

18 Q. And for Class II, it says central determinant
19 games. Do you see that?

20 A. Yes.

21 Q. What is -- I guess, well, first, what are
22 Class III and Class II games generally?

23 A. Class II and Class III games are gaming games
24 defined by the Indian Gaming Act in -- I believe it was
25 1987 to clarify what types of games and gaming activity

1 would be used on Indian reservations in relationship to
2 states because of the sovereignty issues.

3 Class I refers to traditional games, such as
4 religious games, games played on the reservation, and
5 for historical significance, many of which do include
6 wagering of various things.

7 Class II is again other wagering games where
8 you typically have central determination, such as bingo,
9 keno, where the random number generators are all done by
10 one site, by one central controller, and all the other
11 activities are done by terminals or people.

12 Then Class III traditionally is your standard
13 gambling games, slot marks, poker games, table games,
14 all of the items typically known in a casino
15 environment.

16 MR. GILBERT: Counsel, these are all in
17 the report. It's already referenced. You're just
18 repeating evidence.

19 MR. WILSON: I don't think the full
20 explanation of Class II and III games is in the report.

21 MR. GILBERT: No, it's not. I think
22 that's the point. Go on.

23 Q. (By Mr. Wilson) Mr. Crevelt, you recall you
24 were asked about limitation 16(g)?

25 A. Yes. I'd have to look to see which one that

1 was.

2 Q. Paragraph 197 of your Declaration.

3 A. Okay.

4 Q. And it's your opinion that Scott discloses
5 limitation 16(g), correct?

6 A. Yes.

7 Q. What embodiments does Scott disclose in that
8 limitation?

9 MR. GILBERT: Objection. Should have
10 been in your report.

11 A. All these multiplayer games, such as keno,
12 bingo, have a trading engine that would fit that
13 category.

14 Q. You mentioned Paragraph 55 of Scott --

15 A. Yes.

16 Q. -- in some of the answers that you gave. Do
17 you recall that?

18 A. Yes.

19 Q. Do you know where in your Declaration you cite
20 to that particular paragraph?

21 A. Well, I have one cite here on Page 53,
22 Paragraph 84, communicating with other systems over a
23 communications medium, two servers.

24 Q. Just stopping there, could you read that
25 Paragraph 84 of your Declaration?

1 A. In addition, in the embodiment described above
2 where the value engine is a separate component not
3 within the gaming machine's processor, Scott discloses
4 that the wagering machine and its display input device
5 would communicate with external value engine device
6 "through one or more communication devices," which a
7 person skilled in the art would also know serves as a
8 communications interface because it is a device for
9 communicating over to "a network or other
10 communications" medium, Id Paragraph 55.

11 **Q. Does that opinion also support your opinion**
12 **regarding limitation 16(g)?**

13 MR. GILBERT: Objection as to form.

14 A. Yes.

15 MR. WILSON: No further questions. I
16 pass the witness.

17 MR. GILBERT: Thank you.

18 [Signature reserved.]

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CERTIFICATE OF REPORTER

I, Joann Renee Richardson, CCR, for the State of Missouri, do hereby certify that the deposition of DWIGHT CREVELT was taken on June 27, 2024, at Courtyard Springfield Airport, 3527 W. Kearney Street, City of Springfield, State of Missouri, and was held on the time and in the place previously described.

IN WITNESS WHEREOF, I have hereunto set my hand and seal.



Joann Renee Richardson, CCR 583

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1 CHANGES AND SIGNATURE

2 WITNESS NAME: Dwight Crevelt, 06/27/2024

3 PAGE	LINE	CHANGE	REASON
4 39	2	"Figure B" to "Figure 1B"	Transcription Error

5

6

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19

20 I, Dwight Crevelt, have read the foregoing
21 transcript and hereby affix my signature that same is
22 true and correct, except as noted above.

23

24

25 Dwight Crevelt

Date

6/27/24

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