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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/280,629	11/01/2022	11488451	84971-326801	5484

15608 7590 10/12/2022

Barnes & Thornburg LLP (Blackhawk)
11 S. Meridian Street
Indianapolis, IN 46204

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

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

The Patent Term Adjustment is 0 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

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

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

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Patents Stakeholder Experience (OPSE), Stakeholder Support Division (SSD) at (571)-272-4200.

INVENTOR(s) (Please see PAIR WEB site http://pair.uspto.gov for additional inventors):

Gino Giunti, Sault Ste. Marie, CANADA;

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

BLACKHAWK NETWORK INC., Pleasanton, CA;

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/280,629	02/20/2019	Gino Giunti	84971-326801	5484

15608 7590 09/21/2022

Barnes & Thornburg LLP (Blackhawk)
11 S. Meridian Street
Indianapolis, IN 46204

EXAMINER
PANDYA, SUNIT

ART UNIT	PAPER NUMBER
3649	

NOTIFICATION DATE	DELIVERY MODE
09/21/2022	ELECTRONIC

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

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

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

INDocket@btlaw.com
jerry.harris@btlaw.com
michelle.horvath@btlaw.com

Response to Rule 312 Communication	Application No.	Applicant(s)	
	16/280,629	Giunti, Gino	
	Examiner	Art Unit	AIA (FITF) Status
	SUNIT PANDYA	3649	Yes

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

1. ☑ The amendment filed on 01 September 2022 under 37 CFR 1.312 has been considered, and has been:

a) ☐ entered.

b) ☑ entered as directed to matters of form not affecting the scope of the invention.

c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

d) ☐ disapproved. See explanation below.

e) ☐ entered in part. See explanation below.

f) ☐ not entered because the supplemental or corrected Application Data sheet (ADS)

☐ was not accompanied by a petition to accept an unintentionally delayed claim under 37 CFR 1.55 or 27 CFR 1.78;

☐ did not identify the information being changed in accordance with 37 CFR 1.76(c)(2);

☐ was not properly signed in accordance with 37 CFR 1.76(e) (or 37 CFR 1.33(b) for applications filed prior to September 16, 2012).

/SUNIT PANDYA/
Primary Examiner, Art Unit 3649

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Gino Giunti	§	
		§	Group Art Unit: 3649
Serial No.	16/280,629	§	
		§	Examiner: Sunit Pandya
Filed:	February 20, 2019	§	
		§	Confirmation No.: 5484
For:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS	§	

Mail Stop: Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF EFS-WEB FILING

Pursuant to 37 CFR § 1.8, I hereby certify that this correspondence is being electronically submitted to the U.S. Patent and Trademark Office website, www.uspto.gov, on

09/01/2022 .
(Date submitted)

/Jerry C. Harris, Jr./
Jerry C. Harris, Jr.

AMENDMENT AFTER NOTICE OF ALLOWANCE (RULE 312)

Dear Sir:

In response to the Notice of Allowance dated August 31, 2022, Applicant respectfully requests that the Examiner enter the following claim amendments. Claims 1, 2, 10, 11, and 22 have been amended to more consistently recite the claimed "retailer POS" and to recite "retailers points of sale."

Amendments to the Claims begin on page 2 of this paper.

OK TO ENTER: /S.P/

09/14/2022

United States Patent and Trademark Office

Office of the Chief Financial Officer

Document Code:WFEE

User :Cynthia Chau

Sale Accounting Date:09/13/2022

Sale Item Reference Number	Effective Date
16280629	09/12/2022

Document Number	Fee Code	Fee Code Description	Amount Paid	Payment Method
I20229CE52350332	1501	UTILITY APPL ISSUE FEE	$1,200.00	Salea

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Jerry C. Harris, Jr.	(Typed or printed name)
/Jerry C. Harris, Jr./	(Signature)
September 12, 2022	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/280,629	02/20/2019	Gino Giunti	84971-326801	5484

TITLE OF INVENTION: METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	$1200	$0.00	$1200.00	$0	11/30/2022

EXAMINER	ART UNIT	CLASS-SUBCLASS
PANDYA, SUNIT	3649	463-017000

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

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

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

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

1 Barnes & Thornburg LLP
2 Jerry C. Harris, Jr.
3

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

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE: Blackhawk Network, Inc.

(B) RESIDENCE: (CITY and STATE OR COUNTRY): Pleasanton, California

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

4a. Fees submitted: ☐ Issue Fee ☐ Publication Fee (if required) ☐ Advance Order - # of Copies _____

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

☐ Applicant certifying micro entity status. See 37 CFR 1.29

☐ Applicant asserting small entity status. See 37 CFR 1.27

☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.
NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.
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NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature /Jerry C. Harris, Jr./ Date September 12, 2022

Typed or printed name Jerry C. Harris, Jr. Registration No. 66822

Electronic Acknowledgement Receipt

EFS ID:	46592131
Application Number:	16280629
International Application Number:	
Confirmation Number:	5484
Title of Invention:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS
First Named Inventor/Applicant Name:	Gino Giunti
Customer Number:	15608
Filer:	Jerry Harris/Michelle Horvath
Filer Authorized By:	Jerry Harris
Attorney Docket Number:	84971-326801
Receipt Date:	12-SEP-2022
Filing Date:	20-FEB-2019
Time Stamp:	08:30:05
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Issue Fee Payment (PTO-85B)	16280629_IssueFeeTransmittal.pdf	180190 1473d06f9661735ae19a9faa2e10f9b047d90cd5	no	1

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

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

New International Application Filed with the USPTO as a Receiving Office

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

PART B - FEE(S) TRANSMITTAL

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Jerry C. Harris, Jr.	(Typed or printed name)
/Jerry C. Harris, Jr./	(Signature)
September 12, 2022	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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1 Barnes & Thornburg LLP
2 Jerry C. Harris, Jr.
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Authorized Signature /Jerry C. Harris, Jr./ Date September 12, 2022

Typed or printed name Jerry C. Harris, Jr. Registration No. 66822

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Gino Giunti	§	
		§	Group Art Unit: 3649
Serial No.	16/280,629	§	
		§	Examiner: Sunit Pandya
Filed:	February 20, 2019	§	
		§	Confirmation No.: 5484
For:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS	§	

Mail Stop: Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

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(Date submitted)

/Jerry C. Harris, Jr./
Jerry C. Harris, Jr.

AMENDMENT AFTER NOTICE OF ALLOWANCE (RULE 312)

Dear Sir:

In response to the Notice of Allowance dated August 31, 2022, Applicant respectfully requests that the Examiner enter the following claim amendments. Claims 1, 2, 10, 11, and 22 have been amended to more consistently recite the claimed "retailer POS" and to recite "retailers points of sale."

Amendments to the Claims begin on page 2 of this paper.

AMENDMENTS TO THE CLAIMS

Listing of claims:

1. (Currently Amended) A method for providing a manufactured, pre-printed, random draw lottery ticket comprising:

(a) receiving, by a third-party transaction processor, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed, random draw lottery ticket, wherein the manufactured, pre-printed, random draw lottery ticket is selected by a customer prior to initiation of a check-out process and is presented by the customer for activation during the check-out process, wherein the third-party transaction processor receives transaction requests from a plurality of different retailers;

(b) providing, via a first secured communication, by the third-party transaction processor, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from ~~a~~ the retailer POS without the use of lottery hardware; and

(c) receiving, via a second secured communication, by the third-party transaction processor, from the lottery administration system, indication that draw information has been associated with the manufactured, pre-printed, random draw lottery ticket.

~~2~~. (Currently Amended) The method of claim 1, wherein receiving the transaction request comprises receiving unique product information associated with the manufactured, pre-printed, random draw lottery ticket over a secure communication channel from ~~a point of sale (POS) system~~ the retailer POS.

3. (Previously Presented) The method of claim 1, wherein draw information is made available on a printed receipt; by scanning a code on the manufactured, pre-printed, random draw lottery ticket;

or by entering a unique identifier associated with the manufactured, pre-printed, random draw lottery ticket into an online website or mobile application.

4. (Previously Presented) The method of claim 1, further comprising receiving unique product information associated with the manufactured, pre-printed, random draw lottery ticket, and wherein the third-party transaction processor provides the transaction requests from the plurality of different retailers to a single lottery system.

5. (Previously Presented) The method of claim 1, further comprising retrieving unique identification information associated with the manufactured, pre-printed, random draw lottery ticket from the received product information.

6. (Previously Presented) The method of claim 4, wherein the product information is sufficient to determine one or more of:

a game type associated with the manufactured, pre-printed, random draw lottery ticket;

a wager amount associated with the manufactured, pre-printed, random draw lottery ticket; and

a number of wagers associated with the manufactured, pre-printed, random draw lottery ticket.

7. (Original) The method of claim 1, further comprising validating the received transaction request.

8. (Previously Presented) The method of claim 7, wherein validating the received identification information comprises verifying that the product information corresponds to identification information associated with the manufactured, pre-printed, random draw lottery ticket.

9. (Previously Presented) The method of claim 8, wherein validating the transaction information includes verifying that the product is validly distributed by a retailer of the plurality of different retailers.

10. (Currently Amended) The method of claim 1, wherein the information provided to the lottery administration system includes one or more randomly determined lottery numbers generated at the time the manufactured, pre-printed, random draw lottery ticket is purchased at the retailer POS.

11. (Currently Amended) The method of claim 1, wherein the information provided to the lottery administration system includes one or more randomly determined lottery numbers associated with the manufactured, pre-printed, random draw lottery ticket prior to the time the manufactured, pre-printed lottery ticket is purchased at the retailer POS.

12. (Previously Presented) The method of claim 1, wherein the retailer POS does not use lottery hardware at a retailer location to activate the lottery ticket.

13. (Previously Presented) The method of claim 1, wherein the manufactured, pre-printed, random draw lottery ticket comprises a barcode.

14. (Original) The method of claim 13, wherein the barcode comprises a first party information and a second party information.

15. (Original) The method of claim 13, wherein the barcode comprises a universal product code and pre-printed lottery ticket information.

16. (Previously Presented) The method of claim 1, wherein the manufactured, pre-printed, random draw lottery ticket contains information used to redeem a winning prize.

17. (Previously Presented) The method of claim 1, wherein the lottery administration system generates wagers for the manufactured, pre-printed, random draw lottery ticket and a draw date is assigned to the wagers.

18. (Original) The method of claim 1, wherein lottery numbers are entered in a draw.

19. (Original) The method of claim 7, wherein the validation comprises age validation.

20. (Cancelled)

21. (Previously Presented) The method of claim 1, wherein the first secured communication, the second secured communication, or combinations thereof are encrypted.

22. (Currently Amended) The method of claim 1, wherein activation requests are received from the plurality of different retailers and for at least one of the plurality of different retailers, the

activation requests are received from a plurality of retailer locations and from a plurality of ~~point of sale terminals~~retailer points of sale at the plurality of retailer locations.

23. (Previously Presented) The method of claim 22, wherein the activation requests include requests for a plurality of different lottery games.

24. (Previously Presented) The method of claim 23, further comprising validating, by the third-party transaction processor, transaction information from the plurality of different retailers.

25. (Previously Presented) The method of claim 23, wherein validating the transaction information includes verifying that a product is validly distributed by a retailer of the plurality of different retailers and, where the product is verified, providing the transaction information to the lottery system.

CONCLUSION

Consideration of the foregoing is respectfully requested by Applicant. No new matter is introduced by way of amendment. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account Number 100435 of Barnes & Thornburg LLP. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,
BARNES & THORNBURG LLP

Date: September 1, 2022

/Jerry C. Harris, Jr./
Jerry C. Harris, Jr.
Reg. No. 66,822

ATTORNEY FOR APPLICANT

2121 North Pearl Street, Suite 700
Dallas, Texas 75201
(214) 258-4200 (Telephone)
(214) 258-4199 (Facsimile)

Electronic Acknowledgement Receipt

EFS ID:	46532198
Application Number:	16280629
International Application Number:	
Confirmation Number:	5484
Title of Invention:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS
First Named Inventor/Applicant Name:	Gino Giunti
Customer Number:	15608
Filer:	Jerry Harris/Michelle Horvath
Filer Authorized By:	Jerry Harris
Attorney Docket Number:	84971-326801
Receipt Date:	01-SEP-2022
Filing Date:	20-FEB-2019
Time Stamp:	09:54:03
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		16280629_Rule312Amendment.pdf	49409 7a5472616365e13e513475a0105c33253e749a66	yes	7

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment after Notice of Allowance (Rule 312)	1	1
	Claims	2	6
	Applicant Arguments/Remarks Made in an Amendment	7	7
Warnings:			
Information:			
	Total Files Size (in bytes):	49409	

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New Applications Under 35 U.S.C. 111

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

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

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New International Application Filed with the USPTO as a Receiving Office

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NOTICE OF ALLOWANCE AND FEE(S) DUE

15608 7590 08/31/2022

Barnes & Thornburg LLP (Blackhawk)
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EXAMINER
PANDYA, SUNIT

ART UNIT	PAPER NUMBER
3649	

DATE MAILED: 08/31/2022

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/280,629	02/20/2019	Gino Giunti	84971-326801	5484

TITLE OF INVENTION: METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	$1200	$0.00	$1200.00	$0	11/30/2022

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

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

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

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

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

IMPORTANT REMINDER: Maintenance fees are due in utility patents issuing on applications filed on or after Dec. 12, 1980. It is patentee's responsibility to ensure timely payment of maintenance fees when due. More information is available at www.uspto.gov/PatentMaintenanceFees.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), by mail or fax, or via EFS-Web.

By mail, send to: Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

By fax, send to: (571)-273-2885

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

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

15608 7590 08/31/2022
Barnes & Thornburg LLP (Blackhawk)
11 S. Meridian Street
Indianapolis, IN 46204

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

Certificate of Mailing or Transmission

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

(Typed or printed name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/280,629	02/20/2019	Gino Giunti	84971-326801	5484

TITLE OF INVENTION: METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	$1200	$0.00	$1200.00	$0	11/30/2022

EXAMINER	ART UNIT	CLASS-SUBCLASS
PANDYA, SUNIT	3649	463-017000

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

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

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

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

1 _____
2 _____
3 _____

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

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

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

4a. Fees submitted: ❑ Issue Fee ❑ Publication Fee (if required) ❑ Advance Order - # of Copies _____

4b. Method of Payment: *(Please first reapply any previously paid fee shown above)*

❑ Electronic Payment via EFS-Web ❑ Enclosed check ❑ Non-electronic payment by credit card (Attach form PTO-2038)

❑ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. _____

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

❑ Applicant certifying micro entity status. See 37 CFR 1.29

❑ Applicant asserting small entity status. See 37 CFR 1.27

❑ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.
NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.
NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/280,629	02/20/2019	Gino Giunti	84971-326801	5484

15608 7590 08/31/2022

Barnes & Thornburg LLP (Blackhawk)
11 S. Meridian Street
Indianapolis, IN 46204

EXAMINER	
PANDYA, SUNIT	
ART UNIT	**PAPER NUMBER**
3649	

DATE MAILED: 08/31/2022

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

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

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

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

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

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

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

Notice of Allowability	Application No. 16/280,629	Applicant(s) Giunti, Gino	
	Examiner SUNIT PANDYA	Art Unit 3649	AIA (FITF) Status Yes

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

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

1. ☑ This communication is responsive to RCE filed on 8/2/22.
   ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

3. ☑ The allowed claim(s) is/are 1-19 and 21-25 . As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information , please see **http://www.uspto.gov/patents/init_events/pph/index.jsp** or send an inquiry to **PPHfeedback@uspto.gov.**

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   Certified copies:

   a) ☐ All b) ☐ Some* c) ☐ None of the:

   1. ☐ Certified copies of the priority documents have been received.
   2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
   3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____ .

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☑ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date 8/2/22.
3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material _____.
4. ☐ Interview Summary (PTO-413), Paper No./Mail Date. _____.
5. ☐ Examiner's Amendment/Comment
6. ☑ Examiner's Statement of Reasons for Allowance
7. ☐ Other _____.

/SUNIT PANDYA/
Primary Examiner, Art Unit 3649

DETAILED ACTION

Notice of Pre-AIA or AIA Status

The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 8/2/2022 has been entered.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 8/2/22 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

Terminal Disclaimer

The terminal disclaimer filed on 6/14/2022 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US

Patent No. 9,865,135 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Examiner's Reasons for Allowance

In response to the RCE filed on 8/2/22, claims 1-19 & 21-25 are allowed. The following is an examiner's statement of reasons for allowance:

The claims as currently presented are allowed because no references, or reasonable combination thereof could be found, which disclose, suggest or teach, the recited features of the independent claim 1. The prior art fails to disclose or teach a method for providing a manufactured, pre-printed, random draw lottery ticket comprising: (a) receiving, by a third-party transaction processor, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed, random draw lottery ticket, wherein the manufactured, pre-printed, random draw lottery ticket is selected by a customer prior to initiation of a check-out process and is presented by the customer for activation during the check-out process, wherein the third-party transaction processor receives transaction requests from a plurality of different retailers; (b) providing, via a first secured communication, by the third-party transaction processor, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and (c) receiving, via a second secured communication, by the third-party transaction processor, from the lottery administration system, indication that draw information has been associated with the manufactured, pre-printed, random draw lottery ticket. As required by the independent claim 1.

The closest prior art appears to be Gilmore et al. (US Patent Pub. 20050233797; referred to hereinafter as Gilmore), in view of McBride (US Patent Pub. 20090227320; referred to hereinafter as McBride). Gilmore disclose a method and system of selling an on-line lottery game ticket to a lottery game player within a store, the store having a networked POS system with at least one POS terminal equipped with a bar code reader adapted to scan product identification codes, and thus lottery play slips, thereat. The lottery game player selects the game to be played and presents either at least one on-line lottery game token so that the bar code on the token may be scanned at a POS terminal of the system, or a lottery/wager play or bet slip to be scanned at the POS terminal, or verbally requests the game and game play indicia selected by the player and which is then keyed into the POS terminal. McBride teach a lottery system which allows players to participate in the lottery game, when the lottery player activates the lottery ticket through entry of the unique activation coding information number at the Internet web site, the Internet web site opens a corresponding unique playing account solely associated with the lottery ticket for the lottery player to access. However, neither Gilmore nor McBride, individually or in combination with each other disclose or teach all the recited claim limitations, as require by the independent claim 1. Consequently, claims 1-19 & 21-25 are allowed.

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

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUNIT PANDYA whose telephone number is (571)272-2823. The examiner can normally be reached M-F 9:30-6:30PM.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at http://www.uspto.gov/interviewpractice.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darnell Jayne can be reached on 571-272-7723. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of published or unpublished applications may be obtained from Patent Center. Unpublished application information in Patent Center is available to registered users. To file and manage patent submissions in Patent Center, visit: https://patentcenter.uspto.gov. Visit https://www.uspto.gov/patents/apply/patent-center for more information about Patent Center and https://www.uspto.gov/patents/docx for information about filing in DOCX format. For additional questions, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SUNIT PANDYA/
Primary Examiner, Art Unit 3649

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	16/280,629	Giunti, Gino
	Examiner	**Art Unit**
	SUNIT PANDYA	3649

CPC						
Symbol					**Type**	**Version**
G07F	/	17	/	329	F	2013-01-01
G06Q	/	20	/	202	I	2013-01-01
G07F	/	17	/	3244	I	2013-01-01
G06Q	/	50	/	34	I	2013-01-01
G06Q	/	20	/	209	I	2013-01-01

CPC Combination Sets							
Symbol					**Type**	**Set**	**Ranking**	**Version**
	/		/					

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	24	
/SUNIT PANDYA/ Primary Examiner, Art Unit 3649	23 August 2022	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1

U.S. Patent and Trademark Office

Part of Paper No.: 20220822

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	16/280,629	Giunti, Gino
	Examiner	**Art Unit**
	SUNIT PANDYA	3649

INTERNATIONAL CLASSIFICATION					
CLAIMED					
G06F	/	40	/	00	
	/		/		

NON-CLAIMED				
	/		/	

US ORIGINAL CLASSIFICATION	
CLASS	**SUBCLASS**

CROSS REFERENCES(S)						
CLASS	**SUBCLASS (ONE SUBCLASS PER BLOCK)**					

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	24	
/SUNIT PANDYA/ Primary Examiner, Art Unit 3649	23 August 2022	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1

U.S. Patent and Trademark Office

Part of Paper No.: 20220822

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	16/280,629	Giunti, Gino
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☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☑ T.D. ☐ R.1.47

CLAIMS

Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
1	1	11	10	10	19										
2	2	12	11		20										
3	3	13	12	20	21										
4	4	14	13	21	22										
6	5	15	14	22	23										
5	6	16	15	23	24										
7	7	17	16	24	25										
8	8	18	17												
9	9	19	18												

NONE		**Total Claims Allowed:**	
(Assistant Examiner)	(Date)	24	
/SUNIT PANDYA/ Primary Examiner, Art Unit 3649	23 August 2022	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1

U.S. Patent and Trademark Office

Part of Paper No.: 20220822

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	16/280,629	Giunti, Gino
	Examiner	Art Unit
	SUNIT PANDYA	3649

CPC - Searched*		
Symbol	Date	Examiner
A63F	01/13/2021	SP
G07F	01/13/2021	SP
G06Q	06/22/2022	SP

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	16/280,629	Giunti, Gino
	Examiner	Art Unit
	SUNIT PANDYA	3649

Search Notes		
Search Notes	**Date**	**Examiner**
Conducted text searches in EAST, see attached notes	08/22/2019	SP
Prior searches updated, see attachment	01/28/2020	SP
Updated prior searches in EAST, see search attachment	06/05/2020	SP
UPdated previous searches in EAST, see search notes	01/13/2021	SP
Previous searches updated in EAST, see attached notes	06/29/2021	SP
Prior searches updated, see search notes attached	11/15/2021	SP
Updated prior searches, see attached notes	04/09/2022	SP
A63F	01/13/2021	SP
G07F	01/13/2021	SP
Previous searches updated, see search notes attached	06/22/2022	SP
G06Q	06/22/2022	SP
Updated prior CPC and text searches, see attached notes	08/23/2022	

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	16/280,629	Giunti, Gino
	Examiner	Art Unit
	SUNIT PANDYA	3649

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner
G06Q	50/34 , 20/202 , 20/209 , 30/0238 , 20/3274 , 20/387 , 30/0212 , 20/20 , 20/3224 , 20/401 , 30/0241 , 10/00 , 30/00 , 90/00 , 40/00 , 50/00	06/22/2022	SP
G07F	7/0813 , 7/125, 9/026 , 11/68 , 17/3216 , 17/3218 , 7/02 , 9/001 , 17/3253 , 17/3269, 17/3239 , 17/3227 , 17/3258 , 17/3237 , 17/326 , 17/3241 , 17/3251 , 17/3262 , 17/3211 , 17/3272 , 17/3293 , 17/3209 , 17/3288 , 17/323 , 17/3202 , 17/3286 , 17/3232 , 17/3234 , 17/3295 , 17/34 , 9/002 , 1/06 , 13/025 , 17/0014 , 17/3206 , 17/3274 , 17/3276	06/22/2022	SP
G06Q	50/34, 30/00 , 90/00 , 40/00 , 50/00, 20/202 , 20/209 , 30/0238 , 20/3274 , 20/387 , 30/0212 , 20/20 , 20/3224 , 20/401 , 30/0241 , 10/00	08/23/2022	SP
G07F	7/0813, 7/125, 9/026, 11/68, 17/3216, 17/3218, 7/02, 9/001, 17/3253, 17/3269, 17/3239, 17/3227, 17/3258, 17/3237, 17/326, 17/3241, 17/3251, 17/3262, 17/3211, 17/3272, 17/3293, 17/3209, 17/3288, 17/323, 17/3202, 17/3286, 17/3232, 17/3234, 17/3295, 17/34, 9/002, 1/06, 13/025, 17/0014, 17/3206, 17/3274, 17/3276	08/23/2022	SP

PE2E SEARCH - Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	British Equivalents	Time Stamp
L1	1	"14679028"	(US-PGPUB; USPAT)	OR	OFF	OFF	2016/12/28 02:48 PM
L2	0	("2016/0210808").URPN.	(USPAT)	OR	OFF	OFF	2016/12/28 02:55 PM
L3	14	online with lottery with ticket with draw	(USPAT)	OR	OFF	OFF	2016/12/28 02:55 PM
L4	28	online with lottery with ticket with draw$4	(USPAT)	OR	OFF	OFF	2016/12/28 02:55 PM
L5	211	online with lottery with ticket with draw$4	(US-PGPUB; USPAT)	OR	ON	ON	2016/12/28 02:55 PM
L6	1	online with lottery with ticket with draw$4 with unique with identif$7	(US-PGPUB; USPAT)	OR	ON	ON	2016/12/28 02:56 PM
L7	3	online with lottery with ticket with draw$4 same (unique with identif$7)	(US-PGPUB; USPAT)	OR	ON	ON	2016/12/28 02:56 PM
L9	22	"5241487"	(US-PGPUB; USPAT)	OR	ON	ON	2016/12/28 06:28 PM
L10	16	("2006/0160602").URPN.	(USPAT)	OR	OFF	OFF	2016/12/29 03:09 PM
L11	10	("2009/0227320").URPN.	(USPAT)	OR	OFF	OFF	2016/12/29 06:12 PM
L12	8	("2010/0093421").URPN.	(USPAT)	OR	OFF	OFF	2016/12/29 06:15 PM
L13	53	("20010026610" | "20010039204" | "20020006821" | "20020082085" | "20020093190" | "20020100785" | "20020143625" | "20020166882" | "20030003985" | "20030023547" | "20030104857" | "20030139212" | "20030187793" | "20030228910" | "20040030920" | "20040183748" | "20040259626" | "20050026694" | "20060046838" | "20060052153" | "20060071046" | "20060080170" | "20060160602" | "20060247970" | "20060259361" |	(US-PGPUB; USPAT; USOCR)	OR	OFF	OFF	2016/12/29 06:15 PM

		"20070060285" | "20070088459" | "20070192784" | "20070198432" | "20080167060" | "20090042631" | "20120015700" | "4191376" | "4398708" | "4832341" | "5119295" | "5365575" | "5573110" | "5787156" | "5887906" | "6044135" | "6267670" | "6424703" | "6497408" | "6533274" | "6929544" | "6938019" | "7093130" | "7162433" | "7630986" | "7749078" | "7976373" | "8113950").PN. OR ("8219497").URPN.					
L14	67	("20030050109" | "20040049463" | "20040204215" | "20040259631" | "20050233797" | "20050239534" | "20050262338" | "20060035695" | "20060035697" | "20060178187" | "20060211470" | "20060247000" | "20060287051" | "20070060284" | "20070113280" | "20070129144" | "20080058057" | "20090023490" | "20090037311" | "20090137304" | "20090206156" | "20090227320" | "20090236417" | "20090253481" | "20090280886" | "20100025491" | "20100062822" | "20100093419" | "20100113124" | "20100121719" | "20100190541" | "4882473" | "5327485" | "5398932" | "5471039" | "5709603" | "5791990" | "5935000" | "5996997" | "5997044" | "6024641" | "6146272" | "6154172" | "6178510" | "6277026" | "6322446" | "6379742" |	(US-PGPUB; USPAT; USOCR)	OR	OFF	OFF	2016/12/29 06:32 PM

		"6383078" | "6435408" | "6491215" | "6776337" | "6869358" | "6875105" | "7008317" | "7155014" | "7815502" | "7819747" | "7959502" | "7988550" | "7988551" | "8033905" | "8047917" | "8109828" | "8241100").PN. OR ("8408986").URPN.					
L15	42	("20030045340" | "20040204222" | "20060160602" | "20060258433" | "20080045299" | "20090023490" | "20090061992" | "20090227320" | "20110294585" | "20120202571" | "20120202572" | "20120202573" | "20120202574" | "5042809" | "5324035" | "5327485" | "5377975" | "5569082" | "5709603" | "5791990" | "5871398" | "6024640" | "6322446" | "6383078" | "6869358" | "6958014" | "6991541" | "7008317" | "7008318" | "7285045" | "7303468" | "7628703" | "7887404" | "7931529" | "7946913" | "7959502" | "7976374" | "8033905" | "8083583" | "8308162" | "8337288" | "8408986").PN. OR ("8784180").URPN.	(US-PGPUB; USPAT; USOCR)	OR	OFF	OFF	2016/12/29 06:41 PM
L16	51	online with lottery with ticket with draw$4 and (pre adj print$3)	(US-PGPUB; USPAT)	OR	ON	ON	2016/12/29 07:10 PM
L17	49	L16 AND ((G07F17/32 OR G07F17/329 OR G07F17/3244 OR G07F17/3255 OR G07F17/3258 OR G07F17/3288 OR G07F17/34 OR G07F17/323 OR G07F17/3248 OR G07F17/3246 OR G07F17/3276 OR G07F17/3293 OR G07F17/3202 OR G07F17/3251 OR G07F17/42 OR	(US-PGPUB; USPAT)	OR	ON	ON	2016/12/29 07:10 PM

		G07F17/3225 OR G07F17/3211 OR G07F17/3218 OR G07F17/3223 OR G07F17/3286).CPC.)					
L18	29	L16 AND ((G06Q50/34 OR G06Q30/02 OR G06Q30/0209 OR G06Q30/0212 OR G06Q30/0213 OR G06Q30/0222 OR G06Q30/0225 OR G06Q30/0226 OR G06Q30/0234 OR G06Q30/0236 OR G06Q30/0238 OR G06Q30/0239 OR G06Q20/108 OR G06Q20/045 OR G06Q10/06 OR G06Q20/00 OR G06Q20/202 OR G06Q20/209).CPC.)	(US-PGPUB; USPAT)	OR	ON	ON	2016/12/29 07:10 PM
L19	18	L16 AND ((A63F13/00 OR A63F3/0645 OR A63F3/065 OR A63F2003/086 OR A63F3/06 OR A63F3/08 OR A63F9/24).CPC.)	(US-PGPUB; USPAT)	OR	ON	ON	2016/12/29 07:10 PM
L20	3	L16 AND ((G06F17/303 OR G06F17/30569 OR G07C15/006 OR G07G5/00).CPC.)	(US-PGPUB; USPAT)	OR	ON	ON	2016/12/29 07:11 PM
L21	1	"14937371"	(US-PGPUB; USPAT)	OR	ON	ON	2017/01/03 06:16 PM
L22	125	("4191376" | "4398708" | "4725079" | "5317135" | "5398932" | "5505449" | "5613680" | "5749784" | "5772510" | "5791990").PN. OR ("5935000").URPN.	(US-PGPUB; USPAT; USOCR)	OR	OFF	OFF	2017/06/15 02:27 PM
L23	125	("4191376" | "4398708" | "4725079" | "5317135" | "5398932" | "5505449" | "5613680" | "5749784" | "5772510" | "5791990").PN. OR ("5935000").URPN.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2017/06/15 02:27 PM
L24	86	("5398932" | "5417424" | "5722890" | "6024641" | "6146272" | "6154172").PN. OR ("6322446").URPN.	(US-PGPUB; USPAT; USOCR)	OR	OFF	OFF	2017/06/15 02:27 PM

L25	10	("2009/0227320").URPN.	(USPAT)	OR	OFF	OFF	2017/06/15 02:28 PM
L26	53	("20010026610" | "20010039204" | "20020006821" | "20020082085" | "20020093190" | "20020100785" | "20020143625" | "20020166882" | "20030003985" | "20030023547" | "20030104857" | "20030139212" | "20030187793" | "20030228910" | "20040030920" | "20040183748" | "20040259626" | "20050026694" | "20060046838" | "20060052153" | "20060071046" | "20060080170" | "20060160602" | "20060247970" | "20060259361" | "20070060285" | "20070088459" | "20070192784" | "20070198432" | "20080167060" | "20090042631" | "20120015700" | "4191376" | "4398708" | "4832341" | "5119295" | "5365575" | "5573110" | "5787156" | "5887906" | "6044135" | "6267670" | "6424703" | "6497408" | "6533274" | "6929544" | "6938019" | "7093130" | "7162433" | "7630986" | "7749078" | "7976373" | "8113950").PN. OR ("8219497").URPN.	(US-PGPUB; USPAT; USOCR)	OR	OFF	OFF	2017/06/15 02:28 PM
L27	67	("20030050109" | "20040049463" | "20040204215" | "20040259631" | "20050233797" | "20050239534" | "20050262338" | "20060035695" | "20060035697" | "20060178187" | "20060211470" |	(US-PGPUB; USPAT; USOCR)	OR	OFF	OFF	2017/06/15 02:29 PM

		"20060247000" | "20060287051" | "20070060284" | "20070113280" | "20070129144" | "20080058057" | "20090023490" | "20090037311" | "20090137304" | "20090206156" | "20090227320" | "20090236417" | "20090253481" | "20090280886" | "20100025491" | "20100062822" | "20100093419" | "20100113124" | "20100121719" | "20100190541" | "4882473" | "5327485" | "5398932" | "5471039" | "5709603" | "5791990" | "5935000" | "5996997" | "5997044" | "6024641" | "6146272" | "6154172" | "6178510" | "6277026" | "6322446" | "6379742" | "6383078" | "6435408" | "6491215" | "6776337" | "6869358" | "6875105" | "7008317" | "7155014" | "7815502" | "7819747" | "7959502" | "7988550" | "7988551" | "8033905" | "8047917" | "8109828" | "8241100").PN. OR ("8408986").URPN.					
L28	42	("20030045340" | "20040204222" | "20060160602" | "20060258433" | "20080045299" | "20090023490" | "20090061992" | "20090227320" | "20110294585" | "20120202571" | "20120202572" | "20120202573" | "20120202574" | "5042809" | "5324035" | "5327485" | "5377975" | "5569082" | "5709603" | "5791990" | "5871398" | "6024640" | "6322446" | "6383078" | "6869358" | "6958014" | "6991541" |	(US-PGPUB; USPAT; USOCR)	OR	OFF	OFF	2017/06/15 02:29 PM

		"7008317" | "7008318" | "7285045" | "7303468" | "7628703" | "7887404" | "7931529" | "7946913" | "7959502" | "7976374" | "8033905" | "8083583" | "8308162" | "8337288" | "8408986").PN. OR ("8784180").URPN.					
L29	234	online with lottery with ticket with draw$4	(US-PGPUB; USPAT)	OR	ON	ON	2017/09/15 04:38 PM
L30	492	online same lottery same ticket same draw$4	(US-PGPUB; USPAT)	OR	ON	ON	2017/09/15 04:38 PM
L31	929	(online same lottery same ticket)and draw$4	(US-PGPUB; USPAT)	OR	ON	ON	2017/09/15 04:39 PM
L32	929	(online same lottery same ticket) and draw$4	(US-PGPUB; USPAT)	OR	ON	ON	2017/09/15 04:39 PM
L33	929	(online same lottery same ticket) and draw$4	(US-PGPUB; USPAT)	OR	ON	ON	2017/09/16 03:10 PM
L34	498	(online same lottery same ticket) and verif$5	(US-PGPUB; USPAT)	OR	ON	ON	2017/09/16 03:10 PM
L35	1098	(online same lottery) and verif$5	(US-PGPUB; USPAT)	OR	ON	ON	2017/09/16 05:07 PM
L36	234	online with lottery with ticket with draw$4	(US-PGPUB; USPAT)	OR	ON	ON	2017/09/17 11:32 PM
L37	228	L36 AND ((G07F17/34 OR G07F17/3244 OR G07F17/3213 OR G07F17/3258 OR G07F17/3267 OR G07F17/329 OR G07F17/326 OR G07F17/3225 OR G07F17/3248 OR G07F17/3255 OR G07F17/3211 OR G07F17/3246 OR G07F17/3276 OR G07F17/3209 OR G07F17/323 OR G07F17/3239 OR G07F17/3262 OR G07F17/3288 OR G07F17/32 OR G07F17/3293 OR G07F17/3227 OR G07F17/3251 OR G07F17/3269 OR G07F17/3204 OR G07F17/3223 OR G07F17/3218 OR G07F17/3237 OR	(US-PGPUB; USPAT)	OR	ON	ON	2017/09/17 11:32 PM

		G07F17/3272 OR G07F17/3295 OR G07F17/3241 OR G07F17/42 OR G07F17/3253 OR G07F17/3265 OR G07F17/3274 OR G07F17/3281 OR G07F17/3283).CPC.)					
L38	44	L36 AND ((G06Q50/34 OR G06Q30/02 OR G06Q30/0209 OR G06Q30/0212 OR G06Q30/0213 OR G06Q30/0222 OR G06Q30/0225 OR G06Q30/0226 OR G06Q30/0234 OR G06Q30/0236 OR G06Q30/0238 OR G06Q30/0239 OR G06Q10/02 OR G06Q20/108 OR G06Q20/3224 OR G06Q30/0605 OR G06Q20/045 OR G06Q10/06 OR G06Q20/00 OR G06Q20/065 OR G06Q10/0635 OR G06Q20/0453 OR G06Q20/123 OR G06Q20/202 OR G06Q20/209 OR G06Q20/325 OR G06Q20/36 OR G06Q20/387 OR G06Q30/0229 OR G06Q30/0267 OR G06Q30/0273 OR G06Q30/06 OR G06Q30/0601 OR G06Q30/0641 OR G06Q50/01).CPC.)	(US-PGPUB; USPAT)	OR	ON	ON	2017/09/17 11:34 PM
L39	32	L36 AND ((A63F13/00 OR A63F3/0645 OR A63F2250/64 OR A63F3/0605 OR A63F13/30 OR A63F3/065 OR A63F13/12 OR A63F13/45 OR A63F13/77 OR A63F2003/086 OR A63F3/06 OR A63F3/08 OR A63F3/081 OR A63F9/10 OR	(US-PGPUB; USPAT)	OR	ON	ON	2017/09/17 11:35 PM

		A63F9/24).CPC.)					
L44	216	(pre adj print$3) with lottery with ticket	(US-PGPUB; USPAT)	OR	OFF	OFF	2019/04/01 04:37 PM
L45	303	(pre adj print$3) with lottery with ticket	(US-PGPUB; USPAT)	OR	ON	ON	2019/04/01 04:37 PM
L46	15	((pre adj print$3) with lottery with ticket) with POS	(US-PGPUB; USPAT)	OR	ON	ON	2019/04/01 04:40 PM
L47	17	(lottery with ticket) with (pre adj print$3) with (identif$7 with (number$4 or informat$4))	(US-PGPUB; USPAT)	OR	OFF	OFF	2019/08/21 02:19 PM
L48	19	(lottery with ticket) with (pre adj print$3) with (identif$7 with (number$4 or informat$4))	(US-PGPUB; USPAT)	OR	ON	ON	2019/08/21 02:56 PM
L49	46	("4815741" | "5007641" | "5216595" | "5239165" | "5451052" | "5560610" | "5588649" | "5772511" | "5871398" | "5897625" | "6119099" | "6267670").PN. OR ("6899621").URPN.	(US-PGPUB; USPAT; USOCR)	OR	OFF	OFF	2019/08/21 04:04 PM
L50	8	((lottery with ticket) with (pre adj print$3)) and L49	(US-PGPUB; USPAT)	OR	ON	ON	2019/08/21 04:36 PM
L51	22	("20030045340" | "20050059465" | "20060160602" | "20060258433" | "20120122536" | "20130005431" | "4087092" | "5282620" | "5772510" | "5935000" | "6210276" | "7204756" | "7381132" | "7416483" | "7563164" | "7627497" | "7665394" | "7914371" | "8216045" | "8398484" | "8672325").PN. OR ("9443397").URPN.	(US-PGPUB; USPAT; USOCR)	OR	OFF	OFF	2019/08/21 04:39 PM
L52	22	("20030045340" | "20050059465" | "20060160602" | "20060258433" | "20120122536" | "20130005431" | "4087092" | "5282620" | "5772510" | "5935000" | "6210276" | "7204756" | "7381132" | "7416483" | "7563164" | "7627497" |	(US-PGPUB; USPAT; USOCR)	OR	OFF	OFF	2019/08/21 04:42 PM

		"7665394" | "7914371" | "8216045" | "8398484" | "8672325").PN. OR ("9443397").URPN.					
L53	7	((lottery with ticket) with (pre adj print$3)) and L52	(US-PGPUB; USPAT)	OR	ON	ON	2019/08/21 04:42 PM
L54	218	"6,241,606"	(US-PGPUB; USPAT)	OR	ON	ON	2019/08/21 04:44 PM
L55	2	"15833566"	(US-PGPUB; USPAT)	OR	OFF	OFF	2019/08/27 06:19 PM
L56	862	human with body with organ with function$4	(US-PGPUB; USPAT)	OR	OFF	OFF	2019/08/28 12:32 PM
L57	1780	human with body with organ with function$4	(US-PGPUB; USPAT)	OR	ON	ON	2019/08/28 12:32 PM
L58	16	human with body with organ with function$4 with observ$4	(US-PGPUB; USPAT)	OR	ON	ON	2019/08/28 12:33 PM
L59	319	human with body with organ with function$4	(USPAT)	OR	OFF	OFF	2019/08/28 12:34 PM
L60	665	human with body with organ with function$4	(USPAT)	OR	ON	ON	2019/08/28 12:34 PM
L61	1	human with body with organ with function$4 with visual	(USPAT)	OR	ON	ON	2019/08/28 12:35 PM
L62	14	human with body with organ with function$4 with (view$4 or visual)	(US-PGPUB; USPAT)	OR	ON	ON	2019/08/28 12:35 PM
L63	2	("2008/0233549").URPN.	(USPAT)	OR	OFF	OFF	2019/08/28 12:37 PM
L64	50	("20020119433" | "20020173778" | "20020198516" | "20030197716" | "20040059321" | "20040088650" | "20040213437" | "20040215719" | "20060004745" | "20060036619" | "20070196007" | "20080001968" | "20080091780" | "20080233549" | "20090024365" | "20090089154" | "20090287331" | "20100100364" | "20100131283" | "20100131293" | "20100131874" | "20100138231" | "20100153234" | "20100254382" |	(US-PGPUB; USPAT; USOCR)	OR	OFF	OFF	2019/08/28 12:37 PM

		"20110004110" | "20110025883" | "20110026836" | "20110026839" | "20110029553" | "20110029562" | "20110029635" | "20110029914" | "20110157226" | "20110157227" | "20110157228" | "20110285748" | "20110313934" | "20120173969" | "20120284642" | "20120284644" | "20120284645" | "20120284646" | "5098426" | "6888546" | "6983420" | "7000179" | "7783096" | "7804982" | "8316237").PN. OR ("9164666").URPN.					
L65	7	("20090227320"|"20100093421"|"5935000"|"6322446"|"8219497"|"8408986"|"8784180").PN.	(US-PGPUB; USPAT)	OR	OFF	OFF	2019/08/28 03:01 PM
L66	1	"14679028"	(USPAT)	OR	OFF	OFF	2019/08/28 05:01 PM
L67	0	"16280629"	(USPAT)	OR	OFF	OFF	2020/06/04 05:56 PM
L68	2	"16280629"	(US-PGPUB; USPAT)	OR	OFF	OFF	2020/06/04 05:56 PM
L69	27	("20030045340" | "20050059465" | "20060160602" | "20060258433" | "20120122536" | "20130005431" | "4087092" | "5282620" | "5709603" | "5772510" | "5935000" | "6210276" | "7381132" | "7416483" | "7563164" | "7627497" | "7665394" | "7914371" | "8216045" | "8398484").PN. OR ("9251663").URPN.	(US-PGPUB; USPAT; USOCR)	OR	OFF	OFF	2020/06/04 06:02 PM
L70	2	"16280629"	(US-PGPUB; USPAT; USOCR)	OR	OFF	OFF	2020/06/05 03:29 PM
L71	106	("1905659" | "20010034263" | "20010036855" | "20020162850" | "20030114211" | "20030120381" |	(US-PGPUB; USPAT; USOCR)	OR	OFF	OFF	2020/06/05 03:31 PM

		"20030153381" | "20030204288" | "20030216164" | "20040023711" | "20040176154" | "20040193464" | "20040227000" | "20040242309" | "20050014552" | "20050023346" | "20050059463" | "20050190533" | "20050233797" | "20050250572" | "20050280210" | "20060012116" | "20060071046" | "20060246992" | "20060273156" | "20080208696" | "20090101714" | "20090163264" | "20110087369" | "20140058280" | "20140295945" | "20150194008" | "20170018048" | "20170018148" | "20170169652" | "2219650" | "2252720" | "2325054" | "2776007" | "2970784" | "3481520" | "3794228" | "3894669" | "4094451" | "4202468" | "4284221" | "4397410" | "4515321" | "4586639" | "4688708" | "4697726" | "4716799" | "4730762" | "4844369" | "4982337" | "5074566" | "5113758" | "5133615" | "5158293" | "5160076" | "5215383" | "5216595" | "5222624" | "5239165" | "5256863" | "5408417" | "5503318" | "5569082" | "5709603" | "5833104" | "5836498" | "5882260" | "5927583" | "6029851" | "6056289" | "6095624" | "6168521" | "6267670" | "6351688" | "6405924" | "6582304" | "6714838" | "6824464" | "6886728" | "6887153" | "6899621" | "6899622" | "7263411" | "7381132" | "7383099" | "7665394" | "7740243" | "7756742" |				

		"7850257" | "8463668" | "8554365" | "9251663" | "9339121" | "9760939").PN.					
L72	0	"16442932"	(USPAT)	OR	OFF	OFF	2020/10/09 11:03 AM
L73	1	"16442932"	(US-PGPUB; USPAT)	OR	OFF	OFF	2020/10/09 11:03 AM
L74	5932	table with magnet$6 with (leg or support$4 or stand$4)	(US-PGPUB; USPAT)	OR	ON	ON	2020/10/09 11:05 AM
L75	1	"20050233797"	(USPAT)	OR	OFF	OFF	2021/01/13 04:50 PM
L76	2	"20050233797"	(US-PGPUB; USPAT)	OR	OFF	OFF	2021/01/13 04:50 PM
L77	3	"16280629"	(US-PGPUB; USPAT)	OR	OFF	OFF	2021/01/13 04:58 PM
L78	0	"16830161"	(USPAT)	OR	OFF	OFF	2021/06/30 01:20 PM
L79	0	"16830161"	(US-PGPUB; USPAT)	OR	OFF	OFF	2021/06/30 01:20 PM
L80	1	"15179845"	(US-PGPUB; USPAT)	OR	OFF	OFF	2021/06/30 01:20 PM
L81	3	"16280629"	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, BE, BG, BR, BY, CA, CH, CN, CS, CU, CZ, DD, DE, DK, EA, EE, EP, ES, FI, FR, GB, HR, HU, ID, IE, IL, IS, IT, JP, KR, LT, LU, LV, MA, OA, RU, SU, WO, MC, MD, MY, NL, NO, NZ, PH, PL, PT, RO, RS, SE, SG, SI, SK, TH, TN, TR, TW, UA, VN); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2021/11/15 02:04 PM
L82	3	"16280629"	(US-PGPUB; USPAT)	OR	ON	ON	2021/11/15 02:04 PM
L83	19	L46 AND ((G07F17/329 OR G07F17/3244 OR G07F17/42 OR G07F17/32 OR G07F17/3255 OR G07F17/3223 OR G07F17/3239 OR G07F17/3269 OR G07F17/3286 OR G07F17/3288 OR G07F9/002 OR G07F17/3211 OR	(US-PGPUB; USPAT)	OR	ON	ON	2021/11/15 09:18 PM

		G07F17/3225 OR G07F17/3248 OR G06Q20/202 OR G06Q50/34 OR G06Q20/209 OR G06Q30/0238 OR G06Q30/0212 OR G06Q30/02 OR G06Q10/06 OR G06Q20/00 OR G06Q20/3274 OR G06Q20/387 OR A63F3/065 OR A63F3/0625 OR A63F3/0645 OR A63F3/0655 OR A63F3/08 OR G07C$ OR G07C15/00 OR A63F$ OR G06Q$ OR G07F$).cpc.)					
L84	80	("4815741" | "4982337" | "5007641" | "5216595" | "5239165" | "5317135" | "5451052" | "5475205" | "5560610" | "5580311" | "5588649" | "5772510" | "5772511" | "5871398" | "5897625" | "5943241" | "5949042" | "6080062" | "6119099" | "6168521" | "6267670" | "6351688" | "6726077" | "6899621" | "6932258" | "20020100785").pn. OR ("7621810").urpn. AND (PGPB | USPT | USOC).dbnm.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2021/11/15 09:19 PM
L85	5	((lotter$4 WITH ticket) WITH (pre near2 print$3)) AND L84	(US-PGPUB; USPAT)	OR	ON	ON	2021/11/15 09:20 PM
L86	12	("3869124" | "5497990" | "5836816" | "5988499" | "6004206" | "6098979" | "6416414" | "6688976").pn. OR ("7100822").urpn. AND (PGPB | USPT | USOC).dbnm.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2021/11/15 09:21 PM
L87	56	("4815741" | "5007641" | "5216595" | "5239165" | "5451052" | "5560610" | "5588649" | "5772511" | "5871398" | "5897625" | "6119099" | "6267670").pn. OR ("6899621").urpn. AND (PGPB | USPT |	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2021/11/15 09:21 PM

		USOC).dbnm.					
L88	9	((lotter$4 WITH ticket) WITH (pre near2 print$3)) AND L87	(US-PGPUB; USPAT)	OR	ON	ON	2021/11/15 09:22 PM
L89	30	("4671512" | "4738473" | "4764666" | "4817949" | "4854590" | "4880964" | "4993714" | "5074566" | "5235167" | "5239165" | "5269521" | "5290033" | "5317135" | "5413341" | "5772510" | "5996997" | "6223163" | "6267670" | "6296569" | "6308991" | "6578735" | "6582304" | "6598024" | "6663105" | "6899621" | "7027850" | "20010520832" | "20040242308").pn. OR ("7841932").urpn. AND (PGPB | USPT | USOC).dbnm.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2021/11/15 09:23 PM
L90	34	(Artificial Intelligence) More Like: US-6899621-B2 Text: (US-20020119817-A1 OR EP-1427492-A4 OR EP-1427492-A1 OR US-8403742-B2 OR CA-2770426-A1 OR US-20120184343-A1 OR AU-2004222263-B2 OR EP-1609055-A2 OR WO-2004082781-A2 OR EP-1609055-A4 OR CA-2519506-A1 OR US-20030207708-A1 OR US-7841932-B2 OR EP-1504422-A2 OR WO-2005097281-A2 OR EP-1742714-A2 OR CA-2561919-A1 OR US-20050233797-A1 OR US-7548797-B2 OR EP-1427492-B1).did.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, BE, BG, BR, BY, CA, CH, CN, CS, CU, CZ, DD, DE, DK, EA, EE, EP, ES, FI, FR, GB, HR, HU, ID, IE, IL, IS, IT, JP, KR, LT, LU, LV, MA, OA, RU, SU, WO, MC, MD, MY, NL, NO, NZ, PH, PL, PT, RO, RS, SE, SG, SI, SK, TH, TN, TR, TW, UA, VN); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2021/11/15 09:24 PM
L91	7	(US-20020119817-A1 OR EP-1427492-A4 OR EP-1427492-A1 OR US-8403742-B2 OR CA-2770426-A1 OR US-20120184343-A1 OR AU-2004222263-B2 OR EP-1609055-A2 OR WO-2004082781-A2 OR EP-1609055-A4 OR	(US-PGPUB; USPAT)	OR	ON	ON	2021/11/15 09:24 PM

		CA-2519506-A1 OR US-20030207708-A1 OR US-7841932-B2 OR EP-1504422-A2 OR WO-2005097281-A2 OR EP-1742714-A2 OR CA-2561919-A1 OR US-20050233797-A1 OR US-7548797-B2 OR EP-1427492-B1).did.					
L92	67	("4882473" | "4953895" | "5080364" | "5091634" | "5223698" | "5628684" | "5772510" | "5791990" | "5935000" | "6134309" | "6241606" | "6530842" | "6663105" | "6695699" | "6714838" | "6733387" | "6824464" | "6899621" | "6991541" | "7052393" | "7066382" | "7168616" | "20010039511" | "20020055881" | "20030162580" | "20030173739" | "20030216164" | "20040002371" | "20040063494" | "20040166919" | "20040176154" | "20040176158" | "20040229677" | "20040254007" | "20050049027" | "20050059465" | "20050085293" | "20050092839" | "20050107152" | "20050108127" | "20050130736" | "20050140092" | "20050149393" | "20050164770" | "20050176490" | "20050181858" | "20050194735" | "20050202865" | "20050233797" | "20050255905" | "20050282611" | "20060014578" | "20060025197" | "20060040726" | "20060043669" | "20060052153" | "20060054695" | "20060079311" | "20060100008" |	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2021/11/15 09:25 PM

		"20060160602" | "20060163346" | "20060166729" | "20060293783" | "20070010311").pn. OR ("9640018").urpn. AND (PGPB | USPT | USOC).dbnm.					
L93	13	((lotter$4 WITH ticket) WITH (pre near2 print$3)) AND L92	(US-PGPUB; USPAT)	OR	ON	ON	2021/11/15 09:25 PM
L94	5	"16280629"	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, BE, BG, BR, BY, CA, CH, CN, CS, CU, CZ, DD, DE, DK, EA, EE, EP, ES, FI, FR, GB, HR, HU, ID, IE, IL, IS, IT, JP, KR, LT, LU, LV, MA, OA, RU, SU, WO, MC, MD, MY, NL, NO, NZ, PH, PL, PT, RO, RS, SE, SG, SI, SK, TH, TN, TR, TW, UA, VN); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/04/09 03:29 PM
L95	4	"16280629"	(US-PGPUB)	OR	ON	ON	2022/04/09 03:29 PM
L96	20	(online WITH lottery WITH ticket WITH draw$4) SAME (verify$5 OR validat$4)	(US-PGPUB; USPAT)	OR	ON	ON	2022/04/09 03:43 PM
L97	102	("2007/0055440").urpn. AND (PGPB | USPT | USOC).dbnm.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/04/09 03:43 PM
L98	15	(lottery WITH ticket) WITH (pre ADJ print$3) WITH (identif$7 WITH (number$4 OR informat$4)) WITH terminal	(US-PGPUB; USPAT)	OR	ON	ON	2022/06/22 02:14 PM
L99	28	(lottery WITH ticket) WITH (pre ADJ print$3) WITH (identif$7 WITH (number$4 OR informat$4))	(US-PGPUB; USPAT)	OR	ON	ON	2022/06/22 02:14 PM
L100	22	L99 AND ((G06Q50/34 OR G06Q20/202 OR G06Q20/209 OR G06Q30/0238 OR G06Q20/3274 OR G06Q20/387 OR G06Q30/0212 OR G06Q20/20 OR	(US-PGPUB; USPAT)	OR	ON	ON	2022/06/22 02:16 PM

		G06Q20/3224 OR G06Q20/401 OR G06Q30/0241 OR G06Q10/00 OR G06Q30/00 OR G06Q90/00 OR G06Q40/00 OR G06Q50/00).cpc.)					
L101	262	L45 AND ((G07F17/329 OR G07F17/32 OR G07F17/3244 OR G07F17/42 OR G07F17/3255 OR G07F17/3225 OR G07F17/3223 OR G07F17/3267 OR G07F17/3248 OR G07F17/3239 OR G07F17/3227 OR G07F17/3258 OR G07F17/3237 OR G07F17/326 OR G07F17/3241 OR G07F17/3251 OR G07F17/3262 OR G07F17/3211 OR G07F17/3272 OR G07F17/3293 OR G07F17/3209 OR G07F17/3288 OR G07F17/323 OR G07F17/3202 OR G07F17/3286 OR G07F9/026 OR G07F11/68 OR G07F17/3216 OR G07F17/3218 OR G07F7/02 OR G07F9/001 OR G07F17/3253 OR G07F17/3269 OR G07F17/3232 OR G07F17/3234 OR G07F17/3295 OR G07F17/34 OR G07F9/002 OR G07F1/06 OR G07F13/025 OR G07F17/0014 OR G07F17/3206 OR G07F17/3274 OR G07F17/3276 OR G07F7/0813 OR G07F7/125).cpc.)	(US-PGPUB; USPAT)	OR	ON	ON	2022/06/22 02:19 PM
L102	0	L101 SAME terminal	(US-PGPUB; USPAT)	OR	ON	ON	2022/06/22 02:20 PM

L103	236	L101 AND terminal	(US-PGPUB; USPAT)	OR	ON	ON	2022/06/22 02:20 PM
L104	235	L103 AND (pre near2 printed)	(US-PGPUB; USPAT)	OR	ON	ON	2022/06/22 02:20 PM
L105	235	((lotter$4 WITH ticket) WITH (pre near2 print$3)) AND L104	(US-PGPUB; USPAT)	OR	ON	ON	2022/06/22 02:20 PM
L106	126	(((lotter$4 WITH ticket) WITH (pre near2 print$3)) SAME terminal) AND L104	(US-PGPUB; USPAT)	OR	ON	ON	2022/06/22 02:21 PM
L107	51	("2005/0233797").urpn. AND (PGPB | USPT | USOC).dbnm.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/06/22 02:22 PM
L108	4	((lotter$4 WITH ticket) WITH (pre near2 print$3)) AND L107	(US-PGPUB; USPAT)	OR	ON	ON	2022/06/22 02:22 PM
L109	26	("2009/0227320").urpn. AND (PGPB | USPT | USOC).dbnm.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/06/22 02:23 PM
L110	65	("2010/0093421").urpn. AND (PGPB | USPT | USOC).dbnm.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/06/22 02:23 PM
L111	22	((pre ADJ print$3) WITH lotter$4 WITH ticket) WITH POS	(US-PGPUB; USPAT)	OR	ON	ON	2022/06/22 02:24 PM
L112	5	((pre ADJ print$3) WITH lotter$4 WITH ticket) WITH POS WITH random WITH draw	(US-PGPUB; USPAT)	OR	ON	ON	2022/06/22 02:24 PM
L113	10	((pre ADJ print$3) WITH lotter$4 WITH ticket) WITH POS WITH unique WITH identificat$4	(US-PGPUB; USPAT)	OR	ON	ON	2022/06/22 02:25 PM
L114	3	((pre ADJ print$3) WITH lotter$4 WITH ticket) WITH POS WITH unique WITH identificat$4 WITH administ$6	(US-PGPUB; USPAT)	OR	ON	ON	2022/06/22 02:25 PM
L115	23	("10296895" OR "20040193464" OR "20050233797" OR "20090163263" OR "20100051691" OR "20130041768" OR "5511114" OR "5577109" OR "5777305" OR "6000608" OR "6267670" OR "6454165" OR "6899621" OR	(US-PGPUB; USPAT)	OR	ON	ON	2022/08/22 02:20 PM

		"7024807" OR "7093761" OR "7344067" OR "7627497" OR "8083133" OR "8424758" OR "8706630" OR "8862504" OR "20180096558" OR "9865135").pn.					
L116	408	("4359631" | "4567359" | "RE32115" | "4694397" | "4951196" | "5220501" | "5291017" | "5309355" | "5334823" | "5350906" | "5468958" | "5477038" | "5500514" | "5534683" | "5557516" | "5569917" | "5576951" | "5577100" | "5577109" | "5578808" | "5621787" | "5645434" | "5650604" | "5689100" | "5693941" | "5696908" | "5701301" | "5714755" | "5722067" | "5744787" | "5748737" | "5763878" | "5778313" | "5796832" | "5812773" | "5815657" | "5826185" | "5828740" | "5845259" | "5854975" | "5868236" | "5884292" | "5892827" | "5897625" | "5903633" | "5915007" | "5920847" | "5937396" | "5943424" | "5945653" | "5953398" | "5969318" | "5984180" | "5987438" | "5991380" | "5991381" | "5991413" | "5991749" | "5991809" | "6000608" | "6012048" | "6035025" | "6044360" | "6049774" | "6058300" | "6064990" | "6081791" | "6081840" | "6157823" | "6169975" | "6182138" | "6185545" | "6188752" | "6191699" | "6209032" | "6264104" | "6269343" | "6289319" | "6289320" | "6294780" | "6299062" | "6315195" | "6317754" | "6320947" | "6323980" | "6327363" | "6330978" | "6386457" | "6453162" | "6467684" | "6502191" | "6510983" | "6526130" | "6526275" | "6574617" |	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/08/22 05:45 PM

		"6581827" | "6596990" | "6615189" | "6628766" | "6651885" | "6742023" | "6759899" | "6827260" | "6829596" | "6842749" | "6910053" | "6934529" | "6941285" | "6965667" | "6973172" | "6999943" | "7003499" | "7006993" | "7014108" | "7031693" | "7069251" | "7083084" | "7089209" | "7092916" | "7093761" | "7103575" | "7106843" | "7118030" | "7127426" | "7131578" | "7131582" | "7181416" | "7191939" | "7197662" | "7206769" | "7209890" | "7210620" | "7210624" | "7212976" | "7216091" | "7248855" | "7255268" | "7260557" | "7268901" | "7280644" | "7280645" | "7308087" | "7325722" | "7333955" | "7363265" | "7401049" | "7404011" | "7413117" | "7433212" | "7440922" | "7454200" | "7477731" | "7483858" | "7522716" | "7529563" | "7562051" | "7574376" | "7577613" | "7578439" | "7580859" | "7580892" | "7581674" | "7594855" | "7603316" | "7607574" | "7613284" | "7614549" | "7617152" | "7630926" | "7647627" | "7669758" | "7676030" | "7698231" | "7707113" | "7739162" | "7740170" | "7797233" | "7813822" | "7822640" | "7865432" | "7890422" | "7891563" | "7909242" | "7922082" | "7925531" | "7945238" | "7945512" | "7966496" | "7991694" | "8020754" | "8041338" | "8041642" | "8060413" | "8086530" | "8090792" | "8095113" | "8109436" | "8135640" | "8195565" | "8245910" | "8271343" | "8297498" | "8306912" | "8321270" | "8341045" | "8355982" | "8359239" | "8371502" | "8452880" | "8458016" | "8472594" |				

		"8479980" | "8523054" | "8594286" | "8595074" | "8626617" | "8682715" | "8762236" | "8768817" | "9031880" | "9542553" | "9558484" | "9852414" | "20010021927" | "20010027446" | "20010037291" | "20010039535" | "20010042784" | "20020010659" | "20020046122" | "20020059114" | "20020077973" | "20020099667" | "20020116280" | "20020128938" | "20020152124" | "20020152175" | "20020156696" | "20020161650" | "20020165820" | "20020169648" | "20020174034" | "20020181600" | "20030028481" | "20030046231" | "20030046249" | "20030050041" | "20030083946" | "20030110104" | "20030126075" | "20030144910" | "20030177028" | "20030191945" | "20030200179" | "20030200465" | "20030212595" | "20030236755" | "20040011866" | "20040019571" | "20040049598" | "20040078332" | "20040086098" | "20040088250" | "20040128508" | "20040133511" | "20040153410" | "20040185827" | "20040205023" | "20040210489" | "20040215560" | "20040230489" | "20040254891" | "20050008132" | "20050010452" | "20050018824" |				

		"20050038714" | "20050038718" | "20050086168" | "20050192893" | "20050229003" | "20060026073" | "20060043171" | "20060045244" | "20060064344" | "20060074783" | "20060074799" | "20060078100" | "20060129419" | "20060184613" | "20060202012" | "20060242087" | "20060248017" | "20060253335" | "20060269722" | "20070023504" | "20070073586" | "20070090183" | "20070101351" | "20070125838" | "20070125840" | "20070198437" | "20070210152" | "20070255662" | "20070272743" | "20070276765" | "20070293309" | "20080040284" | "20080059302" | "20080059379" | "20080078831" | "20080099551" | "20080114696" | "20080147546" | "20080147552" | "20080162360" | "20080169344" | "20080177655" | "20080189214" | "20080195499" | "20080208748" | "20080222417" | "20080223920" | "20080228637" | "20080255992" | "20080270246" | "20080270253" | "20080283590" | "20080288405" | "20080319914" | "20090030836" | "20090031407" | "20090037326" | "20090037333"				

		"20090048953" | "20090048963" | "20090050688" | "20090084842" | "20090106160" | "20090119190" | "20090164320" | "20090177563" | "20090234751" | "20090254441" | "20090288012" | "20090299841" | "20090319348" | "20090319784" | "20090327067" | "20100036743" | "20100043008" | "20100076877" | "20100094674" | "20100114731" | "20100114773" | "20100125510" | "20100154027" | "20100200652" | "20100268645" | "20100293093" | "20100299194" | "20100299195" | "20100299221" | "20100299733" | "20100325006" | "20110035446" | "20110041006" | "20110068170" | "20110099055" | "20110101093" | "20110125645" | "20110131275" | "20110161229" | "20110208656" | "20110218911" | "20110226620" | "20110231272" | "20110302646" | "20110307377" | "20120150553" | "20120221468" | "20120259718" | "20120265681" | "20120317028" | "20130013510" | "20130018783" | "20130018793" | "20130030941" | "20130036019" | "20130041768" | "20130054470" | "20130066735"				

		"20130091060" | "20130117138" | "20130185214" | "20130191136" | "20130191213" | "20130036048" | "20130262316" | "20130268437" | "20130304642" | "20140019352" | "20140025519" | "20140108170" | "20140143089" | "20140214656" | "20150302394" | "20150348018" | "20170236117").pn. OR ("10296895").urpn. AND (PGPB | USPT | USOC).dbnm.					
L117	0	(((pre ADJ print$3) WITH lotter$4 WITH ticket) WITH POS) AND L116	(US-PGPUB; USPAT)	OR	ON	ON	2022/08/22 05:49 PM
L118	0	((pre ADJ print$3) WITH lotter$4 WITH ticket) AND L116	(US-PGPUB; USPAT)	OR	ON	ON	2022/08/22 05:49 PM
L119	13	("5935000" | "6322446" | "8219497" | "8408986" | "8784180" | "20090227320" | "20100093421").pn. OR ("9865135").urpn. AND (PGPB | USPT | USOC).dbnm.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/08/22 05:50 PM
L120	52	("5721768" | "5777305" | "5956695" | "6612487" | "6829596" | "6837426" | "7213742" | "7316350" | "7447731" | "7455222" | "7740170" | "7770786" | "7774402" | "7797233" | "7900826" | "7905398" | "7970669" | "8073774" | "8146806" | "8190480" | "8244612" | "8245910" | "8286863" | "8308061" | "8341021" | "8423464" | "8452662" | "20020046341" | "20080200144" | "20090099965" | "20090327087" | "20120303425").pn. OR ("8862504").urpn. AND (PGPB | USPT | USOC).dbnm.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/08/22 05:51 PM

L121	0	L120 AND ((pre ADJ print$3) WITH lotter$4 WITH ticket)	(US-PGPUB; USPAT)	OR	ON	ON	2022/08/22 05:51 PM
L122	0	L120 AND ((pre near2 print$3) WITH lotter$4 WITH ticket)	(US-PGPUB; USPAT)	OR	ON	ON	2022/08/22 05:51 PM
L123	376	("5511114").urpn. AND (PGPB | USPT | USOC).dbnm.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/08/22 06:02 PM
L124	0	L123 AND ((pre near2 print$3) WITH lotter$4 WITH ticket)	(US-PGPUB; USPAT)	OR	ON	ON	2022/08/22 06:02 PM
L125	576	("4951308" | "5146067" | "5352876" | "5409092").pn. OR ("5577109").urpn. AND (PGPB | USPT | USOC).dbnm.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/08/22 06:03 PM
L126	385	(("5511114").urpn. AND (PGPB | USPT | USOC).dbnm.)25 AND ((pre near2 print$3) WITH lotter$4 WITH ticket)	(US-PGPUB; USPAT)	OR	ON	ON	2022/08/22 06:03 PM
L127	0	L125 AND ((pre near2 print$3) WITH lotter$4 WITH ticket)	(US-PGPUB; USPAT)	OR	ON	ON	2022/08/22 06:03 PM
L128	0	L125 AND ((pre near2 print$3) WITH lotter$4)	(US-PGPUB; USPAT)	OR	ON	ON	2022/08/22 06:03 PM
L129	3	((pre ADJ print$3) WITH lotter$4 WITH ticket) WITH POS WITH unique WITH identificat$4 WITH administra$4	(US-PGPUB; USPAT)	OR	ON	ON	2022/08/23 05:47 PM
L130	58	("4815741" | "5007641" | "5216595" | "5239165" | "5451052" | "5560610" | "5588649" | "5772511" | "5871398" | "5897625" | "6119099" | "6267670").pn. OR ("6899621").urpn. AND (PGPB | USPT | USOC).dbnm.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/08/23 05:51 PM
L131	100	L30 AND ((pre near2 print$3) WITH lotter$4 WITH ticket)	(US-PGPUB; USPAT)	OR	ON	ON	2022/08/23 05:51 PM
L132	2	L30 AND ((pre near2 print$3) WITH lotter$4 WITH ticket WITH server)	(US-PGPUB; USPAT)	OR	ON	ON	2022/08/23 05:51 PM
L133	8	L30 AND (((pre near2 print$3) WITH lotter$4	(US-PGPUB; USPAT)	OR	ON	ON	2022/08/23 05:52 PM

		WITH ticket) SAME server)					

PE2E SEARCH - Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	British Equivalents	Time Stamp
N40	0	online with lottery with ticket with draw$4 with unique with identif$7	(USPAT)	OR	ON	ON	2017/09/17 11:43 PM
N41	0	"15070954"	(USPAT)	OR	ON	ON	2017/09/18 11:42 AM
N42	1	"15070954"	(US-PGPUB; USPAT)	OR	ON	ON	2017/09/18 11:42 AM
N43	12	"11353920"	(US-PGPUB; USPAT)	OR	ON	ON	2017/09/18 12:31 PM
N44	3	(pre ADJ print$4) WITH lottery WITH ticket WITH draw$4 WITH unique WITH identif$7	(USPAT)	OR	ON	ON	2022/08/23 05:48 PM

Doc code: IDS
Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (01-22)
Approved for use through 05/31/2024. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	16280629
Filing Date	2019-02-20
First Named Inventor	Giunti
Art Unit	3649
Examiner Name	Pandya, Sunit
Attorney Docket Number	84971-326801

U.S.PATENTS Remove

Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	5511114		1996-04-23	Stimson et al.	
	2	5577109		1996-11-19	Stimson et al.	
	3	5777305		1998-07-07	Smith et al.	
	4	6000608		1999-12-14	Dorf	
	5	6267670	B1	2001-07-31	Walker et al.	
	6	6454165	B1	2002-09-24	Dawson	
	7	6899621	B2	2005-05-31	Behm et al.	
	8	7024807	B2	2006-04-11	Street	

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /S.P./

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	16280629
	Filing Date	2019-02-20
	First Named Inventor	Giunti
	Art Unit	3649
	Examiner Name	Pandya, Sunit
	Attorney Docket Number	84971-326801

	9	7093761	B2	2006-08-22	Smith et al.	
	10	7344067	B2	2008-03-18	Beck et al.	
	11	7627497	B2	2009-12-01	Szrek et al.	
	12	8083133	B2	2011-12-27	Seifert et al.	
	13	8424758	B2	2013-04-23	Esslinger et al.	
	14	8706630	B2	2014-04-22	Graves et al.	
	15	8862504	B2	2014-10-14	Sobek	
	16	10296895	B2	2019-05-21	Llach et al.	

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U.S.PATENT APPLICATION PUBLICATIONS Remove

Examiner Initial*	Cite No	Publication Number	Kind Code[1]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	20040193464	A1	2004-09-30	Szrek et al.	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	16280629
	Filing Date	2019-02-20
	First Named Inventor	Giunti
	Art Unit	3649
	Examiner Name	Pandya, Sunit
	Attorney Docket Number	84971-326801

	2	20050233797	A1	2005-10-20	Gilmore et al.	
	3	20090163263	A1	2009-06-25	Herndon et al.	
	4	20100051691	A1	2010-03-04	Brooks et al.	
	5	20130041768	A1	2013-02-14	Llach	

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FOREIGN PATENT DOCUMENTS Remove

Examiner Initial*	Cite No	Foreign Document Number[3]	Country Code[2]	Kind Code[4]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T[5]
	1	0159597	WO	A1	2001-08-16	MAS INCO CORPORATION		

If you wish to add additional Foreign Patent Document citation information please click the Add button Add

NON-PATENT LITERATURE DOCUMENTS Remove

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T[5]
	1	PAYPAL,PayPal Here App Helps You Process Payments Anywhere - Through One PayPal Account, September 11, 2020, 4 pages, https://web.archive.org/web/20140401010545/https://www.paypal.com/us/webapps/mpp/credit-card-reader-how-to.	
	2	MISSOURI LOTTERY, Check My Tickets:: The Official Web Site of the Missouri Lottery, September 4, 2020, 1 page, https://web.archive.org/web/20131031002206/http://www.molottery.com/numbers/check_my_tickets.jsp.	

If you wish to add additional non-patent literature document citation information please click the Add button Add

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	16280629
	Filing Date	2019-02-20
	First Named Inventor	Giunti
	Art Unit	3649
	Examiner Name	Pandya, Sunit
	Attorney Docket Number	84971-326801

EXAMINER SIGNATURE			
Examiner Signature	/SUNIT PANDYA/	Date Considered	08/23/2022

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. [2] Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). [3] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [4] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [5] Applicant is to place a check mark here if English language translation is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	16280629
Filing Date	2019-02-20
First Named Inventor	Giunti
Art Unit	3649
Examiner Name	Pandya, Sunit
Attorney Docket Number	84971-326801

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

☒ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Jerry C. Harris, Jr./	Date (YYYY-MM-DD)	2022-08-02
Name/Print	Jerry C. Harris, Jr.	Registration Number	66822

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

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

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these record s.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /A.T./

Bibliographic Data

Application No: 16/280,629

Foreign Priority claimed: ○ Yes ◉ No

35 USC 119 (a-d) conditions met: ☐ Yes ☑ No ☐ Met After Allowance

Verified and Acknowledged: /SUNIT PANDYA/ Examiner's Signature | Initials

Title: METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS

FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
02/20/2019	463	3649	84971-326801
RULE			

APPLICANTS

BLACKHAWK NETWORK INC., Pleasanton, CA,

INVENTORS

Gino Giunti, Sault Ste. Marie, CANADA

CONTINUING DATA

This application is a CON of 15833566 12/06/2017 PAT 10769894

15833566 is a CON of 14679028 04/06/2015 PAT 9865135

14679028 has PRO of 62104844 01/18/2015

FOREIGN APPLICATIONS

IF REQUIRED, FOREIGN LICENSE GRANTED**

03/07/2019

STATE OR COUNTRY

CANADA

ADDRESS

Barnes & Thornburg LLP (Blackhawk)
11 S. Meridian Street
Indianapolis, IN 46204
UNITED STATES

FILING FEE RECEIVED

$5,860

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/280,629	02/20/2019	Gino Giunti	84971-326801	5484

15608 7590 08/10/2022

Barnes & Thornburg LLP (Blackhawk)
11 S. Meridian Street
Indianapolis, IN 46204

EXAMINER	
PANDYA, SUNIT	

ART UNIT	PAPER NUMBER
3649	

NOTIFICATION DATE	DELIVERY MODE
08/10/2022	ELECTRONIC

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

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

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

INDocket@btlaw.com
jerry.harris@btlaw.com
michelle.horvath@btlaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of	:	
Gino Giunti	:	
Application No. 16/280,629	:	DECISION ON PETITION
Filed: 20 Feb 2019	:	
For: METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 2, 2022, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED AS MOOT**.

In view of the epetition decision issued August 2, 2022, this petition is dismissed as moot.

Telephone inquiries should be directed to the undersigned at (571) 272-3210.

/Irvin Dingle/
Irvin Dingle
Lead Paralegal Specialist
Office of Petitions

Doc code: RCEX
Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (01-22)
Approved for use through 05/31/2024. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)

Application Number	16280629	Filing Date	2019-02-20	Docket Number (if applicable)	84971-326801	Art Unit	3649
First Named Inventor	Gino Giunti			Examiner Name	Pandya, Sunit		

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

SUBMISSION REQUIRED UNDER 37 CFR 1.114

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

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

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

☒ Enclosed

- ☐ Amendment/Reply
- ☒ Information Disclosure Statement (IDS)
- ☐ Affidavit(s)/ Declaration(s)
- ☐ Other _____

MISCELLANEOUS

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

☐ Other _____

FEES

☒ **The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.**
The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No 100435

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

Applicant Signature

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Signature of Registered U.S. Patent Practitioner			
Signature	/Jerry C. Harris, Jr./	Date (YYYY-MM-DD)	2022-08-02
Name	Jerry C. Harris, Jr.	Registration Number	66822

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

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

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Application Number	16280629
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First Named Inventor	Giunti
Art Unit	3649
Examiner Name	Pandya, Sunit
Attorney Docket Number	84971-326801

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	2	5577109		1996-11-19	Stimson et al.	
	3	5777305		1998-07-07	Smith et al.	
	4	6000608		1999-12-14	Dorf	
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	7	6899621	B2	2005-05-31	Behm et al.	
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	9	7093761	B2	2006-08-22	Smith et al.	
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	14	8706630	B2	2014-04-22	Graves et al.	
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	2	20050233797	A1	2005-10-20	Gilmore et al.	
	3	20090163263	A1	2009-06-25	Herndon et al.	
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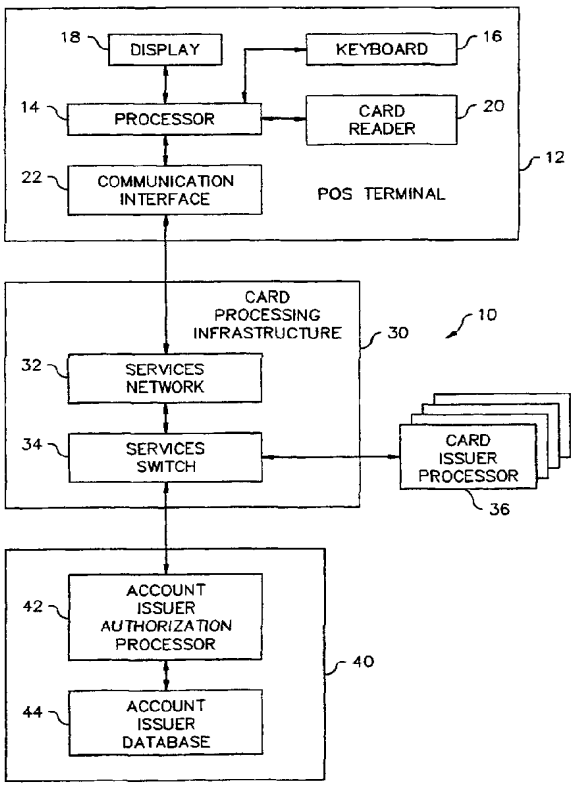
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[Continued on next page]

(54) Title: METHOD AND SYSTEM FOR ACCOUNT ACTIVATION



(57) Abstract: The present invention comprises a method of activating a prepaid account using an existing electronic funds transfer network which includes a point-of-sale (POS) terminal (12), debit/credit card processing infrastructure (30) and an account insurer authorization center (40). The method comprises the steps of: obtaining identification data concerning the account to be activated at the POS terminal (202); sending an activation request message including, the obtained data, from the POS terminal through the card processing infrastructure to the account issuer authorization processing center (206); receiving the activation request message at the account insurer authorization processing center (210), deciding whether or not to activate the account and generating a denial/response code based upon the activation decision, the denial/response code not resulting in the transfer of any funds (212); sending the denial/response code from the account insurer authorization processing center, through the card processing infrastructure to the POS terminal (214); and receiving the denial/response code at the POS terminal, decoding the denial/response code and confirming at the POS terminal, the activation status of the account (218). In a preferred embodiment, the account being activated is a card, such as a prepaid card.

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TITLE OF THE INVENTION

Method And System For Account Activation

CROSS-REFERENCE TO RELATED APPLICATIONS

This application claims the benefit of U.S. Provisional Patent Application No. 60/182,171, filed February 14, 2000 and entitled, "Method And System For Account Activation".

BACKGROUND OF THE INVENTION

The present invention relates generally to the activation of accounts and, more particularly, to the activation of consumer or other accounts which are associated with a product or service of value, including prepaid phone cards, gift cards, ATM cards, and the like utilizing an existing point-of-sale (POS) debit or credit card authorization processing system without any actual transfer of funds.

U.S. Patent No. 6,000,608 entitled "Multifunctional Card System" describes and claims a system for the activation of cards, such as prepaid phone cards, gift cards, and the like utilizing an existing debit card/credit card processing system. As described in detail beginning at column 5, line 49, the system and methods employed in the '608 patent suffer from a significant drawback, namely because of the way the system functions, the activation of a card or other account using existing debit or credit card networks requires the actual transfer of funds, even de minimis funds, for activation of an account or card. The '608 patent describes a system and methods in which nominal funds (i.e., one cent or more) may be employed for this purpose. However, because of the requirement for an actual transfer of funds, the system and method described in the '608 patent suffers from certain inefficiencies. The present invention is an improvement upon the system and methods of the '608 patent in that it establishes a system and method for the activation of consumer or other accounts, including prepaid cards for goods

or services using an existing credit/debit card processing system which does not require the transfer of any funds.

BRIEF SUMMARY OF THE INVENTION

Briefly stated, the present invention comprises a method of activating a prepaid account using an existing electronic funds transfer network which includes a point-of-sale (POS) terminal, debit/credit card processing infrastructure and an account insurer authorization center. The method comprises the steps of: obtaining identification data concerning the account to be activated at the POS terminal; sending an activation request message including, the obtained data, from the POS terminal through the card processing infrastructure to the account issuer authorization processing center; receiving the activation request message at the account insurer authorization processing center, deciding whether or not to activate the account and generating a denial/response code based upon the activation decision, the denial/response code not resulting in the transfer of any funds; sending the denial/response code from the account insurer authorization processing center, through the card processing infrastructure to the POS terminal; and receiving the denial/response code at the POS terminal, decoding the denial/response code and confirming at the POS terminal, the activation status of the account.

In a preferred embodiment, the present invention comprises a method of activating a prepaid card using an existing electronic funds transfer network, including a point-of-sale (POS) terminal, debit/credit card processing infrastructure and an account insurer authorization processing center. The method comprises steps of obtaining identification data from the card to be activated at the POS terminal; sending an activation request message, including data obtained from the card, from the POS terminal through the card processing infrastructure to the account insurer authorization processing center; receiving the activation

request message at the account insurer authorization processing center, deciding whether or not to activate the card and generating a denial/response code based upon the activation decision, the denial/response code not resulting in the transfer of any funds; sending the denial/response code from the account insurer authorization processing center through the card processing infrastructure to the POS terminal; and receiving the denial/response code at the POS terminal, decoding the denial/response code and confirming at the POS terminal, the activation status of the card.

BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWINGS

The following detailed description of a preferred embodiment of the present invention will be better understood when read in conjunction with the appended drawings. For the purpose of illustrating the invention, there is shown in the drawings an embodiment which is presently preferred. It should be understood, however, that the invention is not limited to the precise arrangements and instrumentality shown. In the drawings:

Fig. 1 is a functional schematic block diagram of the primary structural features of a system for account activation in accordance with a preferred embodiment of the present invention; and

Fig. 2 is flow diagram of the major steps employed by the present invention in the activation of a prepaid card or an account using the system of Fig. 1.

DETAILED DESCRIPTION OF THE INVENTION

As discussed above, the present invention comprises an improvement over the system and methods disclosed in U.S. Patent No. 6,008,608, the entire subject matter which is hereby incorporated herein by reference. Fig. 1 shows the principal functional components of a

system 10 in accordance with a preferred embodiment of the present invention. The primary function of the system 10 is to provide real time notification by a merchant to an account issuer (i.e., card issuer) including appropriate information whenever the account issuer's "product" (i.e., an account or card) has been sold so that the value associated with the product can be activated to permit immediate, full usage of the product by the purchaser or other user. The activation process creates guaranteed value in a database account of the issuer which is immediately available for use by the purchaser once the account is credited with the amount of the purchase upon notification by the merchant.

The system 10, which uses standard electronic funds transfer (EFT) processing techniques and infrastructure, includes a point-of-sale (POS) terminal 12 which is located at a merchant facility or other convenient location. The POS terminal 12 is typical of POS terminals well known to those of ordinary skill in the art and includes an processor 14 for processing the information about the purchase of goods and services, a keyboard 16, keypad or other data entry device such as a touch screen, to facilitate entry of information regarding the purchase of goods or services, a display 18 such as a CRT, LCD or other display for displaying information to the terminal user and/or customer, a card reader 20 which may be a MIRC or other reader well known to those of ordinary skill in the art which functions to read the magnetic stripe or other identifier of credit, debit or other cards such as a prepaid telephone card, gift card, prepaid ATM card etc., and a communication interface 22 which functions to facilitate the communication of information from the POS terminal 12 to a remote location and to receive information from a remote location at the POS terminal 12.

It will be appreciated by those of ordinary skill in the art that the precise structure of the POS terminal 12 and the components of the POS terminal 12 may vary from the example POS terminal 12 provided in Fig. 1. The present invention is adapted to be employed

in connection with any existing or future POS terminal and so such variations may be found. For example, some POS terminals may include a printer and some POS terminals may include more than one card reader. Similarly, some POS terminals may employ a communication interface which is positioned at a remote location, such as in the back room of a retail facility. Likewise, some POS terminals may not include a keyboard or other of the above described components. It will be appreciated by those skilled in the art that the precise structure of the POS terminal 12 should not be considered to be a limitation on the present invention which is equally applicable with respect to any and all POS terminals.

The second principal component of the system 10 in accordance with the present invention is an existing, typical debit card/credit card processing infrastructure 30 of a type well known in the art. For example, the card processing infrastructure 30 could be of the type employed in an existing electronic funds transfer (EFT) network. In the present embodiment, the card processing infrastructure 30 includes a services network 32, a services switch 34, and one or more card issuer processors 36. The services network 32 could be an existing money access services (MAS) network and the services switch 34 could be an existing MAS switch. Other types of services networks and/or services switches known to those skilled in the art may alternatively be employed. The card processing infrastructure 30 functions to receive information from one or more POS terminals 12 and after a series of authentication steps and the like conducted by the services network 32 or between the POS terminal 12 and the services network 32, the received information is passed to the switch 34 where it is "switched" and sent to the correct card issuer processor 36 for the particular debit card/credit card which is being employed for the purchase of goods or services by a purchaser at the POS terminal 12. Various components of the card processing infrastructure 30 may be co-located or may be located at different places depending upon the particular system. For example, the services network 32

and the services switch 34 may be co-located and the card issuer processors 36 may be at various different locations remote from the services network 32 and the services switch 34 and remote from each other. The location of the various components of the card processing infrastructure 30, as well as the type of equipment employed may vary from what is shown and described. The card processing infrastructure 30 functions in a manner well known in the art for the prompt, on-line processing of requests from POS terminals 12 for credit card or debit card authorization for the purchase of goods or services by a card holder. Further details regarding the structure and operational features of the components of the card processing infrastructure 30 are not presented herein, but are available from publicly available sources. Such details are not necessary for a complete understanding of the present invention.

The third principal component of the system 10 in accordance with the present invention is a specific account issuer-processing center 40, which may be a "card issuer processor" 36 for a particular card or account being activated. The account issuer-processing center 40 is typical of processing centers well known in the art and employed for remote activation of accounts, including cards, such as prepaid telephone cards, gift cards and the like. The account issuer-processing center 40 includes an account issuer authorization processor 42 and an account issuer database 44. The account issuer authorization processor 42 and the account issuer database 44 may be co-located or may be at separate locations. The structure of the account issuer authorization processor 42 and the account issuer database 44 are not presented herein, but are available from publicly available sources. Such details are not necessary for a complete understanding of the present invention. The purpose of the account issuer processing center 40 is to receive information from the card processing infrastructure 30 relating to an account to be activated and, after verification, based upon criteria established by

the account issuer, sending appropriate information through the card-processing infrastructure 30 to the POS terminal 12 to confirm whether the account has or has not been activated.

The structure of the system 10 as shown in Fig. 1 and as described above is typical of existing systems of a type typically used for activation of prepaid and other cards and accounts and as described in the '608 patent. Typically, in using such systems, the activation of a card or account required the actual transfer of funds, even nominal funds, through the system, as suggested by the '608 patent. The transfer of funds, even nominal funds, through such systems resulted in significant bookkeeping and other unnecessary processing costs which significantly increased the per transaction cost of activation of an account or card using the system. The present invention involves using the above-described, existing system 10 with a minor modification at the POS terminal 12 in a manner that permits activation of an account or card as an informational transaction without the need for any actual funds, even nominal funds, being transferred and without the associated bookkeeping or other high transaction costs. Instead, with the present invention informational transactions occur which permits confirmation by an issuer that its product has been purchased and that the corresponding value in an account can be promptly activated. The present invention also permits confirmation to be sent by the issuer to the merchant or purchaser of the product or card that the value represented by the account or card is immediately available for use.

Fig. 2 is a flow-diagram representation which demonstrates the use of the system 10 for activation of an account or card, in the present example, a prepaid telephone or phone card for a prescribed value or dollar amount, i.e. $10.00, which may be imprinted or stored on the card or may be selected at the time of purchase. It should be understood by those of ordinary skill in the art that although the steps involved in activation of a prepaid phone card are

described, this is but one example of the type of account and/or card which may be activated using the system 10 and method of the present invention.

Referring now to Fig. 2, at the start (200) of the process an inactive prepaid telephone card for a particular value or dollar amount of phone service selected by a customer for purchase at a retail or other facility is read by the card reader 20 at a POS terminal 12 (step 202). Inactive telephone cards, which cannot be used to obtain phone service until activated are greatly preferred over "live" or preactivated phone cards because the inactive cards are less likely to be stolen. The POS terminal operator then formats a standard EFT "purchase" transaction or activation request message with appropriate identification information from the phone card and with the value or dollar amount of the prepaid phone card to be activated. (Step 204). The transaction message is then sent through the communication interface 22 as with any other EFT purchase transaction to the services network 32 (Step 206) where the message is decoded for routing purposes. The transaction message is received by the services network 32 at step 208, which recognizes the card identification data and activates the services switch 34 to send the transaction message to the particular account issuer authorization processor 42 associated with the particular prepaid phone card for which activation is requested. At step 210, the appropriate account issuer authorization processor 42 receives the transaction message, compares the card data and value or dollar amount within the transaction message to data stored in the account issuer database 44 and decides, based upon internal criteria established by the card issuer, whether to accept or reject the request for activation of the prepaid phone card for the specified value or dollar amount contained within the transaction message. The account issuer authorization processor 42 then issues one of two standard "denial" codes or "response" codes depending upon the decision which has been made. Neither of the denial codes and neither of the response codes are "approval" codes. For example, if the account issuer

authorization processor 42 determines that the prepaid phone card should be activated for the specified value or dollar amount, a first standard denial code, such as an "AP" or "89" denial code is generated at step 212. Alternatively, a first non-financial, information only transaction "response" code could be generated. In either case, the transaction does not receive an approval code which would create a financial transaction. If the account issuer authorization processor 42 decides to reject the request for activation of the phone card then a second standard denial code, such as an "AR" or "90" denial code is generated. Alternatively, a second non-financial, information transaction "response" code could be generated. In either case, the transaction does not receive an approval code which would create a financial transaction. Other denial/response codes could be used if desired, including new codes developed specifically for this purpose. The important distinction with the present invention is that regardless of whether the account issuer authorization processor 42 decides to accept or reject the request for activation of the prepaid phone card or other account authorization, the response is always a standard network denial code or an information response code, never an approval code which would result in a money transaction. However, as will hereinafter be described in greater detail, a first denial or first information response code is treated as an acceptance resulting in activation of the prepaid phone card or other account for the specified value or dollar amount, whereas a second denial or second information response code is treated as a rejection or failure to activate the prepaid phone card or other account for which activation has been requested.

In either event, at step 214 the standard denial/response code generated by the account issuer authorization processor 42 is sent back through the services switch 34 to the services network 32 where it is treated as a "denial" or non-approval of the transaction. The denial/response code is thereafter sent to the POS terminal 12 (step 216). Upon receiving the denial/response code, the POS terminal 12 decodes, translates or interprets the denial/response

code and confirms or displays on the display 18 the activation status which may be either "transaction accepted", if the first denial/response code is received or "transaction denied", if the second denial/response code is received. The process ends at step 218.

The advantage of using only a denial/response code in connection with the existing POS debit/credit card system is that no actual money or value is transferred, resulting only in an "informational" transaction with no actual transfer of funds, even nominal funds, which could result in bookkeeping and other unnecessary processing. With the present system, the merchant at the POS terminal is not charged a network interchange fee and no financial settlement of any kind occurs. No financial adjustments are required since no finances are processed. However, small standard messaging or processing fees are applied since such fees are applied even in the case of the denial of a transaction. Such fees are substantially less than the fees which are applied in the case of an actual transfer of value or funds. The only modification which is made to the existing system is a small software change to permit the POS terminal 12 to properly interpret the received denial/response codes and to confirm or display the activation status, i.e., "accepted" or "denied" to the terminal user or customer.

From the foregoing discussion, it can be seen that the present invention comprises an improved method for activation of prepaid cards or other account activation utilizing an existing debit card/credit card system without the actual transfer of or accounting for any funds or value. It will be appreciated by those of ordinary skill in the art that changes may be made to the embodiment described above without departing from the spirit and scope of the invention as defined by the appended claims.

CLAIMS

We claim:

1. A method of activating a prepaid account using an existing electronic funds transfer network, including a point-of-sale (POS) terminal, debit/credit card processing infrastructure and an account issuer authorization center, the method comprising the steps of:

obtaining identification data concerning the account to be activated at the POS terminal;

sending an activation request message, including the obtained data, from the POS terminal, through the card processing infrastructure to the account issuer authorization processing center;

receiving the activation request message at the account issuer authorization processing center, deciding whether or not to activate the account and generating a denial/response code based upon the activation decision, the denial/response code not resulting in the transfer of any funds;

sending the denial/response code from the account issuer authorization processing center through the card processing infrastructure to the POS terminal; and

receiving the denial/response code at the POS terminal, decoding the denial/response code and confirming at the POS terminal, the activation status of the account.

2. The method as recited in claim 1, wherein the identification data is obtained from a card associated with the account to be activated by reading the data from a portion of the card where the data is stored.

3. The method as recited in claim 2, wherein the card is read by swiping the card through a magnetic stripe reader at the POS terminal.

4. The method as recited in claim 1, wherein the activation request message includes a value for which activation of the account is requested.

5. The method as recited in claim 1, wherein the activation status of the account is displayed at the POS terminal.

6. The method as recited in claim 1, wherein the denial/response code is a standard denial code of a type used by the card processing infrastructure to deny authorization of a credit/debit card transaction.

7. The method as recited in claim 1, wherein the denial/response code is a information code.

8. A method of activating a prepaid card using an existing electronic funds transfer network, including a point-of-sale (POS) terminal, debit/credit card processing infrastructure and an account issuer authorization center, the method comprising the steps of:

obtaining identification data from the card to be activated at the POS terminal;

sending an activation request message, including data obtained from the card, from the POS terminal, through the card processing infrastructure to the account issuer authorization processing center;

receiving the activation request message at the account issuer authorization processing center, deciding whether or not to activate the card and generating a denial/response code based upon the activation decision, the denial/response code not resulting in the transfer of any funds;

sending the denial/response code from the account issuer authorization processing center through the card processing infrastructure to the POS terminal; and

receiving the denial/response code at the POS terminal, decoding the denial/response code and confirming at the POS terminal, the activation status of the card.

9. The method as recited in claim 8, wherein the card comprises a prepaid telephone card.

10. The method as recited in claim 8, wherein the card comprise a prepaid gift card.

11. The method as recited in claim 8, wherein the identification data is obtained from a card by reading the data from a portion of the card where the data is stored.

12. The method as recited in claim 8, wherein the card is read by swiping the card through a magnetic stripe reader at the POS terminal.

13. The method as recited in claim 8, wherein the activation request message includes a value for which activation of the prepaid card is requested.

14. The method as recited in claim 8, wherein the activation status of the card is displayed at the POS terminal.

15. The method as recited in claim 8, wherein the denial/response code is a standard denial code of a type used by the card processing infrastructure to deny authorization of a credit/debit card transaction.

16. The method as recited in claim 8, wherein the denial/response code is a information code.

INCOMM - 1015, Page 016
Incomm Ex. 1002, Page 94 of 788

1/2

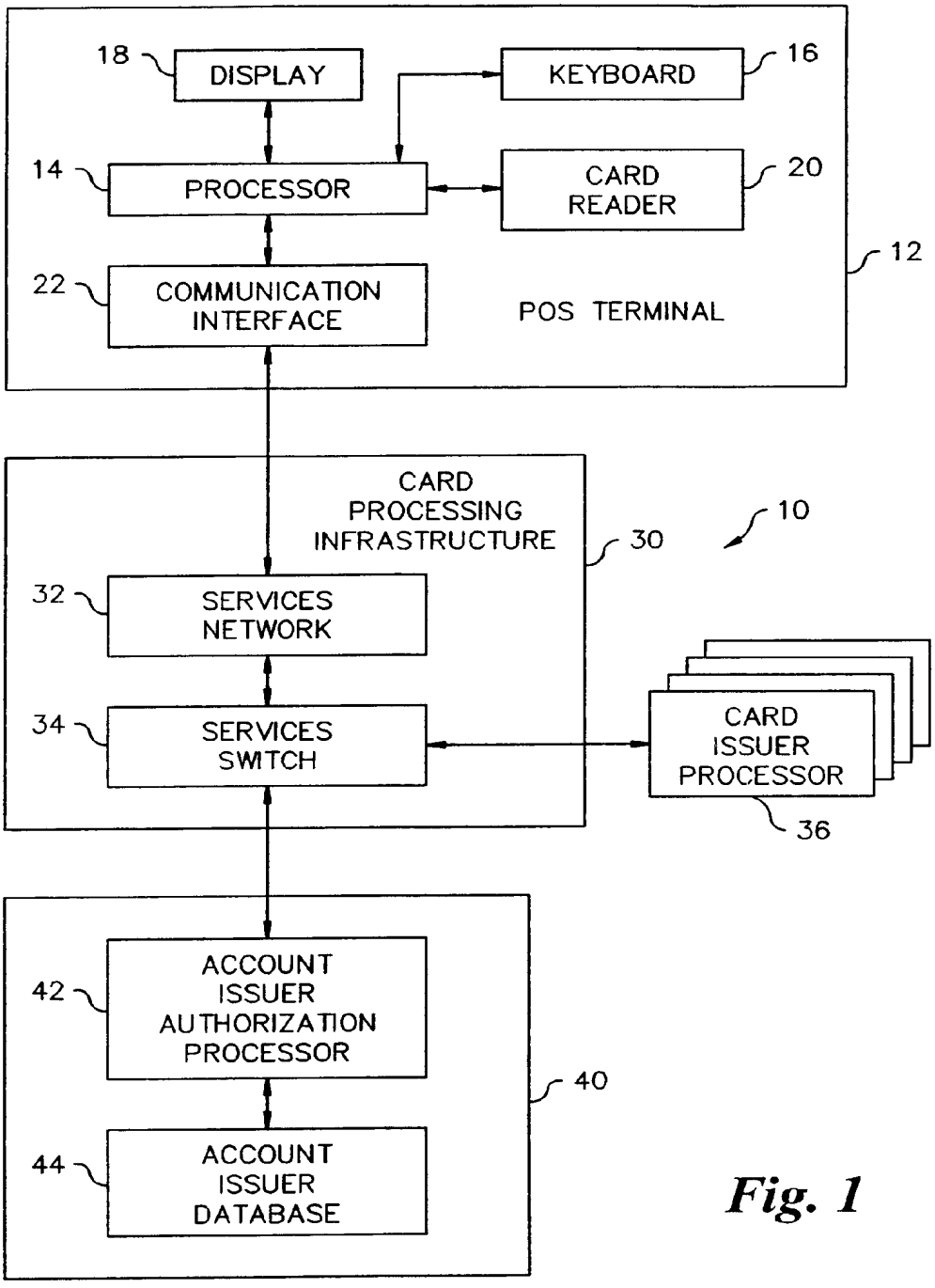

18
DISPLAY
KEYBOARD
16
14
PROCESSOR
CARD READER
20
12
22
COMMUNICATION INTERFACE
POS TERMINAL
CARD PROCESSING INFRASTRUCTURE
30
10
32
SERVICES NETWORK
34
SERVICES SWITCH
CARD ISSUER PROCESSOR
36
42
ACCOUNT ISSUER AUTHORIZATION PROCESSOR
40
44
ACCOUNT ISSUER DATABASE

Fig. 1

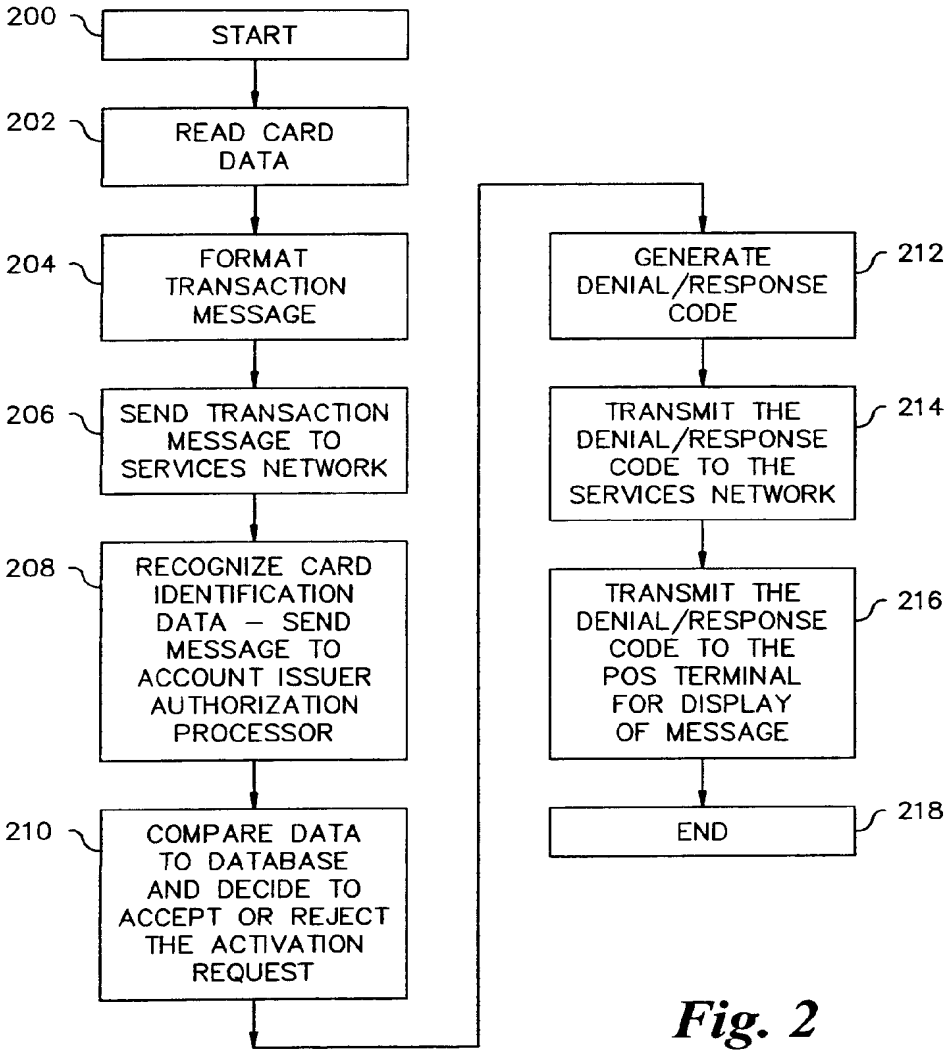

200
START
202
READ CARD DATA
204
FORMAT TRANSACTION MESSAGE
206
SEND TRANSACTION MESSAGE TO SERVICES NETWORK
208
RECOGNIZE CARD IDENTIFICATION DATA – SEND MESSAGE TO ACCOUNT ISSUER AUTHORIZATION PROCESSOR
210
COMPARE DATA TO DATABASE AND DECIDE TO ACCEPT OR REJECT THE ACTIVATION REQUEST
212
GENERATE DENIAL/RESPONSE CODE
214
TRANSMIT THE DENIAL/RESPONSE CODE TO THE SERVICES NETWORK
216
TRANSMIT THE DENIAL/RESPONSE CODE TO THE POS TERMINAL FOR DISPLAY OF MESSAGE
218
END

Fig. 2

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US01/40085

A. CLASSIFICATION OF SUBJECT MATTER
IPC(6) : G 06 F 17/00
US CL : 235/380
According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
U.S. : 235/375, 379, 380, 382, 449

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched
NONE

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
East, prepaid and "phone card"

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y, P	US 6,032,859 A (MUEHLBERG et al.) 07 March 2000 (07.03.2000), see entire document.	1-16
Y	US, 6,000,608 A (DORF) 14 December 1999 (14.12.1999), see entire document.	1-16
X	US 5,903,633 A (LORSCH) 11 May 1999 (11.05.1999), see entire document.	1-16

☐ Further documents are listed in the continuation of Box C. ☐ See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&" document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
	25 JUN 2001
Name and mailing address of the ISA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 Facsimile No. (703)305-3230	Authorized officer Seung H Lee Telephone No. (703) 308-5894

Form PCT/ISA/210 (second sheet) (July 1998)

Electronic Patent Application Fee Transmittal

Application Number:	16280629
Filing Date:	20-Feb-2019
Title of Invention:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS
First Named Inventor/Applicant Name:	Gino Giunti
Filer:	Jerry Harris/Michelle Horvath
Attorney Docket Number:	84971-326801

Filed as Large Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
PETITION FEE- 37 CFR 1.17(H) (GROUP III)	1464	1	140	140
RCE- 2ND AND SUBSEQUENT REQUEST	1820	1	2000	2000
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	**2140**

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : August 2, 2022

In re Application of :

Gino Giunti

DECISION ON PETITION
UNDER CFR 1.313(c)(2)

Application No : 16280629

Filed : 20-Feb-2019

Attorney Docket No : 84971-326801

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed August 2, 2022 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 3649 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Electronic Acknowledgement Receipt

EFS ID:	46322014
Application Number:	16280629
International Application Number:	
Confirmation Number:	5484
Title of Invention:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS
First Named Inventor/Applicant Name:	Gino Giunti
Customer Number:	15608
Filer:	Jerry Harris/Michelle Horvath
Filer Authorized By:	Jerry Harris
Attorney Docket Number:	84971-326801
Receipt Date:	02-AUG-2022
Filing Date:	20-FEB-2019
Time Stamp:	12:33:56
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$2140
RAM confirmation Number	E202282C33481936
Deposit Account	100435
Authorized User	Michelle Horvath

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

37 CFR 1.16 (National application filing, search, and examination fees)

37 CFR 1.17 (Patent application and reexamination processing fees)

37 CFR 1.19 (Document supply fees)

37 CFR 1.20 (Post Issuance fees)

37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	ePetition Request Form	petition-request.pdf	39915 58fe6a06b3ecffdfd0e5099491cf94b9c1850fb9	no	2
Warnings:					
Information:					
2	Transmittal Letter	16280629_PetitionWithdrawFromIssue.pdf	34109 9ff0b4b0ec69de792da93ceae9faf01604587b64	no	2
Warnings:					
Information:					
3	Request for Continued Examination (RCE)	16280629_RCE.pdf	1667133 8b1204508f5a56bc91d428fb42a9d2a339daff21	no	3
Warnings:					
Information:					
4	Information Disclosure Statement (IDS) Form (SB08)	16280629_updated_IDS.pdf	1264449 06c6ec2944951dc65db6632fd70fa8cb04c06832	no	6
Warnings:					
Information:					
5	Foreign Reference	1015_WO01059597.pdf	1319950 81f093d34518d5bc6d10365f9b2e3d5361d7288c	no	19
Warnings:					
Information:					
6	Non Patent Literature	MissouriWebsite.pdf	221341 a06ba4eaf8ef89b1a781233d28d0f548d2b0644d	no	1
Warnings:					
Information:					

7	Non Patent Literature	PayPalWebsite.pdf	829641 e2364c63e090d4377d381b679f8984af57785ae4	no	4
Warnings:					
Information:					
8	Fee Worksheet (SB06)	fee-info.pdf	40503 7d7a4a70ffd81c8964aecfecc7245d3253e0b9c5	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	5417041		

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	16280629
Filing Date	20-Feb-2019
First Named Inventor	Gino Giunti
Art Unit	3649
Examiner Name	SUNIT PANDYA
Attorney Docket Number	84971-326801
Title	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:
(1) Petition fee; and
(2) One of the following reasons:
(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

Petition Fee

◯	Small Entity
◯	Micro Entity
◉	Regular Undiscounted

Reason for withdrawal from issue

◯ One or more claims are unpatentable ◉ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees) ◯ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).
RCE request,submission, and fee. ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that : The RCE request ,submission, and fee have already been filed in the above-identified application on ☒ Are attached.
THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES I certify, in accordance with 37 CFR 1.4(d)(4) that I am: ◉ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application. ◯ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity. ◯ A sole inventor ◯ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors as evidenced by the power of attorney in the application ◯ A joint inventor; all of whom are signing this e-petition

Signature	/Jerry C. Harris, Jr./
Name	Jerry C. Harris, Jr.
Registration Number	66822

BARNES & THORNBURG LLP

11 South Meridian Street
Indianapolis, Indiana 46204
(317) 236-1313
(317) 231-7433 Fax

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Customer No.	15608	
Art Unit:	3649	
Confirmation No.:	5484	
Application No.:	16/280629	ELECTRONICALLY FILED ON: August 2, 2022
Title:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS	
Inventor:	Gino Giunti	
Filed:	February 20, 2019	
Attorney Docket:	84971-326801	
Examiner:	Pandya, Sunit	

PETITION TO WITHDRAW FROM ISSUE UNDER 37 C.F.R. § 1.313(c)(2)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby petitions for withdrawal of the above-captioned application from issue. The issue fee was paid electronically on July 6, 2022. Pursuant to MPEP § 2001.06(c) we believe it is prudent to notify the U.S. Patent & Trademark Office via an Information Disclosure Statement submission that one of the parent patents of the present application, U.S. Patent No. 10,769,894, was involved proceedings (PGR2020-00084 and PGR 2020-00085) before the

Patent Trial and Appeal Board and Exhibits were filed in those proceedings. Accordingly, we are filing concurrently with this Petition, a Request for Continued Examination under 37 C.F.R. § 1.114 and an Information Disclosure Statement.

We are paying the $2,000 fee under 37 C.F.R. § 1.17(e)(2) for the Request for Continued Examination, the $260 fee under 37 C.F.R. § 1.17(p) for submission of the Information Disclosure Statement, and the $140 petition fee set forth in 37 C.F.R. § 1.17(h) electronically with reference to our Deposit Account No. 10-0435 concurrently with the filing of these papers. We intend to request that the issue fee in the amount of $1,200, which has already been paid in the subject application, be applied toward the issue fee required by any new Notice of Allowance. Please charge any additional fees, of any type whatsoever that are due in connection with this paper or any other paper previously submitted or subsequently submitted in connection with the above-captioned patent application, or credit any overpayments to Deposit Account No. 10-0435 with reference to our matter 84971-326801.

Respectfully submitted,

August 2, 2022

BARNES & THORNBURG LLP

/Jerry C. Harris, Jr./
Jerry C. Harris, Jr.
Registration No. 66,822

Dallas, Texas
(214) 258-4115

23273818v1

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/280,629	08/16/2022	11417177	84971-326801	5484

15608 7590 07/27/2022

Barnes & Thornburg LLP (Blackhawk)
11 S. Meridian Street
Indianapolis, IN 46204

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

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

The Patent Term Adjustment is 0 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

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

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

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Patents Stakeholder Experience (OPSE), Stakeholder Support Division (SSD) at (571)-272-4200.

INVENTOR(s) (Please see PAIR WEB site http://pair.uspto.gov for additional inventors):

Gino Giunti, Sault Ste. Marie, CANADA;

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

BLACKHAWK NETWORK INC., Pleasanton, CA;

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

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), by mail or fax, or via EFS-Web.

By mail, send to: Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

By fax, send to: (571)-273-2885

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

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

15608 7590 07/01/2022
Barnes & Thornburg LLP (Blackhawk)
11 S. Meridian Street
Indianapolis, IN 46204

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

Certificate of Mailing or Transmission

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

Jerry C. Harris, Jr.	(Typed or printed name)
/Jerry C. Harris, Jr./	(Signature)
July 6, 2022	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/280,629	02/20/2019	Gino Giunti	84971-326801	5484

TITLE OF INVENTION: METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	$1200	$0.00	$0.00	$1200	10/03/2022

EXAMINER	ART UNIT	CLASS-SUBCLASS
PANDYA, SUNIT	3649	463-017000

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

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

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

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

1 Barnes & Thornburg LLP
2 Jerry C. Harris, Jr.
3

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

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE: Blackhawk Network, Inc.

(B) RESIDENCE: (CITY and STATE OR COUNTRY): Pleasanton, California

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

4a. Fees submitted: ☒ Issue Fee ❑ Publication Fee (if required) ❑ Advance Order - # of Copies _____

4b. Method of Payment: *(Please first reapply any previously paid fee shown above)*

☒ Electronic Payment via EFS-Web ❑ Enclosed check ❑ Non-electronic payment by credit card (Attach form PTO-2038)

☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. 100435

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

❑ Applicant certifying micro entity status. See 37 CFR 1.29

❑ Applicant asserting small entity status. See 37 CFR 1.27

❑ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.
NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.
NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature /Jerry C. Harris, Jr./ Date July 6, 2022

Typed or printed name Jerry C. Harris, Jr. Registration No. 66822

Incomm Ex. 1002, Page 109 of 788

Electronic Patent Application Fee Transmittal

Application Number:	16280629
Filing Date:	20-Feb-2019
Title of Invention:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS
First Named Inventor/Applicant Name:	Gino Giunti
Filer:	Jerry Harris/Michelle Horvath
Attorney Docket Number:	84971-326801

Filed as Large Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
UTILITY APPL ISSUE FEE	1501	1	1200	1200

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	**1200**

Electronic Acknowledgement Receipt

EFS ID:	46121209
Application Number:	16280629
International Application Number:	
Confirmation Number:	5484
Title of Invention:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS
First Named Inventor/Applicant Name:	Gino Giunti
Customer Number:	15608
Filer:	Jerry Harris/Michelle Horvath
Filer Authorized By:	Jerry Harris
Attorney Docket Number:	84971-326801
Receipt Date:	06-JUL-2022
Filing Date:	20-FEB-2019
Time Stamp:	08:51:55
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$1200
RAM confirmation Number	E202276952321576
Deposit Account	100435
Authorized User	Michelle Horvath

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

37 CFR 1.21 (Miscellaneous fees and charges)

37 CFR 1.20 (Post Issuance fees)

37 CFR 1.19 (Document supply fees)

37 CFR 1.17 (Patent application and reexamination processing fees)

37 CFR 1.16 (National application filing, search, and examination fees)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Issue Fee Payment (PTO-85B)	16280629_IssueFeeTransmittal.pdf	331364 672c220154ba08f05f839d147ad2de73df8ac18b	no	1
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	37992 ce1efb42d39686028fa01f3652743fa9ed1c91aa	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	369356		

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOTICE OF ALLOWANCE AND FEE(S) DUE

15608 7590 07/01/2022

Barnes & Thornburg LLP (Blackhawk)
11 S. Meridian Street
Indianapolis, IN 46204

EXAMINER
PANDYA, SUNIT

ART UNIT	PAPER NUMBER
3649	

DATE MAILED: 07/01/2022

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/280,629	02/20/2019	Gino Giunti	84971-326801	5484

TITLE OF INVENTION: METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	$1200	$0.00	$0.00	$1200	10/03/2022

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

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

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

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

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

IMPORTANT REMINDER: Maintenance fees are due in utility patents issuing on applications filed on or after Dec. 12, 1980. It is patentee's responsibility to ensure timely payment of maintenance fees when due. More information is available at www.uspto.gov/PatentMaintenanceFees.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), by mail or fax, or via EFS-Web.

By mail, send to: Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

By fax, send to: (571)-273-2885

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

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

15608 7590 07/01/2022
Barnes & Thornburg LLP (Blackhawk)
11 S. Meridian Street
Indianapolis, IN 46204

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

Certificate of Mailing or Transmission

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

(Typed or printed name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/280,629	02/20/2019	Gino Giunti	84971-326801	5484

TITLE OF INVENTION: METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	$1200	$0.00	$0.00	$1200	10/03/2022

EXAMINER	ART UNIT	CLASS-SUBCLASS
PANDYA, SUNIT	3649	463-017000

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

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

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

1 _____
2 _____
3 _____

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

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

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

4a. Fees submitted: ❑ Issue Fee ❑ Publication Fee (if required) ❑ Advance Order - # of Copies _____

4b. Method of Payment: *(Please first reapply any previously paid fee shown above)*

❑ Electronic Payment via EFS-Web ❑ Enclosed check ❑ Non-electronic payment by credit card (Attach form PTO-2038)

❑ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. _____

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

❑ Applicant certifying micro entity status. See 37 CFR 1.29

❑ Applicant asserting small entity status. See 37 CFR 1.27

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NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

Incomm Ex. 1002, Page 115 of 788

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/280,629	02/20/2019	Gino Giunti	84971-326801	5484

15608 7590 07/01/2022

Barnes & Thornburg LLP (Blackhawk)
11 S. Meridian Street
Indianapolis, IN 46204

EXAMINER	
PANDYA, SUNIT	
ART UNIT	PAPER NUMBER
3649	

DATE MAILED: 07/01/2022

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

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

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

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

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

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

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

Notice of Allowability	Application No. 16/280,629	Applicant(s) Giunti, Gino	
	Examiner SUNIT PANDYA	Art Unit 3649	AIA (FITF) Status Yes

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

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

1. ☑ This communication is responsive to After Final reply filed on 6/14/22.
   ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

3. ☑ The allowed claim(s) is/are 1-19 and 21-25 . As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information , please see **http://www.uspto.gov/patents/init_events/pph/index.jsp** or send an inquiry to **PPHfeedback@uspto.gov.**

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   Certified copies:

   a) ☐ All b) ☐ Some* c) ☐ None of the:

   1. ☐ Certified copies of the priority documents have been received.
   2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
   3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____ .

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____.
3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material _____.
4. ☐ Interview Summary (PTO-413), Paper No./Mail Date. _____.
5. ☐ Examiner's Amendment/Comment
6. ☑ Examiner's Statement of Reasons for Allowance
7. ☐ Other _____.

/SUNIT PANDYA/
Primary Examiner, Art Unit 3649

DETAILED ACTION

Notice of Pre-AIA or AIA Status

The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

Terminal Disclaimer

The terminal disclaimer filed on 6/14/2022 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent No. 9,865,135 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Examiner's Reasons for Allowance

In response to the After Final amendments filed on 6/20/22, claims 1-19 & 21-25 are allowed. The following is an examiner's statement of reasons for allowance:

The claims as currently presented are allowed because no references, or reasonable combination thereof could be found, which disclose, suggest or teach, the recited features of the independent claim 1. The prior art fails to disclose or teach a method for providing a manufactured, pre-printed, random draw lottery ticket comprising: (a) receiving, by a third-party transaction processor, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed, random draw lottery ticket, wherein the manufactured, pre-printed, random draw lottery ticket is selected by a customer prior to initiation of a check-out process and is presented by the

customer for activation during the check-out process, wherein the third-party transaction processor receives transaction requests from a plurality of different retailers; (b) providing, via a first secured communication, by the third-party transaction processor, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and (c) receiving, via a second secured communication, by the third-party transaction processor, from the lottery administration system, indication that draw information has been associated with the manufactured, pre-printed, random draw lottery ticket. As required by the independent claim 1.

The closest prior art appears to be Gilmore et al. (US Patent Pub. 20050233797; referred to hereinafter as Gilmore), in view of McBride (US Patent Pub. 20090227320; referred to hereinafter as McBride). Gilmore disclose a method and system of selling an on-line lottery game ticket to a lottery game player within a store, the store having a networked POS system with at least one POS terminal equipped with a bar code reader adapted to scan product identification codes, and thus lottery play slips, thereat. The lottery game player selects the game to be played and presents either at least one on-line lottery game token so that the bar code on the token may be scanned at a POS terminal of the system, or a lottery/wager play or bet slip to be scanned at the POS terminal, or verbally requests the game and game play indicia selected by the player and which is then keyed into the POS terminal. McBride teach a lottery system which allows players to participate in the lottery game, when the lottery player activates the lottery ticket through entry of the unique activation coding information number at the Internet web site, the Internet web site opens a corresponding unique playing account

solely associated with the lottery ticket for the lottery player to access. However, neither Gilmore nor McBride, individually or in combination with each other disclose or teach all the recited claim limitations, as require by the independent claim 1. Consequently, claims 1-19 & 21-25 are allowed.

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

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUNIT PANDYA whose telephone number is (571)272-2823. The examiner can normally be reached M-F 9:30-6:30PM.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at http://www.uspto.gov/interviewpractice.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darnell Jayne can be reached on 571-272-7723. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of published or unpublished applications may be obtained from Patent Center. Unpublished application information in Patent Center is available to registered users. To file and manage patent submissions in Patent Center,

visit: https://patentcenter.uspto.gov. Visit https://www.uspto.gov/patents/apply/patent-center for more information about Patent Center and https://www.uspto.gov/patents/docx for information about filing in DOCX format. For additional questions, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SUNIT PANDYA/
Primary Examiner, Art Unit 3649

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	16/280,629	Giunti, Gino
	Examiner	**Art Unit**
	SUNIT PANDYA	3649

CPC						
Symbol					**Type**	**Version**
G07F	/	17	/	329	F	2013-01-01
G06Q	/	20	/	202	I	2013-01-01
G06Q	/	20	/	209	I	2013-01-01
G06Q	/	50	/	34	I	2013-01-01
G07F	/	17	/	3244	I	2013-01-01

CPC Combination Sets							
Symbol					**Type**	**Set**	**Ranking**	**Version**
	/		/					

NONE		**Total Claims Allowed:**	
(Assistant Examiner)	(Date)	24	
/SUNIT PANDYA/ Primary Examiner, Art Unit 3649	22 June 2022	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1

U.S. Patent and Trademark Office

Part of Paper No.: 20220621

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	16/280,629	Giunti, Gino
	Examiner	Art Unit
	SUNIT PANDYA	3649

INTERNATIONAL CLASSIFICATION					
CLAIMED					
G06F	/	40	/	00	
	/		/		

NON-CLAIMED				
	/		/	

US ORIGINAL CLASSIFICATION	
CLASS	SUBCLASS

CROSS REFERENCES(S)						
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)					

NONE (Assistant Examiner) (Date)	Total Claims Allowed: 24	
/SUNIT PANDYA/ Primary Examiner, Art Unit 3649 (Primary Examiner) 22 June 2022 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 1

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	16/280,629	Giunti, Gino
	Examiner	**Art Unit**
	SUNIT PANDYA	3649

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☑ T.D. ☐ R.1.47

CLAIMS

Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
1	1	11	10	10	19										
2	2	12	11		20										
3	3	13	12	20	21										
4	4	14	13	21	22										
6	5	15	14	22	23										
5	6	16	15	23	24										
7	7	17	16	24	25										
8	8	18	17												
9	9	19	18												

NONE		**Total Claims Allowed:**	
(Assistant Examiner)	(Date)	24	
/SUNIT PANDYA/ Primary Examiner, Art Unit 3649	22 June 2022	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1

U.S. Patent and Trademark Office

Part of Paper No.: 20220621

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	16/280,629	Giunti, Gino
	Examiner	Art Unit
	SUNIT PANDYA	3649

CPC - Searched*		
Symbol	Date	Examiner
A63F	01/13/2021	SP
G07F	01/13/2021	SP
G06Q	06/22/2022	SP

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	16/280,629	Giunti, Gino
	Examiner	Art Unit
	SUNIT PANDYA	3649

Search Notes		
Search Notes	**Date**	**Examiner**
Conducted text searches in EAST, see attached notes	08/22/2019	SP
Prior searches updated, see attachment	01/28/2020	SP
Updated prior searches in EAST, see search attachment	06/05/2020	SP
UPdated previous searches in EAST, see search notes	01/13/2021	SP
Previous searches updated in EAST, see attached notes	06/29/2021	SP
Prior searches updated, see search notes attached	11/15/2021	SP
Updated prior searches, see attached notes	04/09/2022	SP
A63F	01/13/2021	SP
G07F	01/13/2021	SP
Previous searches updated, see search notes attached	06/22/2022	SP
G06Q	06/22/2022	SP

Interference Search			
US Class/CPC Symbol	**US Subclass/CPC Group**	**Date**	**Examiner**
G06Q	50/34 , 20/202 , 20/209 , 30/0238 , 20/3274 , 20/387 , 30/0212 , 20/20 , 20/3224 , 20/401 , 30/0241 , 10/00 , 30/00 , 90/00 , 40/00 , 50/00	06/22/2022	SP
G07F	17/3239 , 17/3227 , 17/3258 , 17/3237 , 17/326 , 17/3241 , 17/3251 , 17/3262 , 17/3211 , 17/3272 , 17/3293 , 17/3209 , 17/3288 , 17/323 , 17/3202 , 17/3286 , 9/026 , 11/68 , 17/3216 , 17/3218 , 7/02 , 9/001 , 17/3253 , 17/3269 , 17/3232 , 17/3234 , 17/3295 , 17/34 , 9/002 , 1/06 , 13/025 , 17/0014 , 17/3206 , 17/3274 , 17/3276 , 7/0813 , 7/125	06/22/2022	SP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Gino Giunti	§	
		§	Group Art Unit: 3649
Serial No.	16/280,629	§	
		§	Examiner: Sunit Pandya
Filed:	February 20, 2019	§	
		§	Confirmation No.: 5484
For:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS	§	

Mail Stop: After Final
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF EFS-WEB FILING

Pursuant to 37 CFR § 1.8, I hereby certify that this correspondence is being electronically submitted to the U.S. Patent and Trademark Office website, www.uspto.gov, on

06/14/2022 .
(Date submitted)

/Jerry C. Harris, Jr./
Jerry C. Harris, Jr.

AMENDED RESPONSE TO FINAL OFFICE ACTION DATED APRIL 14, 2022

Dear Sir:

In response to the Final Office Action dated April 14, 2022 (the "Final Office Action), Applicant respectfully requests consideration of the following.

The Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.

OK TO ENTER: /S.P/
06/22/2022

PE2E SEARCH - Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	British Equivalents	Time Stamp
L1	1	"14679028"	(US-PGPUB; USPAT)	OR	OFF	OFF	2016/12/28 02:48 PM
L2	0	("2016/0210808").URPN.	(USPAT)	OR	OFF	OFF	2016/12/28 02:55 PM
L3	14	online with lottery with ticket with draw	(USPAT)	OR	OFF	OFF	2016/12/28 02:55 PM
L4	28	online with lottery with ticket with draw$4	(USPAT)	OR	OFF	OFF	2016/12/28 02:55 PM
L5	211	online with lottery with ticket with draw$4	(US-PGPUB; USPAT)	OR	ON	ON	2016/12/28 02:55 PM
L6	1	online with lottery with ticket with draw$4 with unique with identif$7	(US-PGPUB; USPAT)	OR	ON	ON	2016/12/28 02:56 PM
L7	3	online with lottery with ticket with draw$4 same (unique with identif$7)	(US-PGPUB; USPAT)	OR	ON	ON	2016/12/28 02:56 PM
L9	22	"5241487"	(US-PGPUB; USPAT)	OR	ON	ON	2016/12/28 06:28 PM
L10	16	("2006/0160602").URPN.	(USPAT)	OR	OFF	OFF	2016/12/29 03:09 PM
L11	10	("2009/0227320").URPN.	(USPAT)	OR	OFF	OFF	2016/12/29 06:12 PM
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		G07F17/3225 OR G07F17/3211 OR G07F17/3218 OR G07F17/3223 OR G07F17/3286).CPC.)					
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L19	18	L16 AND ((A63F13/00 OR A63F3/0645 OR A63F3/065 OR A63F2003/086 OR A63F3/06 OR A63F3/08 OR A63F9/24).CPC.)	(US-PGPUB; USPAT)	OR	ON	ON	2016/12/29 07:10 PM
L20	3	L16 AND ((G06F17/303 OR G06F17/30569 OR G07C15/006 OR G07G5/00).CPC.)	(US-PGPUB; USPAT)	OR	ON	ON	2016/12/29 07:11 PM
L21	1	"14937371"	(US-PGPUB; USPAT)	OR	ON	ON	2017/01/03 06:16 PM
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L23	125	("4191376" | "4398708" | "4725079" | "5317135" | "5398932" | "5505449" | "5613680" | "5749784" | "5772510" | "5791990").PN. OR ("5935000").URPN.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2017/06/15 02:27 PM
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L25	10	("2009/0227320").URPN.	(USPAT)	OR	OFF	OFF	2017/06/15 02:28 PM
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L31	929	(online same lottery same ticket)and draw$4	(US-PGPUB; USPAT)	OR	ON	ON	2017/09/15 04:39 PM
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L33	929	(online same lottery same ticket) and draw$4	(US-PGPUB; USPAT)	OR	ON	ON	2017/09/16 03:10 PM
L34	498	(online same lottery same ticket) and verif$5	(US-PGPUB; USPAT)	OR	ON	ON	2017/09/16 03:10 PM
L35	1098	(online same lottery) and verif$5	(US-PGPUB; USPAT)	OR	ON	ON	2017/09/16 05:07 PM
L36	234	online with lottery with ticket with draw$4	(US-PGPUB; USPAT)	OR	ON	ON	2017/09/17 11:32 PM
L37	228	L36 AND ((G07F17/34 OR G07F17/3244 OR G07F17/3213 OR G07F17/3258 OR G07F17/3267 OR G07F17/329 OR G07F17/326 OR G07F17/3225 OR G07F17/3248 OR G07F17/3255 OR G07F17/3211 OR G07F17/3246 OR G07F17/3276 OR G07F17/3209 OR G07F17/323 OR G07F17/3239 OR G07F17/3262 OR G07F17/3288 OR G07F17/32 OR G07F17/3293 OR G07F17/3227 OR G07F17/3251 OR G07F17/3269 OR G07F17/3204 OR G07F17/3223 OR G07F17/3218 OR G07F17/3237 OR	(US-PGPUB; USPAT)	OR	ON	ON	2017/09/17 11:32 PM

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L39	32	L36 AND ((A63F13/00 OR A63F3/0645 OR A63F2250/64 OR A63F3/0605 OR A63F13/30 OR A63F3/065 OR A63F13/12 OR A63F13/45 OR A63F13/77 OR A63F2003/086 OR A63F3/06 OR A63F3/08 OR A63F3/081 OR A63F9/10 OR	(US-PGPUB; USPAT)	OR	ON	ON	2017/09/17 11:35 PM

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L45	303	(pre adj print$3) with lottery with ticket	(US-PGPUB; USPAT)	OR	ON	ON	2019/04/01 04:37 PM
L46	15	((pre adj print$3) with lottery with ticket) with POS	(US-PGPUB; USPAT)	OR	ON	ON	2019/04/01 04:40 PM
L47	17	(lottery with ticket) with (pre adj print$3) with (identif$7 with (number$4 or informat$4))	(US-PGPUB; USPAT)	OR	OFF	OFF	2019/08/21 02:19 PM
L48	19	(lottery with ticket) with (pre adj print$3) with (identif$7 with (number$4 or informat$4))	(US-PGPUB; USPAT)	OR	ON	ON	2019/08/21 02:56 PM
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L51	22	("20030045340" | "20050059465" | "20060160602" | "20060258433" | "20120122536" | "20130005431" | "4087092" | "5282620" | "5772510" | "5935000" | "6210276" | "7204756" | "7381132" | "7416483" | "7563164" | "7627497" | "7665394" | "7914371" | "8216045" | "8398484" | "8672325").PN. OR ("9443397").URPN.	(US-PGPUB; USPAT; USOCR)	OR	OFF	OFF	2019/08/21 04:39 PM
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		"7665394" | "7914371" | "8216045" | "8398484" | "8672325").PN. OR ("9443397").URPN.					
L53	7	((lottery with ticket) with (pre adj print$3)) and L52	(US-PGPUB; USPAT)	OR	ON	ON	2019/08/21 04:42 PM
L54	218	"6,241,606"	(US-PGPUB; USPAT)	OR	ON	ON	2019/08/21 04:44 PM
L55	2	"15833566"	(US-PGPUB; USPAT)	OR	OFF	OFF	2019/08/27 06:19 PM
L56	862	human with body with organ with function$4	(US-PGPUB; USPAT)	OR	OFF	OFF	2019/08/28 12:32 PM
L57	1780	human with body with organ with function$4	(US-PGPUB; USPAT)	OR	ON	ON	2019/08/28 12:32 PM
L58	16	human with body with organ with function$4 with observ$4	(US-PGPUB; USPAT)	OR	ON	ON	2019/08/28 12:33 PM
L59	319	human with body with organ with function$4	(USPAT)	OR	OFF	OFF	2019/08/28 12:34 PM
L60	665	human with body with organ with function$4	(USPAT)	OR	ON	ON	2019/08/28 12:34 PM
L61	1	human with body with organ with function$4 with visual	(USPAT)	OR	ON	ON	2019/08/28 12:35 PM
L62	14	human with body with organ with function$4 with (view$4 or visual)	(US-PGPUB; USPAT)	OR	ON	ON	2019/08/28 12:35 PM
L63	2	("2008/0233549").URPN.	(USPAT)	OR	OFF	OFF	2019/08/28 12:37 PM
L64	50	("20020119433" | "20020173778" | "20020198516" | "20030197716" | "20040059321" | "20040088650" | "20040213437" | "20040215719" | "20060004745" | "20060036619" | "20070196007" | "20080001968" | "20080091780" | "20080233549" | "20090024365" | "20090089154" | "20090287331" | "20100100364" | "20100131283" | "20100131293" | "20100131874" | "20100138231" | "20100153234" | "20100254382" |	(US-PGPUB; USPAT; USOCR)	OR	OFF	OFF	2019/08/28 12:37 PM

		"20110004110" | "20110025883" | "20110026836" | "20110026839" | "20110029553" | "20110029562" | "20110029635" | "20110029914" | "20110157226" | "20110157227" | "20110157228" | "20110285748" | "20110313934" | "20120173969" | "20120284642" | "20120284644" | "20120284645" | "20120284646" | "5098426" | "6888546" | "6983420" | "7000179" | "7783096" | "7804982" | "8316237").PN. OR ("9164666").URPN.					
L65	7	("20090227320"|"20100093421"|"5935000"|"6322446"|"8219497"|"8408986"|"8784180").PN.	(US-PGPUB; USPAT)	OR	OFF	OFF	2019/08/28 03:01 PM
L66	1	"14679028"	(USPAT)	OR	OFF	OFF	2019/08/28 05:01 PM
L67	0	"16280629"	(USPAT)	OR	OFF	OFF	2020/06/04 05:56 PM
L68	2	"16280629"	(US-PGPUB; USPAT)	OR	OFF	OFF	2020/06/04 05:56 PM
L69	27	("20030045340" | "20050059465" | "20060160602" | "20060258433" | "20120122536" | "20130005431" | "4087092" | "5282620" | "5709603" | "5772510" | "5935000" | "6210276" | "7381132" | "7416483" | "7563164" | "7627497" | "7665394" | "7914371" | "8216045" | "8398484").PN. OR ("9251663").URPN.	(US-PGPUB; USPAT; USOCR)	OR	OFF	OFF	2020/06/04 06:02 PM
L70	2	"16280629"	(US-PGPUB; USPAT; USOCR)	OR	OFF	OFF	2020/06/05 03:29 PM
L71	106	("1905659" | "20010034263" | "20010036855" | "20020162850" | "20030114211" | "20030120381" |	(US-PGPUB; USPAT; USOCR)	OR	OFF	OFF	2020/06/05 03:31 PM

		"20030153381" | "20030204288" | "20030216164" | "20040023711" | "20040176154" | "20040193464" | "20040227000" | "20040242309" | "20050014552" | "20050023346" | "20050059463" | "20050190533" | "20050233797" | "20050250572" | "20050280210" | "20060012116" | "20060071046" | "20060246992" | "20060273156" | "20080208696" | "20090101714" | "20090163264" | "20110087369" | "20140058280" | "20140295945" | "20150194008" | "20170018048" | "20170018148" | "20170169652" | "2219650" | "2252720" | "2325054" | "2776007" | "2970784" | "3481520" | "3794228" | "3894669" | "4094451" | "4202468" | "4284221" | "4397410" | "4515321" | "4586639" | "4688708" | "4697726" | "4716799" | "4730762" | "4844369" | "4982337" | "5074566" | "5113758" | "5133615" | "5158293" | "5160076" | "5215383" | "5216595" | "5222624" | "5239165" | "5256863" | "5408417" | "5503318" | "5569082" | "5709603" | "5833104" | "5836498" | "5882260" | "5927583" | "6029851" | "6056289" | "6095624" | "6168521" | "6267670" | "6351688" | "6405924" | "6582304" | "6714838" | "6824464" | "6886728" | "6887153" | "6899621" | "6899622" | "7263411" | "7381132" | "7383099" | "7665394" | "7740243" | "7756742" |				

		"7850257" | "8463668" | "8554365" | "9251663" | "9339121" | "9760939").PN.					
L72	0	"16442932"	(USPAT)	OR	OFF	OFF	2020/10/09 11:03 AM
L73	1	"16442932"	(US-PGPUB; USPAT)	OR	OFF	OFF	2020/10/09 11:03 AM
L74	5932	table with magnet$6 with (leg or support$4 or stand$4)	(US-PGPUB; USPAT)	OR	ON	ON	2020/10/09 11:05 AM
L75	1	"20050233797"	(USPAT)	OR	OFF	OFF	2021/01/13 04:50 PM
L76	2	"20050233797"	(US-PGPUB; USPAT)	OR	OFF	OFF	2021/01/13 04:50 PM
L77	3	"16280629"	(US-PGPUB; USPAT)	OR	OFF	OFF	2021/01/13 04:58 PM
L78	0	"16830161"	(USPAT)	OR	OFF	OFF	2021/06/30 01:20 PM
L79	0	"16830161"	(US-PGPUB; USPAT)	OR	OFF	OFF	2021/06/30 01:20 PM
L80	1	"15179845"	(US-PGPUB; USPAT)	OR	OFF	OFF	2021/06/30 01:20 PM
L81	3	"16280629"	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, BE, BG, BR, BY, CA, CH, CN, CS, CU, CZ, DD, DE, DK, EA, EE, EP, ES, FI, FR, GB, HR, HU, ID, IE, IL, IS, IT, JP, KR, LT, LU, LV, MA, OA, RU, SU, WO, MC, MD, MY, NL, NO, NZ, PH, PL, PT, RO, RS, SE, SG, SI, SK, TH, TN, TR, TW, UA, VN); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2021/11/15 02:04 PM
L82	3	"16280629"	(US-PGPUB; USPAT)	OR	ON	ON	2021/11/15 02:04 PM
L83	19	L46 AND ((G07F17/329 OR G07F17/3244 OR G07F17/42 OR G07F17/32 OR G07F17/3255 OR G07F17/3223 OR G07F17/3239 OR G07F17/3269 OR G07F17/3286 OR G07F17/3288 OR G07F9/002 OR G07F17/3211 OR	(US-PGPUB; USPAT)	OR	ON	ON	2021/11/15 09:18 PM

		G07F17/3225 OR G07F17/3248 OR G06Q20/202 OR G06Q50/34 OR G06Q20/209 OR G06Q30/0238 OR G06Q30/0212 OR G06Q30/02 OR G06Q10/06 OR G06Q20/00 OR G06Q20/3274 OR G06Q20/387 OR A63F3/065 OR A63F3/0625 OR A63F3/0645 OR A63F3/0655 OR A63F3/08 OR G07C$ OR G07C15/00 OR A63F$ OR G06Q$ OR G07F$).cpc.)					
L84	80	("4815741" | "4982337" | "5007641" | "5216595" | "5239165" | "5317135" | "5451052" | "5475205" | "5560610" | "5580311" | "5588649" | "5772510" | "5772511" | "5871398" | "5897625" | "5943241" | "5949042" | "6080062" | "6119099" | "6168521" | "6267670" | "6351688" | "6726077" | "6899621" | "6932258" | "20020100785").pn. OR ("7621810").urpn. AND (PGPB | USPT | USOC).dbnm.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2021/11/15 09:19 PM
L85	5	((lotter$4 WITH ticket) WITH (pre near2 print$3)) AND L84	(US-PGPUB; USPAT)	OR	ON	ON	2021/11/15 09:20 PM
L86	12	("3869124" | "5497990" | "5836816" | "5988499" | "6004206" | "6098979" | "6416414" | "6688976").pn. OR ("7100822").urpn. AND (PGPB | USPT | USOC).dbnm.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2021/11/15 09:21 PM
L87	56	("4815741" | "5007641" | "5216595" | "5239165" | "5451052" | "5560610" | "5588649" | "5772511" | "5871398" | "5897625" | "6119099" | "6267670").pn. OR ("6899621").urpn. AND (PGPB | USPT |	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2021/11/15 09:21 PM

		USOC).dbnm.					
L88	9	((lotter$4 WITH ticket) WITH (pre near2 print$3)) AND L87	(US-PGPUB; USPAT)	OR	ON	ON	2021/11/15 09:22 PM
L89	30	("4671512" | "4738473" | "4764666" | "4817949" | "4854590" | "4880964" | "4993714" | "5074566" | "5235167" | "5239165" | "5269521" | "5290033" | "5317135" | "5413341" | "5772510" | "5996997" | "6223163" | "6267670" | "6296569" | "6308991" | "6578735" | "6582304" | "6598024" | "6663105" | "6899621" | "7027850" | "20010520832" | "20040242308").pn. OR ("7841932").urpn. AND (PGPB | USPT | USOC).dbnm.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2021/11/15 09:23 PM
L90	34	(Artificial Intelligence) More Like: US-6899621-B2 Text: (US-20020119817-A1 OR EP-1427492-A4 OR EP-1427492-A1 OR US-8403742-B2 OR CA-2770426-A1 OR US-20120184343-A1 OR AU-2004222263-B2 OR EP-1609055-A2 OR WO-2004082781-A2 OR EP-1609055-A4 OR CA-2519506-A1 OR US-20030207708-A1 OR US-7841932-B2 OR EP-1504422-A2 OR WO-2005097281-A2 OR EP-1742714-A2 OR CA-2561919-A1 OR US-20050233797-A1 OR US-7548797-B2 OR EP-1427492-B1).did.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, BE, BG, BR, BY, CA, CH, CN, CS, CU, CZ, DD, DE, DK, EA, EE, EP, ES, FI, FR, GB, HR, HU, ID, IE, IL, IS, IT, JP, KR, LT, LU, LV, MA, OA, RU, SU, WO, MC, MD, MY, NL, NO, NZ, PH, PL, PT, RO, RS, SE, SG, SI, SK, TH, TN, TR, TW, UA, VN); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2021/11/15 09:24 PM
L91	7	(US-20020119817-A1 OR EP-1427492-A4 OR EP-1427492-A1 OR US-8403742-B2 OR CA-2770426-A1 OR US-20120184343-A1 OR AU-2004222263-B2 OR EP-1609055-A2 OR WO-2004082781-A2 OR EP-1609055-A4 OR	(US-PGPUB; USPAT)	OR	ON	ON	2021/11/15 09:24 PM

		CA-2519506-A1 OR US-20030207708-A1 OR US-7841932-B2 OR EP-1504422-A2 OR WO-2005097281-A2 OR EP-1742714-A2 OR CA-2561919-A1 OR US-20050233797-A1 OR US-7548797-B2 OR EP-1427492-B1).did.					
L92	67	("4882473" | "4953895" | "5080364" | "5091634" | "5223698" | "5628684" | "5772510" | "5791990" | "5935000" | "6134309" | "6241606" | "6530842" | "6663105" | "6695699" | "6714838" | "6733387" | "6824464" | "6899621" | "6991541" | "7052393" | "7066382" | "7168616" | "20010039511" | "20020055881" | "20030162580" | "20030173739" | "20030216164" | "20040002371" | "20040063494" | "20040166919" | "20040176154" | "20040176158" | "20040229677" | "20040254007" | "20050049027" | "20050059465" | "20050085293" | "20050092839" | "20050107152" | "20050108127" | "20050130736" | "20050140092" | "20050149393" | "20050164770" | "20050176490" | "20050181858" | "20050194735" | "20050202865" | "20050233797" | "20050255905" | "20050282611" | "20060014578" | "20060025197" | "20060040726" | "20060043669" | "20060052153" | "20060054695" | "20060079311" | "20060100008" |	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2021/11/15 09:25 PM

		"20060160602" | "20060163346" | "20060166729" | "20060293783" | "20070010311").pn. OR ("9640018").urpn. AND (PGPB | USPT | USOC).dbnm.					
L93	13	((lotter$4 WITH ticket) WITH (pre near2 print$3)) AND L92	(US-PGPUB; USPAT)	OR	ON	ON	2021/11/15 09:25 PM
L94	5	"16280629"	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, BE, BG, BR, BY, CA, CH, CN, CS, CU, CZ, DD, DE, DK, EA, EE, EP, ES, FI, FR, GB, HR, HU, ID, IE, IL, IS, IT, JP, KR, LT, LU, LV, MA, OA, RU, SU, WO, MC, MD, MY, NL, NO, NZ, PH, PL, PT, RO, RS, SE, SG, SI, SK, TH, TN, TR, TW, UA, VN); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/04/09 03:29 PM
L95	4	"16280629"	(US-PGPUB)	OR	ON	ON	2022/04/09 03:29 PM
L96	20	(online WITH lottery WITH ticket WITH draw$4) SAME (verify$5 OR validat$4)	(US-PGPUB; USPAT)	OR	ON	ON	2022/04/09 03:43 PM
L97	102	("2007/0055440").urpn. AND (PGPB | USPT | USOC).dbnm.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/04/09 03:43 PM
L98	15	(lottery WITH ticket) WITH (pre ADJ print$3) WITH (identif$7 WITH (number$4 OR informat$4)) WITH terminal	(US-PGPUB; USPAT)	OR	ON	ON	2022/06/22 02:14 PM
L99	28	(lottery WITH ticket) WITH (pre ADJ print$3) WITH (identif$7 WITH (number$4 OR informat$4))	(US-PGPUB; USPAT)	OR	ON	ON	2022/06/22 02:14 PM
L100	22	L99 AND ((G06Q50/34 OR G06Q20/202 OR G06Q20/209 OR G06Q30/0238 OR G06Q20/3274 OR G06Q20/387 OR G06Q30/0212 OR G06Q20/20 OR	(US-PGPUB; USPAT)	OR	ON	ON	2022/06/22 02:16 PM

		G06Q20/3224 OR G06Q20/401 OR G06Q30/0241 OR G06Q10/00 OR G06Q30/00 OR G06Q90/00 OR G06Q40/00 OR G06Q50/00).cpc.)					
L101	262	L45 AND ((G07F17/329 OR G07F17/32 OR G07F17/3244 OR G07F17/42 OR G07F17/3255 OR G07F17/3225 OR G07F17/3223 OR G07F17/3267 OR G07F17/3248 OR G07F17/3239 OR G07F17/3227 OR G07F17/3258 OR G07F17/3237 OR G07F17/326 OR G07F17/3241 OR G07F17/3251 OR G07F17/3262 OR G07F17/3211 OR G07F17/3272 OR G07F17/3293 OR G07F17/3209 OR G07F17/3288 OR G07F17/323 OR G07F17/3202 OR G07F17/3286 OR G07F9/026 OR G07F11/68 OR G07F17/3216 OR G07F17/3218 OR G07F7/02 OR G07F9/001 OR G07F17/3253 OR G07F17/3269 OR G07F17/3232 OR G07F17/3234 OR G07F17/3295 OR G07F17/34 OR G07F9/002 OR G07F1/06 OR G07F13/025 OR G07F17/0014 OR G07F17/3206 OR G07F17/3274 OR G07F17/3276 OR G07F7/0813 OR G07F7/125).cpc.)	(US-PGPUB; USPAT)	OR	ON	ON	2022/06/22 02:19 PM
L102	0	L101 SAME terminal	(US-PGPUB; USPAT)	OR	ON	ON	2022/06/22 02:20 PM

L103	236	L101 AND terminal	(US-PGPUB; USPAT)	OR	ON	ON	2022/06/22 02:20 PM
L104	235	L103 AND (pre near2 printed)	(US-PGPUB; USPAT)	OR	ON	ON	2022/06/22 02:20 PM
L105	235	((lotter$4 WITH ticket) WITH (pre near2 print$3)) AND L104	(US-PGPUB; USPAT)	OR	ON	ON	2022/06/22 02:20 PM
L106	126	(((lotter$4 WITH ticket) WITH (pre near2 print$3)) SAME terminal) AND L104	(US-PGPUB; USPAT)	OR	ON	ON	2022/06/22 02:21 PM
L107	51	("2005/0233797").urpn. AND (PGPB | USPT | USOC).dbnm.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/06/22 02:22 PM
L108	4	((lotter$4 WITH ticket) WITH (pre near2 print$3)) AND L107	(US-PGPUB; USPAT)	OR	ON	ON	2022/06/22 02:22 PM
L109	26	("2009/0227320").urpn. AND (PGPB | USPT | USOC).dbnm.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/06/22 02:23 PM
L110	65	("2010/0093421").urpn. AND (PGPB | USPT | USOC).dbnm.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/06/22 02:23 PM
L111	22	((pre ADJ print$3) WITH lotter$4 WITH ticket) WITH POS	(US-PGPUB; USPAT)	OR	ON	ON	2022/06/22 02:24 PM
L112	5	((pre ADJ print$3) WITH lotter$4 WITH ticket) WITH POS WITH random WITH draw	(US-PGPUB; USPAT)	OR	ON	ON	2022/06/22 02:24 PM
L113	10	((pre ADJ print$3) WITH lotter$4 WITH ticket) WITH POS WITH unique WITH identificat$4	(US-PGPUB; USPAT)	OR	ON	ON	2022/06/22 02:25 PM
L114	3	((pre ADJ print$3) WITH lotter$4 WITH ticket) WITH POS WITH unique WITH identificat$4 WITH administ$6	(US-PGPUB; USPAT)	OR	ON	ON	2022/06/22 02:25 PM

PE2E SEARCH - Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	British Equivalents	Time Stamp
N40	0	online with lottery with ticket with draw$4 with unique with identif$7	(USPAT)	OR	ON	ON	2017/09/17 11:43 PM
N41	0	"15070954"	(USPAT)	OR	ON	ON	2017/09/18 11:42 AM
N42	1	"15070954"	(US-PGPUB; USPAT)	OR	ON	ON	2017/09/18 11:42 AM

N43	12	"11353920"	(US-PGPUB; USPAT)	OR	ON	ON	2017/09/18 12:31 PM

Bibliographic Data

Application No: 16/280,629

Foreign Priority claimed: ○ Yes ◉ No

35 USC 119 (a-d) conditions met: ☐ Yes ☑ No ☐ Met After Allowance

Verified and Acknowledged: /SUNIT PANDYA/ Examiner's Signature | Initials

Title: METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS

FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
02/20/2019	463	3649	84971-326801
RULE			

APPLICANTS

BLACKHAWK NETWORK INC., Pleasanton, CA,

INVENTORS

Gino Giunti, Sault Ste. Marie, CANADA

CONTINUING DATA

This application is a CON of 15833566 12/06/2017 PAT 10769894

15833566 is a CON of 14679028 04/06/2015 PAT 9865135

14679028 has PRO of 62104844 01/18/2015

FOREIGN APPLICATIONS

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03/07/2019

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Indianapolis, IN 46204
UNITED STATES

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$5,860

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Gino Giunti	§		
		§	Group Art Unit:	3649
Serial No.	16/280,629	§		
		§	Examiner:	Sunit Pandya
Filed:	February 20, 2019	§		
		§	Confirmation No.:	5484
For:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS	§		

Mail Stop: After Final
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF EFS-WEB FILING

Pursuant to 37 CFR § 1.8, I hereby certify that this correspondence is being electronically submitted to the U.S. Patent and Trademark Office website, www.uspto.gov, on

06/20/2022 .
(Date submitted)

/Jerry C. Harris, Jr./
Jerry C. Harris, Jr.

SUPPLEMENTAL RESPONSE TO FINAL OFFICE ACTION DATED APRIL 14, 2022

Dear Sir:

In response to the Final Office Action dated April 14, 2022 (the "Final Office Action), Applicant respectfully requests consideration of the following.

The Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.

THE CLAIMS

Listing of claims:

1. (Currently Amended) A method for providing a manufactured, pre-printed, random draw lottery ticket comprising:

(a) receiving, by a third-party transaction processor, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed, random draw lottery ticket, wherein the manufactured, pre-printed, random draw lottery ticket is selected by a customer prior to initiation of a check-out process and is presented by the customer for activation during the check-out process, wherein the third-party transaction processor receives transaction requests from a plurality of different retailers;

(b) providing, via a first secured communication, by the third-party transaction processor ~~or retailer~~, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and

(c) receiving, via a second secured communication, by the third-party transaction processor ~~or retailer~~, from the lottery administration system, indication that draw information has been associated with the manufactured, pre-printed, random draw lottery ticket.

2. (Previously Presented) The method of claim 1, wherein receiving the transaction request comprises receiving unique product information associated with the manufactured, pre-printed, random draw lottery ticket over a secure communication channel from a point of sale (POS) system.

3. (Previously Presented) The method of claim 1, wherein draw information is made available on a printed receipt; by scanning a code on the manufactured, pre-printed, random draw lottery ticket;

or by entering a unique identifier associated with the manufactured, pre-printed, random draw lottery ticket into an online website or mobile application.

4. (Currently Amended) The method of claim 1, further comprising receiving unique product information associated with the manufactured, pre-printed, random draw lottery ticket, and wherein the third-party transaction processor provides the transaction requests from the plurality of different retailers to a single lottery system.

5. (Previously Presented) The method of claim 1, further comprising retrieving unique identification information associated with the manufactured, pre-printed, random draw lottery ticket from the received product information.

6. (Previously Presented) The method of claim 4, wherein the product information is sufficient to determine one or more of:

a game type associated with the manufactured, pre-printed, random draw lottery ticket;

a wager amount associated with the manufactured, pre-printed, random draw lottery ticket; and

a number of wagers associated with the manufactured, pre-printed, random draw lottery ticket.

7. (Original) The method of claim 1, further comprising validating the received transaction request.

8. (Previously Presented) The method of claim 7, wherein validating the received identification information comprises verifying that the product information corresponds to identification information associated with the manufactured, pre-printed, random draw lottery ticket.

9. (Currently Amended) The method of claim 8, wherein validating the transaction information includes verifying that the product is validly distributed by ~~the~~ a retailer of the plurality of different retailers.

10. (Previously Presented) The method of claim 1, wherein the information provided to the lottery administration system includes one or more randomly determined lottery numbers generated at the time the manufactured, pre-printed, random draw lottery ticket is purchased at the POS.

11. (Previously Presented) The method of claim 1, wherein the information provided to the lottery administration system includes one or more randomly determined lottery numbers associated with the manufactured, pre-printed, random draw lottery ticket prior to the time the manufactured, pre-printed lottery ticket is purchased at the POS.

12. (Previously Presented) The method of claim 1, wherein the retailer POS does not use lottery hardware at a retailer location to activate the lottery ticket.

13. (Previously Presented) The method of claim 1, wherein the manufactured, pre-printed, random draw lottery ticket comprises a barcode.

14. (Original) The method of claim 13, wherein the barcode comprises a first party information and a second party information.

15. (Original) The method of claim 13, wherein the barcode comprises a universal product code and pre-printed lottery ticket information.

16. (Previously Presented) The method of claim 1, wherein the manufactured, pre-printed, random draw lottery ticket contains information used to redeem a winning prize.

17. (Previously Presented) The method of claim 1, wherein the lottery administration system generates wagers for the manufactured, pre-printed, random draw lottery ticket and a draw date is assigned to the wagers.

18. (Original) The method of claim 1, wherein lottery numbers are entered in a draw.

19. (Original) The method of claim 7, wherein the validation comprises age validation.

20. (Cancelled)

21. (Previously Presented) The method of claim 1, wherein the first secured communication, the second secured communication, or combinations thereof are encrypted.

22. (Previously Presented) The method of claim 1, wherein activation requests are received from the plurality of different retailers and for at least one of the plurality of different

retailers, the activation requests are received from a plurality of retailer locations and from a plurality of point of sale terminals at the plurality of retailer locations.

23. (Previously Presented) The method of claim 22, wherein the activation requests include requests for a plurality of different lottery games.

24. (Previously Presented) The method of claim 23, further comprising validating, by the third-party transaction processor, transaction information from the plurality of different retailers.

25. (Currently Amended) The method of claim 23, wherein validating the transaction information includes verifying that a product is validly distributed by ~~the~~ a retailer of the plurality of different retailers and, where the product is verified, providing the transaction information to the lottery system.

REMARKS/ARGUMENTS

Status of Claims

Claims 1, 4, 9, and 25 are currently amended.

Claims 2, 3, 5, 6, 8, 10-13, 16, 17, and 21-24 were previously presented.

Claims 7, 14, 15, and 18-19 are original.

Claim 20 is cancelled.

Claims 1-19 and 21-25 are currently pending in this application.

Applicant hereby requests further examination and reconsideration of the presently claimed application.

Claim Amendments

Claims 1, 4, 9, and 25 have been amended to better clarify the scope of the claim language by deleting certain terms and providing particular antecedent basis for other terms. No new matter is introduced via the claim amendments.

35 U.S.C. § 112 Rejections

Applicant thanks the Examiner for withdrawing the 35 U.S.C. Section 112 rejections.

35 U.S.C. § 103 Rejections

Applicant thanks the Examiner for withdrawing the 35 U.S.C. Section 103 rejections.

35 U.S.C. § 101 Rejections

Applicant thanks the Examiner for withdrawing the 35 U.S.C. Section 101 rejections.

Double Patenting

Claims 1-19 and 21-25 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 9,865,135. Applicant hereby submits a terminal disclaimer in compliance with 37 C.F.R. Section 1.321 to overcome the instant nonstatutory double patenting rejections of claims 1-19 and 21-25.

CONCLUSION

Consideration of the foregoing remarks, reconsideration of the application, and withdrawal of the rejections are respectfully requested by Applicant. No new matter is introduced by way of amendment. It is believed that each ground of rejection raised in the Final Office Action dated April 14, 2022 has been fully addressed. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account Number 100435 of Barnes & Thornburg LLP. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,
BARNES & THORNBURG LLP

Date: June 20 2022

/Jerry C. Harris, Jr./
Jerry C. Harris, Jr.
Reg. No. 66,822

ATTORNEY FOR APPLICANT

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Dallas, Texas 75201
(214) 258-4200 (Telephone)
(214) 258-4199 (Facsimile)

Electronic Acknowledgement Receipt

EFS ID:	45995147
Application Number:	16280629
International Application Number:	
Confirmation Number:	5484
Title of Invention:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS
First Named Inventor/Applicant Name:	Gino Giunti
Customer Number:	15608
Filer:	Jerry Harris/Michelle Horvath
Filer Authorized By:	Jerry Harris
Attorney Docket Number:	84971-326801
Receipt Date:	20-JUN-2022
Filing Date:	20-FEB-2019
Time Stamp:	12:43:18
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		16280629_SuppResponse.pdf	55647 91c5a98099ea3198cca3b0b93862e8832972102d	yes	9

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Supplemental Response or Supplemental Amendment	1	1
	Claims	2	6
	Applicant Arguments/Remarks Made in an Amendment	7	9
Warnings:			
Information:			
	Total Files Size (in bytes):	55647	

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New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

Doc Code: DIST.E.FILE Document Description: Electronic Terminal Disclaimer - Filed	PTO/SB/26 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT**
Application Number	16280629
Filing Date	20-Feb-2019
First Named Inventor	Gino Giunti
Attorney Docket Number	84971-326801
Title of Invention	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS

☒ Filing of terminal disclaimer does not obviate requirement for response under 37 CFR 1.111 to outstanding Office Action

☒ This electronic Terminal Disclaimer is not being used for a Joint Research Agreement.

Owner	Percent Interest
Blackhawk Network, Inc.	100%

The owner(s) with percent interest listed above in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior patent number(s)

9865135

as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:
- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

◉ Terminal disclaimer fee under 37 CFR 1.20(d) is included with Electronic Terminal Disclaimer request.

○ I certify, in accordance with 37 CFR 1.4(d)(4), that the terminal disclaimer fee under 37 CFR 1.20(d) required for this terminal disclaimer has already been paid in the above-identified application.
Applicant claims the following fee status: ○ Small Entity ○ Micro Entity ◉ Regular Undiscounted I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.
THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES I certify, in accordance with 37 CFR 1.4(d)(4) that I am: ◉ An attorney or agent registered to practice before the Patent and Trademark Office who is of record in this application Registration Number 66822 ○ A sole inventor ○ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors as evidenced by the power of attorney in the application ○ A joint inventor; all of whom are signing this request

Signature	/Jerry C. Harris, Jr./
Name	Jerry C. Harris, Jr.

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

Electronic Patent Application Fee Transmittal

Application Number:	16280629
Filing Date:	20-Feb-2019
Title of Invention:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS
First Named Inventor/Applicant Name:	Gino Giunti
Filer:	Jerry Harris
Attorney Docket Number:	84971-326801

Filed as Large Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
STATUTORY OR TERMINAL DISCLAIMER	1814	1	170	170
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	**170**

Doc Code: DISQ.E.FILE
Document Description: Electronic Terminal Disclaimer – Approved

Application No.: 16280629

Filing Date: 20-Feb-2019

Applicant/Patent under Reexamination: Giunti

Electronic Terminal Disclaimer filed on June 14, 2022

☒ APPROVED

This patent is subject to a terminal disclaimer

☐ DISAPPROVED

Approved/Disapproved by: Electronic Terminal Disclaimer automatically approved by EFS-Web

U.S. Patent and Trademark Office

Electronic Acknowledgement Receipt

EFS ID:	45955530
Application Number:	16280629
International Application Number:	
Confirmation Number:	5484
Title of Invention:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS
First Named Inventor/Applicant Name:	Gino Giunti
Customer Number:	15608
Filer:	Jerry Harris
Filer Authorized By:	
Attorney Docket Number:	84971-326801
Receipt Date:	14-JUN-2022
Filing Date:	20-FEB-2019
Time Stamp:	17:45:39
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$170
RAM confirmation Number	E20226DH45351974
Deposit Account	
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Terminal Disclaimer-Filed (Electronic)	eTerminal-Disclaimer.pdf	41196 a0e03673e3993f234e88e96f9be322042818a26d	no	2
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	37669 d1251027d9dfc2422535aa8ef1fdf540c5259e31	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	78865		

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

New Applications Under 35 U.S.C. 111

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Gino Giunti	§	
		§	Group Art Unit: 3649
Serial No.	16/280,629	§	
		§	Examiner: Sunit Pandya
Filed:	February 20, 2019	§	
		§	Confirmation No.: 5484
For:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS	§	

Mail Stop: After Final
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF EFS-WEB FILING

Pursuant to 37 CFR § 1.8, I hereby certify that this correspondence is being electronically submitted to the U.S. Patent and Trademark Office website, www.uspto.gov, on

06/14/2022 .
(Date submitted)

/Jerry C. Harris, Jr./
Jerry C. Harris, Jr.

AMENDED RESPONSE TO FINAL OFFICE ACTION DATED APRIL 14, 2022

Dear Sir:

In response to the Final Office Action dated April 14, 2022 (the "Final Office Action), Applicant respectfully requests consideration of the following.

The Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.

THE CLAIMS

Listing of claims:

1. (Previously Presented) A method for providing a manufactured, pre-printed, random draw lottery ticket comprising:

(a) receiving, by a third-party transaction processor, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed, random draw lottery ticket, wherein the manufactured, pre-printed, random draw lottery ticket is selected by a customer prior to initiation of a check-out process and is presented by the customer for activation during the check-out process, wherein the third-party transaction processor receives transaction requests from a plurality of different retailers;

(b) providing, via a first secured communication, by the third-party transaction processor or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and

(c) receiving, via a second secured communication, by the third-party transaction processor or retailer, from the lottery administration system, indication that draw information has been associated with the manufactured, pre-printed, random draw lottery ticket.

2. (Previously Presented) The method of claim 1, wherein receiving the transaction request comprises receiving unique product information associated with the manufactured, pre-printed, random draw lottery ticket over a secure communication channel from a point of sale (POS) system.

3. (Previously Presented) The method of claim 1, wherein draw information is made available on a printed receipt; by scanning a code on the manufactured, pre-printed, random draw lottery ticket;

or by entering a unique identifier associated with the manufactured, pre-printed, random draw lottery ticket into an online website or mobile application.

4. (Previously Presented) The method of claim 1, further comprising receiving unique product information associated with the manufactured, pre-printed, random draw lottery ticket, and wherein the third-party transaction processor provides the transaction requests from a plurality of different retailers to a single lottery system.

5. (Previously Presented) The method of claim 1, further comprising retrieving unique identification information associated with the manufactured, pre-printed, random draw lottery ticket from the received product information.

6. (Previously Presented) The method of claim 4, wherein the product information is sufficient to determine one or more of:

a game type associated with the manufactured, pre-printed, random draw lottery ticket;

a wager amount associated with the manufactured, pre-printed, random draw lottery ticket; and

a number of wagers associated with the manufactured, pre-printed, random draw lottery ticket.

7. (Original) The method of claim 1, further comprising validating the received transaction request.

8. (Previously Presented) The method of claim 7, wherein validating the received identification information comprises verifying that the product information corresponds to identification information associated with the manufactured, pre-printed, random draw lottery ticket.

9. (Original) The method of claim 8, wherein validating the transaction information includes verifying that the product is validly distributed by the retailer.

10. (Previously Presented) The method of claim 1, wherein the information provided to the lottery administration system includes one or more randomly determined lottery numbers generated at the time the manufactured, pre-printed, random draw lottery ticket is purchased at the POS.

11. (Previously Presented) The method of claim 1, wherein the information provided to the lottery administration system includes one or more randomly determined lottery numbers associated with the manufactured, pre-printed, random draw lottery ticket prior to the time the manufactured, pre-printed lottery ticket is purchased at the POS.

12. (Previously Presented) The method of claim 1, wherein the retailer POS does not use lottery hardware at a retailer location to activate the lottery ticket.

13. (Previously Presented) The method of claim 1, wherein the manufactured, pre-printed, random draw lottery ticket comprises a barcode.

14. (Original) The method of claim 13, wherein the barcode comprises a first party information and a second party information.

15. (Original) The method of claim 13, wherein the barcode comprises a universal product code and pre-printed lottery ticket information.

16. (Previously Presented) The method of claim 1, wherein the manufactured, pre-printed, random draw lottery ticket contains information used to redeem a winning prize.

17. (Previously Presented) The method of claim 1, wherein the lottery administration system generates wagers for the manufactured, pre-printed, random draw lottery ticket and a draw date is assigned to the wagers.

18. (Original) The method of claim 1, wherein lottery numbers are entered in a draw.

19. (Original) The method of claim 7, wherein the validation comprises age validation.

20. (Withdrawn) A method for providing a product for a draw comprising:

(a) providing, by a transaction processor or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and

(b) receiving, by the transaction processor or retailer, from the lottery administration system, indication that draw information has been associated with a manufactured, pre-printed lottery ticket.

21. (Previously Presented) The method of claim 1, wherein the first secured communication, the second secured communication, or combinations thereof are encrypted.

22. (Previously Presented) The method of claim 1, wherein activation requests are received from the plurality of different retailers and for at least one of the plurality of different retailers, the activation requests are received from a plurality of retailer locations and from a plurality of point of sale terminals at the plurality of retailer locations.

23. (Previously Presented) The method of claim 22, wherein the activation requests include requests for a plurality of different lottery games.

24. (Previously Presented) The method of claim 23, further comprising validating, by the third-party transaction processor, transaction information from the plurality of different retailers.

25. (Previously Presented) The method of claim 23, wherein validating the transaction information includes verifying that a product is validly distributed by the retailer and, where the product is verified, providing the transaction information to the lottery system.

REMARKS/ARGUMENTS

Status of Claims

Claims 1-6, 8, 10-13, 16, 17, and 21-24 were previously presented.

Claims 7, 9, 14, 15, and 18-19 are original.

Claim 20 is withdrawn.

Claims 1-19 and 21-24 are currently pending in this application.

Applicant hereby requests further examination and reconsideration of the presently claimed application.

35 U.S.C. § 112 Rejections

Applicant thanks the Examiner for withdrawing the 35 U.S.C. Section 112 rejections.

35 U.S.C. § 103 Rejections

Applicant thanks the Examiner for withdrawing the 35 U.S.C. Section 103 rejections.

35 U.S.C. § 101 Rejections

Applicant thanks the Examiner for withdrawing the 35 U.S.C. Section 101 rejections.

Double Patenting

Claims 1-19 and 21-24 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 9,865,135. Applicant hereby submits a terminal disclaimer in compliance with 37 C.F.R. Section 1.321 to overcome the instant nonstatutory double patenting rejections of claims 1-19 and 21-24.

CONCLUSION

Consideration of the foregoing remarks, reconsideration of the application, and withdrawal of the rejections are respectfully requested by Applicant. No new matter is introduced by way of amendment. It is believed that each ground of rejection raised in the Final Office Action dated April 14, 2022 has been fully addressed. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account Number 100435 of Barnes & Thornburg LLP. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,
BARNES & THORNBURG LLP

Date: June 14, 2022

/Jerry C. Harris, Jr./
Jerry C. Harris, Jr.
Reg. No. 66,822

ATTORNEY FOR APPLICANT

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Dallas, Texas 75201
(214) 258-4200 (Telephone)
(214) 258-4199 (Facsimile)

Electronic Acknowledgement Receipt

EFS ID:	45953451
Application Number:	16280629
International Application Number:	
Confirmation Number:	5484
Title of Invention:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS
First Named Inventor/Applicant Name:	Gino Giunti
Customer Number:	15608
Filer:	Jerry Harris/Michelle Horvath
Filer Authorized By:	Jerry Harris
Attorney Docket Number:	84971-326801
Receipt Date:	14-JUN-2022
Filing Date:	20-FEB-2019
Time Stamp:	15:51:54
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		16280629_ResponseToFinal.pdf	54230 edb00ab7e4751cc1921321bc21d10a743d45b411	yes	8

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Response After Final Action	1	1
	Claims	2	6
	Applicant Arguments/Remarks Made in an Amendment	7	8
Warnings:			
Information:			
	Total Files Size (in bytes):	54230	

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UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/280,629	02/20/2019	Gino Giunti	84971-326801	5484

15608 7590 04/14/2022
Barnes & Thornburg LLP (Blackhawk)
11 S. Meridian Street
Indianapolis, IN 46204

EXAMINER	
PANDYA, SUNIT	

ART UNIT	PAPER NUMBER
3649	

NOTIFICATION DATE	DELIVERY MODE
04/14/2022	ELECTRONIC

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

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

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

INDocket@btlaw.com
jerry.harris@btlaw.com
michelle.horvath@btlaw.com

Office Action Summary	Application No. 16/280,629	Applicant(s) Giunti, Gino	
	Examiner SUNIT PANDYA	Art Unit 3649	AIA (FITF) Status Yes

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

1)☑ Responsive to communication(s) filed on 3/24/22.

☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2a)☑ This action is **FINAL.** 2b) ☐ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

5) ☑ Claim(s) 1-24 is/are pending in the application.

5a) Of the above claim(s) 20 is/are withdrawn from consideration.

6) ☐ Claim(s) _____ is/are allowed.

7) ☑ Claim(s) 1-19 and 21-24 is/are rejected.

8) ☐ Claim(s) _____ is/are objected to.

9) ☐ Claim(s) _____ are subject to restriction and/or election requirement

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to **PPHfeedback@uspto.gov.**

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

1) ☑ Notice of References Cited (PTO-892)

2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) Paper No(s)/Mail Date _____.

3) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

4) ☐ Other: _____.

DETAILED ACTION

Notice of Pre-AIA or AIA Status

The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

Response to Amendment

This action is in response to the amendments filed on 3/24/22 wherein the examiner acknowledges that claims 1, 4 & 12 have been amended, additional claims 22-24 have been added and claim 20 has been withdrawn from consideration. Consequently, claims 1-19 & 21-24 are currently pending.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*,

686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on nonstatutory double patenting provided the reference application or patent either is shown to be commonly owned with the examined application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. See MPEP § 717.02 for applications subject to examination under the first inventor to file provisions of the AIA as explained in MPEP § 2159. See MPEP §§ 706.02(l)(1) - 706.02(l)(3) for applications not subject to examination under the first inventor to file provisions of the AIA. A terminal disclaimer must be signed in compliance with 37 CFR 1.321(b).

The USPTO Internet website contains terminal disclaimer forms which may be used. Please visit www.uspto.gov/patent/patents-forms. The filing date of the application in which the form is filed determines what form (e.g., PTO/SB/25, PTO/SB/26, PTO/AIA/25, or PTO/AIA/26) should be used. A web-based eTerminal Disclaimer may be filled out completely online using web-screens. An eTerminal Disclaimer that meets all requirements is auto-processed and approved immediately upon submission. For more information about eTerminal Disclaimers, refer to www.uspto.gov/patents/process/file/efs/guidance/eTD-info-I.jsp.

Claims 1-19 & 21-24 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 9,865,135. Although the claims at issue are not identical, they are not patentably distinct from each other

because the current application substantially claims the same limitations as the patent, except for one missing limitation. The current application fails to claim "scanning at a point of sale terminal a pre-printed lottery ticket"; as required by the patent `135. However, it would have been obvious for one with ordinary skill in the art, at the time of applicant's invention to have included a scanner to scan the information related to the pre-printed lottery ticket, thus streamlining the system to the lottery administrator.

Response to Arguments

Applicant's arguments, filed 3/24/22, with respect to 35 USC 112, 35 USC 101 and 35 USC 103 rejection have been fully considered and are persuasive. The rejections have been withdrawn.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUNIT PANDYA whose telephone number is (571)272-2823. The examiner can normally be reached M-F 9:30-6:30PM.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at http://www.uspto.gov/interviewpractice.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darnell Jayne can be reached on 571-272-7723. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of published or unpublished applications may be obtained from Patent Center. Unpublished application information in Patent Center is available to registered users. To file and manage patent submissions in Patent Center, visit: https://patentcenter.uspto.gov. Visit https://www.uspto.gov/patents/apply/patent-center for more information about Patent Center and https://www.uspto.gov/patents/docx for information about filing in DOCX format. For additional questions, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SUNIT PANDYA/
Primary Examiner, Art Unit 3649

Notice of References Cited	Application/Control No. 16/280,629	Applicant(s)/Patent Under Reexamination Giunti, Gino	
	Examiner SUNIT PANDYA	Art Unit 3649	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-8219497-B2	07-2012	Crucs; Kevin M.	G07F17/329	705/64
*	B	US-8784180-B2	07-2014	Stanek; Edward J.	G07F17/329	463/16
*	C	US-20090227320-A1	09-2009	McBride; Scott Melvin	G07F17/329	463/17
*	D	US-20100093421-A1	04-2010	Nyman; Timothy B.	G07F17/3244	705/42
*	E	US-8408986-B2	04-2013	Irwin, Jr.; Kenneth Earl	G06Q30/0607	101/483
*	F	US-5935000-A	08-1999	Sanchez, III; Cayetano	G07F17/32	463/17
*	G	US-6322446-B1	11-2001	Yacenda; Michael W.	G07F17/32	463/16
*	H	US-20020119817-A1	08-2002	Behm, William F.	G06Q30/0238	463/17
*	I	US-9251663-B1	02-2016	Sandvick; Frederick	G07F17/3258	1/1
*	J	US-20050233797-A1	10-2005	Gilmore, Mark	G07F17/42	463/17
	K					
	L					
	M					

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	16/280,629	Giunti, Gino
	Examiner	Art Unit
	SUNIT PANDYA	3649

CPC - Searched*		
Symbol	Date	Examiner
A63F	01/13/2021	SP
G07F	01/13/2021	SP

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	Date	Examiner
Conducted text searches in EAST, see attached notes	08/22/2019	SP
Prior searches updated, see attachment	01/28/2020	SP
Updated prior searches in EAST, see search attachment	06/05/2020	SP
UPdated previous searches in EAST, see search notes	01/13/2021	SP
Previous searches updated in EAST, see attached notes	06/29/2021	SP
Prior searches updated, see search notes attached	11/15/2021	SP
Updated prior searches, see attached notes	04/09/2022	SP

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	16/280,629	Giunti, Gino
	Examiner	Art Unit
	SUNIT PANDYA	3649

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner

PE2E SEARCH - Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	British Equivalents	Time Stamp
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L37	228	L36 AND ((G07F17/34 OR G07F17/3244 OR G07F17/3213 OR G07F17/3258 OR G07F17/3267 OR G07F17/329 OR G07F17/326 OR G07F17/3225 OR G07F17/3248 OR G07F17/3255 OR G07F17/3211 OR G07F17/3246 OR G07F17/3276 OR G07F17/3209 OR G07F17/323 OR G07F17/3239 OR G07F17/3262 OR G07F17/3288 OR G07F17/32 OR G07F17/3293 OR G07F17/3227 OR G07F17/3251 OR G07F17/3269 OR G07F17/3204 OR G07F17/3223 OR G07F17/3218 OR G07F17/3237 OR	(US-PGPUB; USPAT)	OR	ON	ON	2017/09/17 11:32 PM

		G07F17/3272 OR G07F17/3295 OR G07F17/3241 OR G07F17/42 OR G07F17/3253 OR G07F17/3265 OR G07F17/3274 OR G07F17/3281 OR G07F17/3283).CPC.)					
L38	44	L36 AND ((G06Q50/34 OR G06Q30/02 OR G06Q30/0209 OR G06Q30/0212 OR G06Q30/0213 OR G06Q30/0222 OR G06Q30/0225 OR G06Q30/0226 OR G06Q30/0234 OR G06Q30/0236 OR G06Q30/0238 OR G06Q30/0239 OR G06Q10/02 OR G06Q20/108 OR G06Q20/3224 OR G06Q30/0605 OR G06Q20/045 OR G06Q10/06 OR G06Q20/00 OR G06Q20/065 OR G06Q10/0635 OR G06Q20/0453 OR G06Q20/123 OR G06Q20/202 OR G06Q20/209 OR G06Q20/325 OR G06Q20/36 OR G06Q20/387 OR G06Q30/0229 OR G06Q30/0267 OR G06Q30/0273 OR G06Q30/06 OR G06Q30/0601 OR G06Q30/0641 OR G06Q50/01).CPC.)	(US-PGPUB; USPAT)	OR	ON	ON	2017/09/17 11:34 PM
L39	32	L36 AND ((A63F13/00 OR A63F3/0645 OR A63F2250/64 OR A63F3/0605 OR A63F13/30 OR A63F3/065 OR A63F13/12 OR A63F13/45 OR A63F13/77 OR A63F2003/086 OR A63F3/06 OR A63F3/08 OR A63F3/081 OR A63F9/10 OR	(US-PGPUB; USPAT)	OR	ON	ON	2017/09/17 11:35 PM

		A63F9/24).CPC.)					
L44	216	(pre adj print$3) with lottery with ticket	(US-PGPUB; USPAT)	OR	OFF	OFF	2019/04/01 04:37 PM
L45	303	(pre adj print$3) with lottery with ticket	(US-PGPUB; USPAT)	OR	ON	ON	2019/04/01 04:37 PM
L46	15	((pre adj print$3) with lottery with ticket) with POS	(US-PGPUB; USPAT)	OR	ON	ON	2019/04/01 04:40 PM
L47	17	(lottery with ticket) with (pre adj print$3) with (identif$7 with (number$4 or informat$4))	(US-PGPUB; USPAT)	OR	OFF	OFF	2019/08/21 02:19 PM
L48	19	(lottery with ticket) with (pre adj print$3) with (identif$7 with (number$4 or informat$4))	(US-PGPUB; USPAT)	OR	ON	ON	2019/08/21 02:56 PM
L49	46	("4815741" | "5007641" | "5216595" | "5239165" | "5451052" | "5560610" | "5588649" | "5772511" | "5871398" | "5897625" | "6119099" | "6267670").PN. OR ("6899621").URPN.	(US-PGPUB; USPAT; USOCR)	OR	OFF	OFF	2019/08/21 04:04 PM
L50	8	((lottery with ticket) with (pre adj print$3)) and L49	(US-PGPUB; USPAT)	OR	ON	ON	2019/08/21 04:36 PM
L51	22	("20030045340" | "20050059465" | "20060160602" | "20060258433" | "20120122536" | "20130005431" | "4087092" | "5282620" | "5772510" | "5935000" | "6210276" | "7204756" | "7381132" | "7416483" | "7563164" | "7627497" | "7665394" | "7914371" | "8216045" | "8398484" | "8672325").PN. OR ("9443397").URPN.	(US-PGPUB; USPAT; USOCR)	OR	OFF	OFF	2019/08/21 04:39 PM
L52	22	("20030045340" | "20050059465" | "20060160602" | "20060258433" | "20120122536" | "20130005431" | "4087092" | "5282620" | "5772510" | "5935000" | "6210276" | "7204756" | "7381132" | "7416483" | "7563164" | "7627497" |	(US-PGPUB; USPAT; USOCR)	OR	OFF	OFF	2019/08/21 04:42 PM

		"7665394" | "7914371" | "8216045" | "8398484" | "8672325").PN. OR ("9443397").URPN.					
L53	7	((lottery with ticket) with (pre adj print$3)) and L52	(US-PGPUB; USPAT)	OR	ON	ON	2019/08/21 04:42 PM
L54	218	"6,241,606"	(US-PGPUB; USPAT)	OR	ON	ON	2019/08/21 04:44 PM
L55	2	"15833566"	(US-PGPUB; USPAT)	OR	OFF	OFF	2019/08/27 06:19 PM
L56	862	human with body with organ with function$4	(US-PGPUB; USPAT)	OR	OFF	OFF	2019/08/28 12:32 PM
L57	1780	human with body with organ with function$4	(US-PGPUB; USPAT)	OR	ON	ON	2019/08/28 12:32 PM
L58	16	human with body with organ with function$4 with observ$4	(US-PGPUB; USPAT)	OR	ON	ON	2019/08/28 12:33 PM
L59	319	human with body with organ with function$4	(USPAT)	OR	OFF	OFF	2019/08/28 12:34 PM
L60	665	human with body with organ with function$4	(USPAT)	OR	ON	ON	2019/08/28 12:34 PM
L61	1	human with body with organ with function$4 with visual	(USPAT)	OR	ON	ON	2019/08/28 12:35 PM
L62	14	human with body with organ with function$4 with (view$4 or visual)	(US-PGPUB; USPAT)	OR	ON	ON	2019/08/28 12:35 PM
L63	2	("2008/0233549").URPN.	(USPAT)	OR	OFF	OFF	2019/08/28 12:37 PM
L64	50	("20020119433" | "20020173778" | "20020198516" | "20030197716" | "20040059321" | "20040088650" | "20040213437" | "20040215719" | "20060004745" | "20060036619" | "20070196007" | "20080001968" | "20080091780" | "20080233549" | "20090024365" | "20090089154" | "20090287331" | "20100100364" | "20100131283" | "20100131293" | "20100131874" | "20100138231" | "20100153234" | "20100254382" |	(US-PGPUB; USPAT; USOCR)	OR	OFF	OFF	2019/08/28 12:37 PM

		"20110004110" | "20110025883" | "20110026836" | "20110026839" | "20110029553" | "20110029562" | "20110029635" | "20110029914" | "20110157226" | "20110157227" | "20110157228" | "20110285748" | "20110313934" | "20120173969" | "20120284642" | "20120284644" | "20120284645" | "20120284646" | "5098426" | "6888546" | "6983420" | "7000179" | "7783096" | "7804982" | "8316237").PN. OR ("9164666").URPN.					
L65	7	("20090227320"|"20100093421"|"5935000"|"6322446"|"8219497"|"8408986"|"8784180").PN.	(US-PGPUB; USPAT)	OR	OFF	OFF	2019/08/28 03:01 PM
L66	1	"14679028"	(USPAT)	OR	OFF	OFF	2019/08/28 05:01 PM
L67	0	"16280629"	(USPAT)	OR	OFF	OFF	2020/06/04 05:56 PM
L68	2	"16280629"	(US-PGPUB; USPAT)	OR	OFF	OFF	2020/06/04 05:56 PM
L69	27	("20030045340" | "20050059465" | "20060160602" | "20060258433" | "20120122536" | "20130005431" | "4087092" | "5282620" | "5709603" | "5772510" | "5935000" | "6210276" | "7381132" | "7416483" | "7563164" | "7627497" | "7665394" | "7914371" | "8216045" | "8398484").PN. OR ("9251663").URPN.	(US-PGPUB; USPAT; USOCR)	OR	OFF	OFF	2020/06/04 06:02 PM
L70	2	"16280629"	(US-PGPUB; USPAT; USOCR)	OR	OFF	OFF	2020/06/05 03:29 PM
L71	106	("1905659" | "20010034263" | "20010036855" | "20020162850" | "20030114211" | "20030120381" |	(US-PGPUB; USPAT; USOCR)	OR	OFF	OFF	2020/06/05 03:31 PM

		"20030153381" | "20030204288" | "20030216164" | "20040023711" | "20040176154" | "20040193464" | "20040227000" | "20040242309" | "20050014552" | "20050023346" | "20050059463" | "20050190533" | "20050233797" | "20050250572" | "20050280210" | "20060012116" | "20060071046" | "20060246992" | "20060273156" | "20080208696" | "20090101714" | "20090163264" | "20110087369" | "20140058280" | "20140295945" | "20150194008" | "20170018048" | "20170018148" | "20170169652" | "2219650" | "2252720" | "2325054" | "2776007" | "2970784" | "3481520" | "3794228" | "3894669" | "4094451" | "4202468" | "4284221" | "4397410" | "4515321" | "4586639" | "4688708" | "4697726" | "4716799" | "4730762" | "4844369" | "4982337" | "5074566" | "5113758" | "5133615" | "5158293" | "5160076" | "5215383" | "5216595" | "5222624" | "5239165" | "5256863" | "5408417" | "5503318" | "5569082" | "5709603" | "5833104" | "5836498" | "5882260" | "5927583" | "6029851" | "6056289" | "6095624" | "6168521" | "6267670" | "6351688" | "6405924" | "6582304" | "6714838" | "6824464" | "6886728" | "6887153" | "6899621" | "6899622" | "7263411" | "7381132" | "7383099" | "7665394" | "7740243" | "7756742" |				

		"7850257" | "8463668" | "8554365" | "9251663" | "9339121" | "9760939").PN.					
L72	0	"16442932"	(USPAT)	OR	OFF	OFF	2020/10/09 11:03 AM
L73	1	"16442932"	(US-PGPUB; USPAT)	OR	OFF	OFF	2020/10/09 11:03 AM
L74	5932	table with magnet$6 with (leg or support$4 or stand$4)	(US-PGPUB; USPAT)	OR	ON	ON	2020/10/09 11:05 AM
L75	1	"20050233797"	(USPAT)	OR	OFF	OFF	2021/01/13 04:50 PM
L76	2	"20050233797"	(US-PGPUB; USPAT)	OR	OFF	OFF	2021/01/13 04:50 PM
L77	3	"16280629"	(US-PGPUB; USPAT)	OR	OFF	OFF	2021/01/13 04:58 PM
L78	0	"16830161"	(USPAT)	OR	OFF	OFF	2021/06/30 01:20 PM
L79	0	"16830161"	(US-PGPUB; USPAT)	OR	OFF	OFF	2021/06/30 01:20 PM
L80	1	"15179845"	(US-PGPUB; USPAT)	OR	OFF	OFF	2021/06/30 01:20 PM
L81	3	"16280629"	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, BE, BG, BR, BY, CA, CH, CN, CS, CU, CZ, DD, DE, DK, EA, EE, EP, ES, FI, FR, GB, HR, HU, ID, IE, IL, IS, IT, JP, KR, LT, LU, LV, MA, OA, RU, SU, WO, MC, MD, MY, NL, NO, NZ, PH, PL, PT, RO, RS, SE, SG, SI, SK, TH, TN, TR, TW, UA, VN); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2021/11/15 02:04 PM
L82	3	"16280629"	(US-PGPUB; USPAT)	OR	ON	ON	2021/11/15 02:04 PM
L83	19	L46 AND ((G07F17/329 OR G07F17/3244 OR G07F17/42 OR G07F17/32 OR G07F17/3255 OR G07F17/3223 OR G07F17/3239 OR G07F17/3269 OR G07F17/3286 OR G07F17/3288 OR G07F9/002 OR G07F17/3211 OR	(US-PGPUB; USPAT)	OR	ON	ON	2021/11/15 09:18 PM

		G07F17/3225 OR G07F17/3248 OR G06Q20/202 OR G06Q50/34 OR G06Q20/209 OR G06Q30/0238 OR G06Q30/0212 OR G06Q30/02 OR G06Q10/06 OR G06Q20/00 OR G06Q20/3274 OR G06Q20/387 OR A63F3/065 OR A63F3/0625 OR A63F3/0645 OR A63F3/0655 OR A63F3/08 OR G07C$ OR G07C15/00 OR A63F$ OR G06Q$ OR G07F$).cpc.)					
L84	80	("4815741" | "4982337" | "5007641" | "5216595" | "5239165" | "5317135" | "5451052" | "5475205" | "5560610" | "5580311" | "5588649" | "5772510" | "5772511" | "5871398" | "5897625" | "5943241" | "5949042" | "6080062" | "6119099" | "6168521" | "6267670" | "6351688" | "6726077" | "6899621" | "6932258" | "20020100785").pn. OR ("7621810").urpn. AND (PGPB | USPT | USOC).dbnm.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2021/11/15 09:19 PM
L85	5	((lotter$4 WITH ticket) WITH (pre near2 print$3)) AND L84	(US-PGPUB; USPAT)	OR	ON	ON	2021/11/15 09:20 PM
L86	12	("3869124" | "5497990" | "5836816" | "5988499" | "6004206" | "6098979" | "6416414" | "6688976").pn. OR ("7100822").urpn. AND (PGPB | USPT | USOC).dbnm.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2021/11/15 09:21 PM
L87	56	("4815741" | "5007641" | "5216595" | "5239165" | "5451052" | "5560610" | "5588649" | "5772511" | "5871398" | "5897625" | "6119099" | "6267670").pn. OR ("6899621").urpn. AND (PGPB | USPT	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2021/11/15 09:21 PM

		USOC).dbnm.					
L88	9	((lotter$4 WITH ticket) WITH (pre near2 print$3)) AND L87	(US-PGPUB; USPAT)	OR	ON	ON	2021/11/15 09:22 PM
L89	30	("4671512" | "4738473" | "4764666" | "4817949" | "4854590" | "4880964" | "4993714" | "5074566" | "5235167" | "5239165" | "5269521" | "5290033" | "5317135" | "5413341" | "5772510" | "5996997" | "6223163" | "6267670" | "6296569" | "6308991" | "6578735" | "6582304" | "6598024" | "6663105" | "6899621" | "7027850" | "20010520832" | "20040242308").pn. OR ("7841932").urpn. AND (PGPB | USPT | USOC).dbnm.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2021/11/15 09:23 PM
L90	34	(Artificial Intelligence) More Like: US-6899621-B2 Text: (US-20020119817-A1 OR EP-1427492-A4 OR EP-1427492-A1 OR US-8403742-B2 OR CA-2770426-A1 OR US-20120184343-A1 OR AU-2004222263-B2 OR EP-1609055-A2 OR WO-2004082781-A2 OR EP-1609055-A4 OR CA-2519506-A1 OR US-20030207708-A1 OR US-7841932-B2 OR EP-1504422-A2 OR WO-2005097281-A2 OR EP-1742714-A2 OR CA-2561919-A1 OR US-20050233797-A1 OR US-7548797-B2 OR EP-1427492-B1).did.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, BE, BG, BR, BY, CA, CH, CN, CS, CU, CZ, DD, DE, DK, EA, EE, EP, ES, FI, FR, GB, HR, HU, ID, IE, IL, IS, IT, JP, KR, LT, LU, LV, MA, OA, RU, SU, WO, MC, MD, MY, NL, NO, NZ, PH, PL, PT, RO, RS, SE, SG, SI, SK, TH, TN, TR, TW, UA, VN); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2021/11/15 09:24 PM
L91	7	(US-20020119817-A1 OR EP-1427492-A4 OR EP-1427492-A1 OR US-8403742-B2 OR CA-2770426-A1 OR US-20120184343-A1 OR AU-2004222263-B2 OR EP-1609055-A2 OR WO-2004082781-A2 OR EP-1609055-A4 OR	(US-PGPUB; USPAT)	OR	ON	ON	2021/11/15 09:24 PM

		CA-2519506-A1 OR US-20030207708-A1 OR US-7841932-B2 OR EP-1504422-A2 OR WO-2005097281-A2 OR EP-1742714-A2 OR CA-2561919-A1 OR US-20050233797-A1 OR US-7548797-B2 OR EP-1427492-B1).did.					
L92	67	("4882473" | "4953895" | "5080364" | "5091634" | "5223698" | "5628684" | "5772510" | "5791990" | "5935000" | "6134309" | "6241606" | "6530842" | "6663105" | "6695699" | "6714838" | "6733387" | "6824464" | "6899621" | "6991541" | "7052393" | "7066382" | "7168616" | "20010039511" | "20020055881" | "20030162580" | "20030173739" | "20030216164" | "20040002371" | "20040063494" | "20040166919" | "20040176154" | "20040176158" | "20040229677" | "20040254007" | "20050049027" | "20050059465" | "20050085293" | "20050092839" | "20050107152" | "20050108127" | "20050130736" | "20050140092" | "20050149393" | "20050164770" | "20050176490" | "20050181858" | "20050194735" | "20050202865" | "20050233797" | "20050255905" | "20050282611" | "20060014578" | "20060025197" | "20060040726" | "20060043669" | "20060052153" | "20060054695" | "20060079311" | "20060100008" |	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2021/11/15 09:25 PM

		"20060160602" | "20060163346" | "20060166729" | "20060293783" | "20070010311").pn. OR ("9640018").urpn. AND (PGPB | USPT | USOC).dbnm.					
L93	13	((lotter$4 WITH ticket) WITH (pre near2 print$3)) AND L92	(US-PGPUB; USPAT)	OR	ON	ON	2021/11/15 09:25 PM
L94	5	"16280629"	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, BE, BG, BR, BY, CA, CH, CN, CS, CU, CZ, DD, DE, DK, EA, EE, EP, ES, FI, FR, GB, HR, HU, ID, IE, IL, IS, IT, JP, KR, LT, LU, LV, MA, OA, RU, SU, WO, MC, MD, MY, NL, NO, NZ, PH, PL, PT, RO, RS, SE, SG, SI, SK, TH, TN, TR, TW, UA, VN); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/04/09 03:29 PM
L95	4	"16280629"	(US-PGPUB)	OR	ON	ON	2022/04/09 03:29 PM
L96	20	(online WITH lottery WITH ticket WITH draw$4) SAME (verify$5 OR validat$4)	(US-PGPUB; USPAT)	OR	ON	ON	2022/04/09 03:43 PM
L97	102	("2007/0055440").urpn. AND (PGPB | USPT | USOC).dbnm.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2022/04/09 03:43 PM

PE2E SEARCH - Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	British Equivalents	Time Stamp
N40	0	online with lottery with ticket with draw$4 with unique with identif$7	(USPAT)	OR	ON	ON	2017/09/17 11:43 PM
N41	0	"15070954"	(USPAT)	OR	ON	ON	2017/09/18 11:42 AM
N42	1	"15070954"	(US-PGPUB; USPAT)	OR	ON	ON	2017/09/18 11:42 AM
N43	12	"11353920"	(US-PGPUB; USPAT)	OR	ON	ON	2017/09/18 12:31 PM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Gino Giunti	§	
		§	Group Art Unit: 3649
Serial No.	16/280,629	§	
		§	Examiner: Sunit Pandya
Filed:	February 20, 2019	§	
		§	Confirmation No.: 5484
For:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS	§	

Mail Stop: RCE
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF EFS-WEB FILING

Pursuant to 37 CFR § 1.8, I hereby certify that this correspondence is being electronically submitted to the U.S. Patent and Trademark Office website, www.uspto.gov, on

03/24/2022 .
(Date submitted)

/Jerry C. Harris, Jr./
Jerry C. Harris, Jr.

AMENDED RESPONSE TO OFFICE ACTION DATED NOVEMBER 19, 2021

Dear Sir:

In response to the Office Action dated November 19, 2021 (the "Office Action), Applicant respectfully submits this Amended Response for consideration and requests that Applicant's response filed on February 18, 2022 be disregarded. The requisite for a two-month extension of time to respond is submitted herewith.

The Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

THE CLAIMS

Listing of claims:

1. (Currently Amended) A method for providing a manufactured, pre-printed, random draw lottery ticket comprising:

(a) receiving, by a third-party transaction processor, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed, random draw lottery ticket, wherein the manufactured, pre-printed, random draw lottery ticket is selected by a customer prior to initiation of a check-out process and is presented by the customer for activation during the check-out process, wherein the third-party transaction processor receives transaction requests from a plurality of different retailers;

(b) providing, via a first secured communication, by the third-party transaction processor or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and

(c) receiving, via a second secured communication, by the third-party transaction processor or retailer, from the lottery administration system, indication that draw information has been associated with the manufactured, pre-printed, random draw lottery ticket.

2. (Previously Presented) The method of claim 1, wherein receiving the transaction request comprises receiving unique product information associated with the manufactured, pre-printed, random draw lottery ticket over a secure communication channel from a point of sale (POS) system.

3. (Previously Presented) The method of claim 1, wherein draw information is made available on a printed receipt; by scanning a code on the manufactured, pre-printed, random draw lottery ticket;

or by entering a unique identifier associated with the manufactured, pre-printed, random draw lottery ticket into an online website or mobile application.

4. (Currently Amended) The method of claim 1, further comprising receiving unique product information associated with the manufactured, pre-printed, random draw lottery ticket, and wherein the third-party transaction processor provides the transaction requests from a plurality of different retailers to a single lottery system.

5. (Previously Presented) The method of claim 1, further comprising retrieving unique identification information associated with the manufactured, pre-printed, random draw lottery ticket from the received product information.

6. (Previously Presented) The method of claim 4, wherein the product information is sufficient to determine one or more of:

a game type associated with the manufactured, pre-printed, random draw lottery ticket;

a wager amount associated with the manufactured, pre-printed, random draw lottery ticket; and

a number of wagers associated with the manufactured, pre-printed, random draw lottery ticket.

7. (Original) The method of claim 1, further comprising validating the received transaction request.

8. (Previously Presented) The method of claim 7, wherein validating the received identification information comprises verifying that the product information corresponds to identification information associated with the manufactured, pre-printed, random draw lottery ticket.

9. (Original) The method of claim 8, wherein validating the transaction information includes verifying that the product is validly distributed by the retailer.

10. (Previously Presented) The method of claim 1, wherein the information provided to the lottery administration system includes one or more randomly determined lottery numbers generated at the time the manufactured, pre-printed, random draw lottery ticket is purchased at the POS.

11. (Previously Presented) The method of claim 1, wherein the information provided to the lottery administration system includes one or more randomly determined lottery numbers associated with the manufactured, pre-printed, random draw lottery ticket prior to the time the manufactured, pre-printed lottery ticket is purchased at the POS.

12. (Currently Amended) The method of claim 1, wherein the retailer POS does not use lottery hardware at a retailer location to activate the lottery ticket~~is online~~.

13. (Previously Presented) The method of claim 1, wherein the manufactured, pre-printed, random draw lottery ticket comprises a barcode.

14. (Original) The method of claim 13, wherein the barcode comprises a first party information and a second party information.

15. (Original) The method of claim 13, wherein the barcode comprises a universal product code and pre-printed lottery ticket information.

16. (Previously Presented) The method of claim 1, wherein the manufactured, pre-printed, random draw lottery ticket contains information used to redeem a winning prize.

17. (Previously Presented) The method of claim 1, wherein the lottery administration system generates wagers for the manufactured, pre-printed, random draw lottery ticket and a draw date is assigned to the wagers.

18. (Original) The method of claim 1, wherein lottery numbers are entered in a draw.

19. (Original) The method of claim 7, wherein the validation comprises age validation.

20. (Withdrawn) A method for providing a product for a draw comprising:

(a) providing, by a transaction processor or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and

(b) receiving, by the transaction processor or retailer, from the lottery administration system, indication that draw information has been associated with a manufactured, pre-printed lottery ticket.

21. (Previously Presented) The method of claim 1, wherein the first secured communication, the second secured communication, or combinations thereof are encrypted.

22. (New) The method of claim 1, wherein activation requests are received from the plurality of different retailers and for at least one of the plurality of different retailers, the activation requests are received from a plurality of retailer locations and from a plurality of point of sale terminals at the plurality of retailer locations.

23. (New) The method of claim 22, wherein the activation requests include requests for a plurality of different lottery games.

24. (New) The method of claim 23, further comprising validating, by the third-party transaction processor, transaction information from the plurality of different retailers.

25. (New) The method of claim 23, wherein validating the transaction information includes verifying that a product is validly distributed by the retailer and, where the product is verified, providing the transaction information to the lottery system.

REMARKS/ARGUMENTS

Status of Claims

Claims 1, 4, and 12 are currently amended.

Claims 2, 3, 5, 6, 8, 10, 11, 13, 16, 17, and 21 were previously presented.

Claims 7, 9, 14, 15, and 18-19 are original.

Claim 20 is withdrawn.

Claims 22-24 are new.

Claims 1-21 are currently pending in this application.

Applicant hereby requests further examination and reconsideration of the presently claimed application.

35 U.S.C. § 103 Rejections

Applicants thank the Examiner for withdrawing the 35 U.S.C. Section 103 rejections.

Claim Amendments

The instantly amended claims are amended to explicitly recite that the claimed transaction processor is a third-party transaction processor. Support for the amending language is found in the Specification. *See, e.g.,* Application at ¶¶ [0023], [0043], [0047], [0048], [0049], and [0050]; *see also* FIGS. 6-8.

The instant claim amendments do not impact the withdrawal of the 35 U.S.C. Section 103 rejections because no claimed elements have been deleted from the claims which were found to be non-obvious over the prior art.

New Claims

Claims 22-24 have been added to further describe and claim the methods for providing a manufactured, pre-printed, random draw lottery ticket. Support for the new claims is found in the Specification. *See, e.g.,* Application at ¶¶ [0026], [0029], [0038], [0043], [0044], [0045], [0046], [0048], and [0049].

The new claim do not impact the withdrawal of the 35 U.S.C. Section 103 rejections because no claimed elements have been deleted from the claims which were found to be non-obvious over the prior art and the new claims depend from the amended claims which were found to be non-obvious.

Double Patenting

Claims 1-19 and 21 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 9,865,135. Applicant submits that the instant double-patenting rejections will be addressed as soon as the 35 U.S.C. § 101 and 112 rejections have been overcome.

***Claim Rejections* – 35 U.S.C. § 112**

Claims 1-19 & 21 are rejected under 35 U.S.C. Section 112 as failing to comply with the written description requirement. The Office Action states:

> New limitation to claim 1 which states "wherein the manufactured, pre-printed, random draw lottery ticket is selected by a customer prior to initiation of a check-out process and is presented by the customer for activation during the check-out process;" however, the limitation is not supported by the specification.

See Office Action at 3.

Applicants respectfully submit that the claim element of "wherein the manufactured, pre-printed, random draw lottery ticket is selected by a customer prior to initiation of a check-out process and is presented by the customer for activation during the check-out process" is supported by the Specification. *See* Application at ¶¶ [0028] and [0047]; *see also* FIG. 7.

For example, Application paragraphs [0028] and [0047] provide:

> **The pre-printed tickets may be manufactured and shipped to retail locations**. Retailers may manage inventory and display the pre-printed tickets in, for example, checkout lanes, at counters and throughout the store where the product is most visible to customers. **Customers can select a lottery product at any time with no additional interaction with a lottery retailer and drop the pre-printed lottery ticket(s) into their shopping cart** . . . **The process 700 assumes a consumer is purchasing a number of items including a pre-printed lottery ticket**. A pre-printed lottery ticket is scanned (702) at a POS terminal 202 and unique identification information and details of the pre-printed ticket is communicated (704) to **the transaction processor 630 who in turn communicates (706) the unique identifier and pre-printed ticket details to a lottery system 220, which verifies the ticket information and determines draw and wager information and activates the pre-printed ticket (708),** if the wager information is not already associated with the ticket information. Draw information is communicated (710) to the transaction processor 630 and is cached within their system (712). Additional items being purchased may be scanned (714) by the POS terminal, and once all of the items being purchased are scanned, payment may be made (716), for example using cash credit or debit. After payment is received, the POS terminal 202 may communicate the payment confirmation (718) to the transaction processor 630. The transaction processor 630 may also communicate (720) payment confirmation to the lottery system 220, which can associate payment confirmation (722) with the pre-printed ticket. The transaction processor 630 may communicate the draw and wager information (724) to the POS terminal 202 and print the draw information on the customer's receipt (726). Once activated, the pre-printed ticket serves as a lottery ticket and may be verified as any regular lottery ticket purchased from a lottery terminal.

See Application at ¶¶ [0028] and [0047] (emphasis added).

Application FIG. 7 provides:

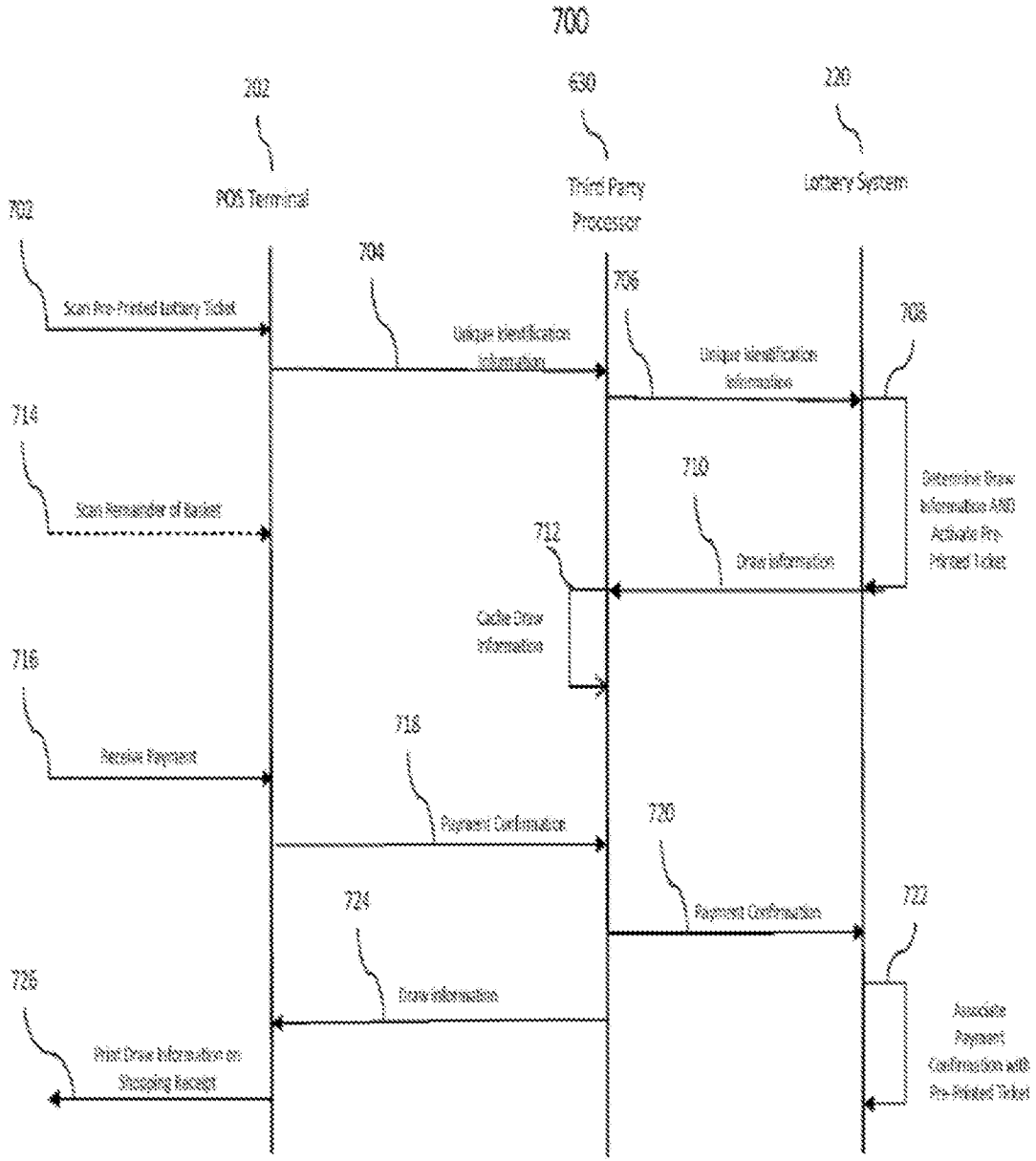


Figure 7

See Application at FIG. 7.

Based on the foregoing cited portions of the Application, Applicants respectfully submit that the claim element of "wherein the manufactured, pre-printed, random draw lottery ticket is selected by a customer prior to initiation of a check-out process and is presented by the customer for activation during the check-out process" is supported by the Specification and complies with 35 U.S.C. Section 112's written description requirement.

Claim Rejections – 35 U.S.C. § 101

A. The Rejections under 35 U.S.C. § 101

Claims 1-19 and 21 stand rejected under 35 U.S.C. Section 101 as being directed to ineligible subject matter. The claimed invention is directed to a judicial exception without significantly more.

1. Step 2A of the *Mayo* Test

a) The January 2019 Guidance

On January 7, 2019, the USPTO issued The Computer-Implemented Functional Claims Limitations Guidance (the "January 2019 Guidance") wherein the USPTO revised Step 2A of the *Mayo* Test to now comprise two separate prongs. Under Prong One of Step 2A, "examiners should evaluate whether the claim recites a judicial exception, i.e., an abstract idea, a law of nature, or a natural phenomenon." *See* Fed. Reg. Vol. 84, No. 4 at 54 (Jan. 7, 2019). The January 2019 Guidance explained Step 2A was changed compared to prior guidance:

> To determine whether a claim recites an abstract idea in Prong One, examiners are now to: (a) Identify the specific limitation(s) in the claim under examination (individually or in combination) that the examiner believes recites an abstract idea; and (b) determine whether the identified limitation(s) falls within the subject matter groupings of abstract ideas enumerated in Section I of the 2019 Revised Patent Subject Matter Eligibility Guidance. If the identified limitation(s) falls within the subject matter groupings of abstract ideas enumerated in Section I, **analysis should proceed to Prong Two in order to evaluate whether the claim integrates the abstract idea into a practical application**. When evaluating Prong One, examiners are no longer to use the USPTO's ''Eligibility Quick Reference Sheet

> Identifying Abstract Ideas,'' which has been superseded by this document.

See id. (emphasis added).

The January 2019 Guidance explains Step 2A's new Prong Two as follows:

> In Prong Two, **examiners should evaluate whether the claim as a whole integrates the recited judicial exception into a practical application of the exception**. A claim that integrates a judicial exception into a practical application will apply, rely on, or use the judicial exception in a manner that **imposes a meaningful limit on the judicial exception**, such that the claim is more than a drafting effort designed to monopolize the judicial exception. **When the exception is so integrated, then the claim is not directed to a judicial exception (Step 2A: NO) and is eligible**. This concludes the eligibility analysis . . . Examiners evaluate integration into a practical application by: (a) Identifying whether there are any additional elements recited in the claim beyond the judicial exception(s); and (b) evaluating those additional elements individually and in combination to determine whether they integrate the exception into a practical application, using one or more of the considerations laid out by the Supreme Court and the Federal Circuit, for example those listed below. While some of the considerations listed below were discussed in prior guidance in the context of Step 2B, evaluating them in revised Step 2A promotes early and efficient resolution of patent eligibility, and increases certainty and reliability. **Examiners should note, however, that revised Step 2A specifically excludes consideration of whether the additional elements represent well-understood, routine, conventional activity**. Instead, analysis of well-understood, routine, conventional activity is done in Step 2B. Accordingly, in revised Step 2A examiners should ensure that they give weight to all additional elements, whether or not they are conventional, when evaluating whether a judicial exception has been integrated into a practical application In the context of revised Step 2A, the following exemplary considerations are indicative that an additional element (or combination of elements) may have integrated the exception into a practical application:
>
> > ■ An additional element reflects an improvement in the functioning of a computer, or an improvement to other technology or technical field;
> >
> > ■ an additional element that applies or uses a judicial exception to effect a particular treatment or prophylaxis for a disease or medical condition;

> ■ an additional element implements a judicial exception with, or uses a judicial exception in conjunction with, a particular machine or manufacture that is integral to the claim;
>
> ■ an additional element effects a transformation or reduction of a particular article to a different state or thing; and
>
> ■ an additional element applies or uses the judicial exception in some other meaningful way beyond generally linking the use of the judicial exception to a particular technological environment, such that the claim as a whole is more than a drafting effort designed to monopolize the exception.
>
> This is not an exclusive list, and there may be other examples of integrating the exception into a practical application . . . Because revised Step 2A does not evaluate whether an additional element is well-understood, routine, conventional activity, **examiners are reminded that a claim that includes conventional elements may still integrate an exception into a practical application, thereby satisfying the subject matter eligibility requirement of Section 101**.

See Fed. Reg. Vol. 84, No. 4 at 54-55 (emphasis added).

The January 2019 Guidance specifically states, "[t]he 2019 Revised Patent Subject Matter Eligibility Guidance is effective on January 7, 2019. The 2019 Revised Patent Subject Matter Eligibility Guidance applies to all applications, and to all patents resulting from applications, filed before, on, or after January 7, 2019." *See* Fed. Reg. Vol. 84, No. 4 at 50. As the instant application was filed before January 7, 2019, the January 2019 Guidance applies to the instant application.

b) Step 2A, Prong 2 -- The Claims Integrate the Alleged Abstract Idea into a Practical Application

As noted above, The January 2019 Guidance identifies several considerations which are indicative that an additional element (or combination of elements) integrate the alleged abstract idea into a practical application, these exemplary considerations include claims wherein:

an additional element reflects an improvement in the functioning of a computer, or an improvement to other technology or technical field;

an additional element that applies or uses a judicial exception to effect a particular treatment or prophylaxis for a disease or medical condition;

an additional element implements a judicial exception with, or uses a judicial exception in conjunction with, a particular machine or manufacture that is integral to the claim;

an additional element effects a transformation or reduction of a particular article to a different state or thing; and

an additional element applies or uses the judicial exception in some other meaningful way beyond generally linking the use of the judicial exception to a particular technological environment, such that the claim as a whole is more than a drafting effort designed to monopolize the exception.

See Fed. Reg. Vol. 84, No. 4 at 54-55 (emphasis added).

Manufacture

A Manufactured, Pre-printed, Random Draw Lottery Ticket

Applicant's independent claim 1 is reproduced below:

1. A method for providing **a manufactured, pre-printed, random draw lottery ticket** comprising:

(a) receiving, by a third-party transaction processor, a transaction request from a retailer point of sale (POS) to activate **the manufactured, pre-printed, random draw lottery ticket**, wherein the manufactured, pre-printed, random draw lottery ticket is selected by a customer prior to initiation of a check-out process and is presented by the customer for activation during the check-out process, wherein the third-party transaction processor receives transaction requests from a plurality of different retailers;

(b) providing, via a first secured communication, by the third-party transaction processor or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and

(c) receiving, via a second secured communication, by the third-party transaction processor or retailer, from the lottery administration system, indication that draw information has been

> associated with **the manufactured, pre-printed, random draw lottery ticket**.

See claim 1, *supra* (emphasis added).

The instantly claimed "manufactured, pre-printed, random draw lottery ticket" is integral to the claim because the claim is eviscerated without the "manufactured, pre-printed, random draw lottery ticket." The claimed "manufactured, pre-printed, random draw lottery ticket is unquestionably a "manufacture." *See* MPEP § 2106.03 (I) ("As the courts have explained, manufactures are articles that result from the process of manufacturing, i.e., they were produced 'from raw or prepared materials by giving to these materials new forms, qualities, properties, or combinations, whether by hand-labor or by machinery.' *Samsung Electronics Co. v. Apple Inc.*, 580 U.S. __, 137 S. Ct. 429, 435, 120 USPQ2d 1749, 1752-3 (2016) (quoting *Diamond v. Chakrabarty*, 447 U. S. 303, 308, 206 USPQ 193, 196-97 (1980)).").

As such, the Office Action's identified abstract idea, "engaging in lawful wagering," *see* Office Action at 9, is integrated into a practical application via the requirement that the "abstract idea" be performed by "**an additional element implements a judicial exception with**, or uses a judicial exception in conjunction with, **a . . . manufacture that is integral to the claim**." *See* Fed. Reg. Vol. 84, No. 4 at 55 (emphasis added).

Third-Party Transaction Processor

Applicant's independent claim 1 is reproduced below:

> 1. A method for providing a manufactured, pre-printed, random draw lottery ticket comprising:
>
> (a) receiving, by **a third-party transaction processor**, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed, random draw lottery ticket, wherein the manufactured, pre-printed, random draw lottery ticket is selected by a customer prior to initiation of a check-out process and is presented by the customer for activation during the check-out process, wherein the third-party transaction processor receives transaction requests from a plurality of different retailers;

> (b) **providing, via a first secured communication, by the third-party transaction processor** or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and
>
> (c) **receiving, via a second secured communication, by the third-party transaction processor or retailer**, from the lottery administration system, indication that draw information has been associated with the manufactured, pre-printed, random draw lottery ticket.

See claim 1, *supra* (emphasis added).

As can be seen above, independent claim 1 recites a "transaction processor" to effectuate the claim language. *See supra*. As detailed in the Specification:

> **The transaction processor** system 630 may **include a central processing unit (CPU) 604**, memory unit 616 and 1/0 interface(s) 608 for communicating with devices external to the transaction processor system630. Instructions 604 stored in the memory unit 616, when executed by the processing unit 604 provide transaction processing and data exchange functionality 602. The functionality 602 may process transactions and exchange data from a plurality of different retailers to a single lottery system. Instructions 602 may include any functionality necessary for the successful exchange of data and the activation or cancellation of the pre-printed ticket.

Application at ¶ [0046] (emphasis added); *see also* FIGS. 7-8.

The instantly claimed "transaction processor" is integral to the claim because the "manufactured, pre-printed, random draw lottery ticket" cannot be provided without the "transaction processor."

Moreover, as shown above, the transaction processor comprises a "central processing unit (CPU)." *See id*. One of ordinary skill in the art would understand that a "CPU" would comprise a microprocessor. "The component of a computer system that performs the basic operations (such as processing data) of the system, that exchanges data with the systems memory or peripherals, and that manages the systems other components — called also *processor*." *See* Merriam-Webster at https://www.merriam-webster.com/dictionary/cpu.

The MPEP provides, "because a microprocessor is generally understood to be a manufacture, **a product claim to the microprocessor or a system comprising the microprocessor satisfies Step 1** regardless of whether the claim falls within any other statutory category (such as a machine)." *See* MPEP § 2106.03 (emphasis added).

As such, the Office Action's alleged identified abstract idea is integrated in to a practical application via the requirement that the "abstract idea" be performed by "**an additional element [which] implements a judicial exception with**, or uses a judicial exception in conjunction with, **a . . . manufacture that is integral to the claim**." *See* Fed. Reg. Vol. 84, No. 4 at 55 (emphasis added); *see also* MPEP § 2106.03 ("a microprocessor is generally understood to be a manufacture.").

Particular Machine

Transaction Processor

Applicant's independent claim 1 is reproduced below:

> 1. A method for providing a manufactured, pre-printed, random draw lottery ticket comprising:
>
> (a) receiving, by **a third-party transaction processor**, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed, random draw lottery ticket, wherein the manufactured, pre-printed, random draw lottery ticket is selected by a customer prior to initiation of a check-out process and is presented by the customer for activation during the check-out process, wherein the third-party transaction processor receives transaction requests from a plurality of different retailers;
>
> (b) **providing, via a first secured communication, by the third-party transaction processor** or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and
>
> (c) **receiving, via a second secured communication, by the third-party transaction processor or retailer**, from the lottery administration system, indication that draw information has been associated with the manufactured, pre-printed, random draw lottery ticket.

See claim 1, *supra* (emphasis added).

As can be seen, the claims require the claimed method steps be performed by a "third-party transaction processor" to effectuate the claim language. *See id.* As detailed in the Specification:

> **The transaction processor system 630** may include a central processing unit (CPU) 604, memory unit 616 and 1/0 interface(s) 608 for communicating with devices external to the transaction processor system630. **Instructions 604 stored in the memory unit 616, when executed by the processing unit 604 provide transaction processing and data exchange functionality 602**. The functionality 602 may process transactions and exchange data from a plurality of different retailers to a single lottery system. Instructions 602 may include any functionality necessary for the successful exchange of data and the activation or cancellation of the pre-printed ticket.

Application at ¶[[0046] (emphasis added).

As noted by the Supreme Court, "[a] claimed process is surely patent-eligible under § 101 if: (1) it is tied to a particular machine or apparatus . . . ." *See, e.g., In re Bilski,* 545 F.3d 943, 954, (Fed. Cir. 2009). In *In re Alappat* the Federal Circuit held, "programming creates a new machine because a general purpose computer, in effect, becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software." *See In re Alappat*, 33 F.3d 1526, 1545 (Fed. Cir. 1994). Following the *In re Alappat* precedent, in *Finisar Corp. v. DirecTV Grp., Inc.*, the Federal Circuit held, "a computer programmed to implement an algorithm . . . is not the general purpose computer, but rather the special purpose computer programmed to perform the disclosed algorithm." *See Finisar Corp. v. DirecTV Grp., Inc.*, 523 F.3d 1323, 1340 (Fed. Cir. 2008).

Based on the foregoing, Applicant contends the instant claims' "transaction processor" comprises specifically programmed computer processors performing particular, recited functions, which inarguably amount to the claims being performed by "an additional element [which] implements a judicial exception with, or uses a judicial exception in conjunction with, a particular machine or manufacture that is integral to the claim." *See* Fed. Reg. Vol. 84, No. 4 at 55. *See* Interim

Examination Instructions For Evaluating Subject Matter Eligibility Under 35 U.S.C. § 101, Aug. 24, 2009 at 6 ("For computer implemented processes, the 'machine' is often disclosed as a general purpose computer. In these cases, the general purpose computer may be sufficiently 'particular' when programmed to perform the process steps. Such programming creates a new machine because a general purpose computer, in effect, becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software. To qualify as a particular machine under the test, the claim must clearly convey that the computer is programmed to perform the steps of the method because such programming, in effect, creates a special purpose computer limited to the use of the particularly claimed combination of elements (i.e., the programmed instructions) performing the particularly claimed combination of functions.").

As such, the Office Action's identified abstract idea, "engaging in lawful wagering," is integrated into a practical application via the requirement that the "abstract idea" be performed by "**an additional element implements a judicial exception with**, or uses a judicial exception in conjunction with, **a particular machine** . . . **that is integral to the claim**." *See* Fed. Reg. Vol. 84, No. 4 at 55 (emphasis added).

B. Step 2B of the Subject Matter Eligibility Guidelines

Assuming, *arguendo*, that the instant claims comprise an abstract idea, which Applicant does not concede, the U.S.P.T.O. has published considerations of what constitutes "significantly more" than an alleged abstract idea within the context of patent eligibility:

> i. Improvements to the functioning of a computer, *e.g.,* a modification of conventional Internet hyperlink protocol to dynamically produce a dual-source hybrid webpage, as discussed in *DDR Holdings, LLC v. Hotels.com, L.P.,* 773 F.3d 1245, 1258-59, 113 USPQ2d 1097, 1106-07 (Fed. Cir. 2014) (see **MPEP § 2106.05(a)**);

> ii. Improvements to any other technology or technical field, *e.g.,* a modification of conventional rubber-molding processes to utilize a thermocouple inside the mold to constantly monitor the temperature and thus reduce under- and over-curing problems common in the art, as discussed in *Diamond v. Diehr,* 450 U.S. 175, 191-92, 209 USPQ 1, 10 (1981) (see **MPEP § 2106.05(a)**);
>
> iii. Applying the judicial exception with, or by use of, a particular machine, *e.g.,* a Fourdrinier machine (which is understood in the art to have a specific structure comprising a headbox, a paper-making wire, and a series of rolls) that is arranged in a particular way to optimize the speed of the machine while maintaining quality of the formed paper web, as discussed in *Eibel Process Co. v. Minn. & Ont. Paper Co.,* 261 U.S. 45, 64-65 (1923) (see **MPEP § 2106.05(b)**);
>
> iv. Effecting a transformation or reduction of a particular article to a different state or thing, *e.g.,* a process that transforms raw, uncured synthetic rubber into precision-molded synthetic rubber products, as discussed in *Diehr,* 450 U.S. at 184, 209 USPQ at 21 (see **MPEP § 2106.05(c)**);
>
> v. Adding a specific limitation other than what is well-understood, routine, conventional activity in the field, or adding unconventional steps that confine the claim to a particular useful application, *e.g.,* a non-conventional and non-generic arrangement of various computer components for filtering Internet content, as discussed in *BASCOM Global Internet v. AT&T Mobility LLC,* 827 F.3d 1341, 1350-51, 119 USPQ2d 1236, 1243 (Fed. Cir. 2016) (see **MPEP § 2106.05(d)**); or
>
> vi. Other meaningful limitations beyond generally linking the use of the judicial exception to a particular technological environment, *e.g.,* an immunization step that integrates an abstract idea of data comparison into a specific process of immunizing that lowers the risk that immunized patients will later develop chronic immune-mediated diseases, as discussed in *Classen Immunotherapies Inc. v. Biogen IDEC,* 659 F.3d 1057, 1066-68, 100 USPQ2d 1492, 1499-1502 (Fed. Cir. 2011) (see **MPEP § 2106.05(e)**).

MPEP § 2106.05.A. As can be seen, an "inventive concept" (and thus subject matter eligibility) can be demonstrated by showing any one of the MPEP's enumerated "significantly more" considerations. *See id.*

1. "Adding a Specific Limitation other than What is Well-Understood, Routine and Conventional in the Field"

The Federal Circuit has explained that, "an inventive concept can be found in the non-conventional and non-generic arrangement of known conventional pieces." *See Bascom Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1349 (Fed. Cir. 2016). Thus, as admitted by the Office Action's withdrawal of all prior art rejections, *see supra*, because claims 1-19 and 21 are patentable over the prior art, claims 1-19 and 21 must comprise elements which are not "well-understood, routine, and conventional in the field" and recite "significantly more" than any alleged abstract idea – so as to patent eligible. *See* MPEP § 2106.05(d) (Claims that add a "specific limitation other than what is well-understood, routine and conventional in the field" comprise "significantly more" than an abstract idea and are patent eligible.).

Additionally, the Federal Circuit has stated:

> The question of whether a claim element or combination of elements is well-understood, routine and conventional to a skilled artisan in the relevant field is a question of fact. Any fact . . . pertinent to the invalidity conclusion must be proven by clear and convincing evidence . . . And the Supreme Court recognized that in making the § 101 determination, the inquiry "might sometimes overlap" with other fact-intensive inquiries like [patentability determinations, e.g., novelty and obviousness].

See Berkheimer v. HP Inc., 881 F.3d 1360, 1368 (Fed. Cir. 2018).

Moreover, the Federal Circuit has also opined, that if an applicant's specification does not describe a claimed element as "conventional," and there being no other evidence of conventionality, the claim element is presumed to not be "well understood" or "routine." *See Aatrix Software, Inc. v. Green Shades Software, Inc.*, 882 F.3d 1121, 1128 (Fed. Cir. 2018). Thus, because there is nothing in the Specification describing the instant claim elements as "conventional" and because the prior art fails to disclose all the elements of the instant claims, the instant claims must comprise elements "other than what is well-understood, routine, and conventional in the field" and recite "significantly more" than any alleged abstract idea -- so as to patent eligible. *See, e.g.,* MPEP § 2103 V. (Claims which are novel and non-obvious, i.e., not

rejected in view of the prior art, are patentable); and MPEP § 2106.05(d). (Claims that add a "specific limitation other than what is well-understood, routine and conventional in the field" comprise "significantly more" than an abstract idea and are patent eligible.); *see also Bascom Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1349; *Berkheimer v. HP Inc.*, 881 F.3d 1360, 1368 (whether a claim is invalid under Section 101 must be proven by clear and convincing evidence and a determination of patentability is evidence of patent eligibility);[1] and *Aatrix Software, Inc. v. Green Shades Software, Inc.*, 882 F.3d 1121, 1128 (absent evidence to the contrary, claim elements are presumed to be not "well-understood, routine, and conventional in the field").

Based on the foregoing, Applicant respectfully submits that claims 1-19 and 21 recite "significantly more" than the alleged abstract idea of "engaging in lawful wagering" and therefore, are patent eligible.

2. The Machine or Transformation Test

Applicant contends that claims which satisfy the "machine or transformation" test comprise patent eligible subject matter. MPEP § 2106.05.A referenced above expressly incorporates the machine or transformation" test into its "considerations for determining whether a claim with additional elements amounts to significantly more than the judicial exception itself." *See* MPEP § 2106.05.A.

[1] Applicants appreciate that the Office is not bound by the "clear and convincing" evidentiary standard but submits that it is patently unjust that a claim (e.g., claims 1-18) which would be deemed patent eligible by a court based on the incapability of "clear and convincing" evidentiary burden being met due to the "patentability" of a claim, may never get such an opportunity because of the Office's ignoring of *Diamond v Diehr*, *Bascom*, and *Berkheimer*.

a) "Applying the Judicial Exception with, or by Use of, a Particular Machine"

Specifically, MPEP § 2106.05.A provides that "[a]pplying the judicial exception with, or by use of, a particular machine"[2] is a limitation which "qualif[ies] as 'significantly more' when recited in a claim with a judicial exception." *See id.*

> Independent claim 1 is reproduced below:
>
> 1. A method for providing a manufactured, pre-printed, random draw lottery ticket comprising:
>
> (a) receiving, by **a third-party transaction processor**, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed, random draw lottery ticket, wherein the manufactured, pre-printed, random draw lottery ticket is selected by a customer prior to initiation of a check-out process and is presented by the customer for activation during the check-out process, wherein the third-party transaction processor receives transaction requests from a plurality of different retailers;
>
> (b) **providing, via a first secured communication, by the third-party transaction processor** or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and
>
> (c) **receiving, via a second secured communication, by the third-party transaction processor or retailer**, from the lottery administration system, indication that draw information has been associated with the manufactured, pre-printed, random draw lottery ticket.

See claim 1, *supra* (emphasis added).

As can be seen, the claims require the claimed method steps be performed by a "transaction processor" to effectuate the claim language. *See id.* As detailed in the Specification:

> The transaction processor system 630 may include a central processing unit (CPU) 604, memory unit 616 and 1/0 interface(s) 608 for communicating with devices external to the transaction processor system630. **Instructions 604 stored in the memory unit 616, when executed by the processing unit 604 provide transaction**

[2] *Bilski v Kappos,* 130 S. Ct. 3218, 3227 (2010) (''The Court's precedents establish that the machine-or-transformation test is a useful and important clue, an investigative tool, for determining whether some claimed inventions are processes under § 101.'').

> **processing and data exchange functionality 602**. The functionality 602 may process transactions and exchange data from a plurality of different retailers to a single lottery system. Instructions 602 may include any functionality necessary for the successful exchange of data and the activation or cancellation of the pre-printed ticket.

Application at ¶ [0046] (emphasis added).

Based on the foregoing, Applicant contends the instant claims' "transaction processor" results in the instant claims' methods comprising specifically programmed computer processors performing particular, recited functions, even if directed to an abstract idea, is patent-eligible subject matter. As noted by the Supreme Court, "[a] claimed process is surely patent-eligible under § 101 if: (1) it is tied to a particular machine or apparatus . . . ." *See, e.g., In re Bilski,* 545 F.3d 943, 954, (Fed. Cir. 2009); *Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709, 716 (Fed. Cir. 2014) ("[t]he machine-or-transformation test . . . can provide a "useful clue" in the second step of the *Alice* framework . . . ."); *Bancorp Servs., L.L.C. v. Sun Life Assurance Co. of Can.*, 687 F.3d 1266, 1278 (Fed. Cir. 2012) (holding that the machine-or-transformation test remains an important clue in determining whether inventions are processes under § 101); *see also In re Alappat*, 33 F.3d 1526, 1545 (Fed. Cir. 1994) ("[P]rogramming creates a new machine because a general purpose computer, in effect, becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software."); *Finisar Corp. v. DirecTV Grp., Inc.*, 523 F.3d 1323, 1340 (Fed. Cir. 2008) ("[A] computer programmed to implement an algorithm . . . is not the general purpose computer, but rather the special purpose computer programmed to perform the disclosed algorithm."); *Typhoon Touch Techs., Inc. v. Dell, Inc.*, 659 F.3d 1376, 1385 (Fed. Cir. 2011) ("[T]he term 'algorithm' as a term of art in its broad sense, i.e., to identify a step-by-step procedure for accomplishing a given result . . . ."); and MPEP § 2106.05.A ("apply[] the judicial exception with, or by the use of, a particular machine.").

Thus, Applicant contends the instant claims' devices comprising specifically programmed computer processors performing particular, recited functions, inarguably amount to "significantly more" than the alleged abstract idea of "engaging in lawful wagering" (or any other identified abstract idea), *see* MPEP § 2106.05.A, because under the Federal Circuit's decisions in *In re Bilski*, *In re Alappat*, *Finisar Corp.*, and *Typhoon Touch Techs., Inc.*, the instantly claimed methods and devices comprising specifically programmed computer processors performing particular, recited functions require that any implicated abstract idea is "tied to" or "applied by" "special purpose computers performing particular functions," *see In re Alappat*, 33 F.3d at 1545, i.e., "particular machines." *See*, *e.g.*, *In re Bilski*, 545 F.3d at 954; MPEP § 2106.05.A; and Interim Examination Instructions For Evaluating Subject matter Eligibility Under 35 U.S.C. § 101, Aug. 24, 2009 at 6 ("For computer implemented processes, the 'machine' is often disclosed as a general purpose computer. In these cases, the general purpose computer may be sufficiently 'particular' when programmed to perform the process steps. Such programming creates a new machine because a general purpose computer, in effect, becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software. To qualify as a particular machine under the test, the claim must clearly convey that the computer is programmed to perform the steps of the method because such programming, in effect, creates a special purpose computer limited to the use of the particularly claimed combination of elements (i.e., the programmed instructions) performing the particularly claimed combination of functions.").

Accordingly, the recitation in claims 1-19 and 21 of a "particular machine/special purpose computer" provides the "inventive concept" discussed by the Supreme Court in *Alice*, because the claims recite particular machines/special purpose computers which perform particular functions (e.g., facilitating and managing consumer accounts with associated providers and physical gift

cards). *See Alice*, 134 S. Ct. at 2355 ("We have described step two of this analysis as a search for an 'inventive concept' -- i.e., an element or combination of elements that is "sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the [ineligible concept] itself.").

3. "Improvements to Another Technology or Technical Field"

The Federal Circuit has opined, **"inventions with specific applications or improvements to technologies in the marketplace** are not likely to be so abstract that they override the statutory language and framework of the Patent Act." *See Bascom Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1350 (citing *Research Corp. Techs. v. Microsoft Corp.*, 627 F.3d 859, 869 (Fed. Cir. 2010).

Accordingly, the Specification details:

> **Tickets for draw based lotteries are typically printed at the time of purchase on special ticket paper by a printing device approved by the lottery administering body**. The ticket will typically have the draw details such as the date, the numbers that have been selected by the customer or generated on behalf of the customer and a control number that uniquely identifies that ticket. Special ticket paper typically meets critical longevity and stress requirements to ensure the ticket will not deteriorate within a certain period of time and that the control number and selected numbers remain legible. **Typically, the printing device is attached to a single lottery terminal operated by the lottery organization. Although the model of a single terminal and printer is effective for single checkout lane environments such as convenience stores and gas stations, it is not ideal for multi-lane environments such as grocery stores, discount and big box retailers**. Here, the majority of customers complete their shopping and pay through any one of many checkout lanes. A second stop and purchase is required at the lottery terminal location in order to purchase the lottery draw ticket. **This is extremely inconvenient for most customers who simply bypass the lottery counter**. **Installing an approved printer or any other piece of specialized hardware at every point of payment within a retail environment is cost prohibitive and not an effective use of capital as not all points of payment are open at all times. This is one of the barriers to lottery organizations expanding their sales within multi-lane retail environments**. Other barriers to installing specialized

> hardware in lane include the lack of available space and the added responsibility and training for the cashier who must operate the hardware. **Using the retailers POS to print the ticket on standard receipt paper is ineffective** since receipt paper is typically of the lowest quality and the ticket can deteriorate prematurely if left if sunlight or comes in contact with water. **It would be desirable to enable customers to include a lottery draw ticket in their basket along with other goods and pay for that basket at any point of payment in a retail location**. **The inclusion of such a lottery draw ticket should not require any additional hardware in lane and should be fully serviced by the existing point of sale equipment. Itis also desirable to merchandise draw based tickets in such a way that the customer experience is enhanced with the purchase convenience while increasing product awareness and impulse lottery purchases**. Currently, online lottery products are produced by a lottery terminal or similar hardware. When an online lottery ticket, such as a ticket to a draw taking place at a later time, is purchased, a ticket is generated and printed by the lottery terminal and printer. **A system is described further herein that provides the ability to include online lottery tickets that can be placed in a customer's shopping cart and paid for during the normal checkout process without the use of specialized hardware such as lottery terminals, ticket printers or customized devices at the point of purchase for the purpose of producing the lottery ticke**t. Since no specialized hardware is required, it is possible to pay for the online lottery tickets at any point of purchase. For example, at a grocery store, the online lottery tickets may be purchased at each check-out lane without requiring lottery terminals or hardware at each lane and as such, **the incorporation of the purchasing at multiple lanes may be cost effective. In addition to the ability to purchase online lottery tickets at a point of sale without additional specialized lottery hardware, the systems and methods allow the online lottery ticket to be displayed and purchased as a common in-store product making the purchase of an online ticket common practice for the customer and the retailer**.

See Application at ¶¶ [0004]-[0019] (emphasis added). As can be seen from the above-recited portion of the Specification, the instant claims are directed to a specific improvement to technologies in the marketplace, e.g., addressing business challenges of meeting customers' growing demands for random draw based lottery tickets while simultaneously allowing lottery ticket retailers to configure their legacy technologies and systems to sell random draw based lottery tickets at any point of sale register. *See id.* Such technological improvements are patent eligible. *See Bascom Glob. Internet*

Servs., Inc. v. AT&T Mobility LLC, 827 F.3d 1341, 1350 ("[I]nventions with specific applications or improvements to technologies in the marketplace are not likely to be so abstract that they override the statutory language and framework of the Patent Act."); *see also Zak v. Facebook*, Civ. No. 15-13437 at 20-22 (ED Mich. Sept. 12, 2016) ("[I]n the present case, the claim does not merely permit a known business practice to be performed on the Internet. Instead, **the claim here specifies how a solution will be implemented that addresses a business challenge** particular to the Internet, **namely allowing ordinary users to maintain dynamic websites by managing the content of websites and controlling users' interactions with web pages** . . . the claim contains enough inventive elements to be aimed at **more than a patent on the abstract idea itself**.") (emphasis added).

Based on the foregoing, the evidence of record weighs against a finding of patent ineligibility at least because Applicant's claims recite "significantly more" than the alleged abstract idea. *See* MPEP § 2106.05.A. Based on the foregoing, withdrawal of the rejection of claims 1-19 and 21 under 35 U.S.C. Section 101 is respectfully requested.

CONCLUSION

Consideration of the foregoing remarks, reconsideration of the application, and withdrawal of the rejections are respectfully requested by Applicant. No new matter is introduced by way of amendment. It is believed that each ground of rejection raised in the Office Action dated November 19, 2021 has been fully addressed. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account Number 100435 of Barnes & Thornburg LLP. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,
BARNES & THORNBURG LLP

Date: March 24, 2022

/Jerry C. Harris, Jr./
Jerry C. Harris, Jr.
Reg. No. 66,822

ATTORNEY FOR APPLICANT

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Electronic Patent Application Fee Transmittal

Application Number:	16280629
Filing Date:	20-Feb-2019
Title of Invention:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS
First Named Inventor/Applicant Name:	Gino Giunti
Filer:	Jerry Harris/Michelle Horvath
Attorney Docket Number:	84971-326801

Filed as Large Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
CLAIMS IN EXCESS OF 20	1202	4	100	400
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Extension - 2 months with $0 paid	1252	1	640	640
Miscellaneous:				
			Total in USD ($)	**1040**

Electronic Acknowledgement Receipt

EFS ID:	45306197
Application Number:	16280629
International Application Number:	
Confirmation Number:	5484
Title of Invention:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS
First Named Inventor/Applicant Name:	Gino Giunti
Customer Number:	15608
Filer:	Jerry Harris/Michelle Horvath
Filer Authorized By:	Jerry Harris
Attorney Docket Number:	84971-326801
Receipt Date:	24-MAR-2022
Filing Date:	20-FEB-2019
Time Stamp:	10:24:36
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$1040
RAM confirmation Number	E20223NA24594598
Deposit Account	100435
Authorized User	Michelle Horvath

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

37 CFR 1.16 (National application filing, search, and examination fees)

37 CFR 1.17 (Patent application and reexamination processing fees)

37 CFR 1.19 (Document supply fees)

37 CFR 1.20 (Post Issuance fees)

37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Extension of Time	16280629_EOT.pdf	165671 2fde206f61f1707b003ed15f3f4956bd491829cd	no	2
Warnings:					
Information:					
2		16280629_AmendedResponse.pdf	444447 8fe1466256258e52d270354e7f394b32762c3d2e	yes	29

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Supplemental Response or Supplemental Amendment	1	1
	Claims	2	6
	Applicant Arguments/Remarks Made in an Amendment	7	29

Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	40746 7954ce3e61d9552e48159cb6596accbae4cd5c2e	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	650864		

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

PTO/AIA/22 (10-20)
Approved for use through 11/30/2020. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Docket Number (Optional): 84971-326801

Application Number: 16280629

Filed: 2019-02-20

For: Methods for Selling Pre-Printed Online Lottery Tickets

Art Unit: 3649

Examiner: Sunit Pandya

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	Fee	Small Entity Fee	Micro Entity Fee	
☐ One month (37 CFR 1.17(a)(1))	$220	$110	$55	$
☑ Two months (37 CFR 1.17(a)(2))	$640	$320	$160	$ 640
☐ Three months (37 CFR 1.17(a)(3))	$1,480	$740	$370	$
☐ Four months (37 CFR 1.17(a)(4))	$2,320	$1,160	$580	$
☐ Five months (37 CFR 1.17(a)(5))	$3,160	$1,580	$790	$

☐ Applicant asserts small entity status. See 37 CFR 1.27.

☐ Applicant certifies micro entity status. See 37 CFR 1.29.
Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.

☐ A check in the amount of the fee is enclosed.

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

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☑ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 100435.

☑ Payment made via EFS-Web.

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

I am the

☐ applicant.

☑ attorney or agent of record. Registration number 66822.

☐ attorney or agent acting under 37 CFR 1.34. Registration number _____.

/Jerry C. Harris, Jr./ — Signature

2022-03-24 — Date

Jerry C. Harris, Jr. — Typed or printed name

574-237-1156 — Telephone Number

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.

☑ * Total of one forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Privacy Act Statement

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

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Gino Giunti	§	
		§	Group Art Unit: 3649
Serial No.	16/280,629	§	
		§	Examiner: Sunit Pandya
Filed:	February 20, 2019	§	
		§	Confirmation No.: 5484
For:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS	§	

Mail Stop: RCE
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF EFS-WEB FILING

Pursuant to 37 CFR § 1.8, I hereby certify that this correspondence is being electronically submitted to the U.S. Patent and Trademark Office website, www.uspto.gov, on

02/18/2022 .
(Date submitted)

/Jerry C. Harris, Jr./
Jerry C. Harris, Jr.

RESPONSE TO
OFFICE ACTION DATED NOVEMBER 19, 2021

Dear Sir:

In response to the Office Action dated November 19, 2021 (the "Office Action), Applicant respectfully requests consideration of the following.

The Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

THE CLAIMS

Listing of claims:

1. (Previously Presented) A method for providing a manufactured, pre-printed, random draw lottery ticket comprising:

(a) receiving, by a transaction processor, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed, random draw lottery ticket, wherein the manufactured, pre-printed, random draw lottery ticket is selected by a customer prior to initiation of a check-out process and is presented by the customer for activation during the check-out process;

(b) providing, via a first secured communication, by the transaction processor or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and

(c) receiving, via a second secured communication, by the transaction processor or retailer, from the lottery administration system, indication that draw information has been associated with the manufactured, pre-printed, random draw lottery ticket.

2. (Previously Presented) The method of claim 1, wherein receiving the transaction request comprises receiving unique product information associated with the manufactured, pre-printed, random draw lottery ticket over a secure communication channel from a point of sale (POS) system.

3. (Previously Presented) The method of claim 1, wherein draw information is made available on a printed receipt; by scanning a code on the manufactured, pre-printed, random draw lottery ticket; or by entering a unique identifier associated with the manufactured, pre-printed, random draw lottery ticket into an online website or mobile application.

4. (Previously Presented) The method of claim 1, further comprising receiving unique product information associated with the manufactured, pre-printed, random draw lottery ticket.

5. (Previously Presented) The method of claim 1, further comprising retrieving unique identification information associated with the manufactured, pre-printed, random draw lottery ticket from the received product information.

6. (Previously Presented) The method of claim 4, wherein the product information is sufficient to determine one or more of:

a game type associated with the manufactured, pre-printed, random draw lottery ticket;

a wager amount associated with the manufactured, pre-printed, random draw lottery ticket; and

a number of wagers associated with the manufactured, pre-printed, random draw lottery ticket.

7. (Original) The method of claim 1, further comprising validating the received transaction request.

8. (Previously Presented) The method of claim 7, wherein validating the received identification information comprises verifying that the product information corresponds to identification information associated with the manufactured, pre-printed, random draw lottery ticket.

9. (Original) The method of claim 8, wherein validating the transaction information includes verifying that the product is validly distributed by the retailer.

10. (Previously Presented) The method of claim 1, wherein the information provided to the lottery administration system includes one or more randomly determined lottery numbers generated at the time the manufactured, pre-printed, random draw lottery ticket is purchased at the POS.

11. (Previously Presented) The method of claim 1, wherein the information provided to the lottery administration system includes one or more randomly determined lottery numbers associated with the manufactured, pre-printed, random draw lottery ticket prior to the time the manufactured, pre-printed lottery ticket is purchased at the POS.

12. (Original) The method of claim 1, wherein the retailer POS is online.

13. (Previously Presented) The method of claim 1, wherein the manufactured, pre-printed, random draw lottery ticket comprises a barcode.

14. (Original) The method of claim 13, wherein the barcode comprises a first party information and a second party information.

15. (Original) The method of claim 13, wherein the barcode comprises a universal product code and pre-printed lottery ticket information.

16. (Previously Presented) The method of claim 1, wherein the manufactured, pre-printed, random draw lottery ticket contains information used to redeem a winning prize.

17. (Previously Presented) The method of claim 1, wherein the lottery administration system generates wagers for the manufactured, pre-printed, random draw lottery ticket and a draw date is assigned to the wagers.

18. (Original) The method of claim 1, wherein lottery numbers are entered in a draw.

19. (Original) The method of claim 7, wherein the validation comprises age validation.

20. (Withdrawn) A method for providing a product for a draw comprising:

(a) providing, by a transaction processor or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and

(b) receiving, by the transaction processor or retailer, from the lottery administration system, indication that draw information has been associated with a manufactured, pre-printed lottery ticket.

21. (Previously Presented) The method of claim 1, wherein the first secured communication, the second secured communication, or combinations thereof are encrypted.

REMARKS/ARGUMENTS

Status of Claims

Claims 1-6, 8, 10, 11, 13, 16, and 17 were previously presented.

Claims 7, 9, 12, 14, 15, and 18-19 are original.

Claim 20 is withdrawn.

Claims 1-21 are currently pending in this application.

Applicant hereby requests further examination and reconsideration of the presently claimed application.

35 U.S.C. § 103 Rejections

Applicants thank the Examiner for withdrawing the 35 U.S.C. Section 103 rejecetions.

Double Patenting

Claims 1-19 and 21 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 9,865,135. Applicant submits that the instant double-patenting rejections will be addressed as soon as the 35 U.S.C. § 101 and 112 rejections have been overcome.

***Claim Rejections* – 35 U.S.C. § 112**

Claims 1-19 & 21 are rejected under 35 U.S.C. Section 112 as failing to comply with the written description requirement. The Office Action states:

> New limitation to claim 1 which states "wherein the manufactured, pre-printed, random draw lottery ticket is selected by a customer prior to initiation of a check-out process and is presented by the customer for activation during the check-out process;" however, the limitation is not supported by the specification.

See Office Action at 3.

Applicants respectfully submit that the claim element of "wherein the manufactured, pre-printed, random draw lottery ticket is selected by a customer prior to initiation of a check-out process and is presented by the customer for activation during the check-out process" is supported by the Specification. *See* Application at ¶¶ [0028]-[0029] and [0039]; *see also* FIG. 3.

For example, Application paragraphs [0028]-[0029] provide:

> **The pre-printed tickets may be manufactured and shipped to retail locations**. Retailers may manage inventory and display the pre-printed tickets in, for example, checkout lanes, at counters and throughout the store where the product is most visible to customers. **Customers can select a lottery product at any time with no additional interaction with a lottery retailer and drop the pre-printed lottery ticket(s) into their shopping cart. During the checkout process, the pre-printed ticket is scanned by the cashier in the retailer's POS as they would scan any other product being purchased.** The pre-printed ticket may require one, possibly two scans dependent on the bar code standard used and the technical abilities of the retailer's POS system. Upon scanning of the ticket the retailer's POS will be updated with the product description and cost. **The retailer's POS will communicate the transaction type, such as purchase or cancel, and the pre-printed ticket details, such as product information and/or a unique identifier, to the lottery system though a secure communications channel. Upon receiving information for activating a pre-printed ticket being purchased, the lottery system may initiate a pre-printed ticket wager by validating the pre-printed ticket details, generating the appropriate lottery wager information, for example generating an appropriate number of random numbers for the draw**. The generated wager information may then be associated with unique identifier of the pre-printed ticket in the lottery system and the pre-printed ticket activated for the next available draw. Confirmation of the activation, as well as the lottery numbers and draw information, for example when the draw is being held, may be withheld from the retailer's POS until payment confirmation is received by the lottery system. The cashier continues to scan the customer's purchases until the cart is empty. The cashier may then process payment as the normal course of action. Prior to the retailer's POS closing the sale and printing the receipt, the retailers POS system may communicate the payment confirmation and details to the lottery system. **Once**

payment confirmation is received the lottery system may in turn communicate the lottery numbers and draw information to the retailers POS. This information may be communicated in the form of an image, text or any other message format deemed appropriate. **The lottery numbers and draw date assigned to the pre-printed lottery ticket may be printed on the customer's store receipt. The printed receipt with the lottery information is for informational purposes only, and the pre-printed ticket would be required to validate the lottery numbers or to redeem a winning prize**.

See Application at ¶¶ [0027]-[0028] (emphasis added).

Application FIG. 3 provides:

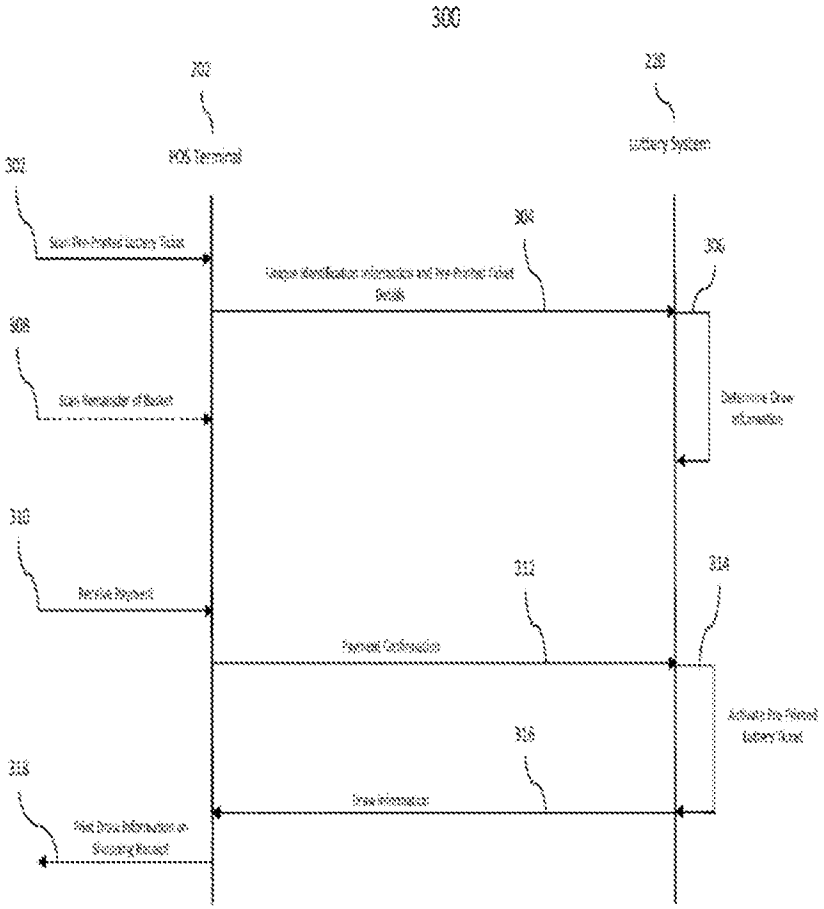


Figure 3

See Application at FIG. 3.

Application paragraph [0039] provides:

> **FIG. 3 depicts a process for providing a ticket for a random draw. The process 300 assumes a consumer is purchasing a number of items including a pre-printed lottery ticket. A pre-printed lottery ticket is scanned (302) at a POS terminal 202** and unique identification information and details of the pre-printed ticket is communicated (304) to a lottery system 220, which verifies the ticket information and determines draw and wager information (306), if the wager information is not already associated with the ticket information. Additional items being purchased may be scanned (308) by the POS terminal, and once all of the items being purchased are scanned, payment may be made (310), for example using cash credit or debit. **After payment is received, the POS terminal 202 may communicate the payment confirmation (312) to the lottery system 220, which can activate the pre-printed lottery ticket (314) for the subsequent draw**. The draw and wager information may be returned to the POS terminal (316) and printed on the customer's receipt (318). Once activated, the pre-printed ticket serves as a lottery ticket and may be verified as any regular lottery ticket purchased from a lottery terminal.

See Application at ¶ [0039] (emphasis added).

Based on the foregoing cited portions of the Application, Applicants respectfully submit that the claim element of "wherein the manufactured, pre-printed, random draw lottery ticket is selected by a customer prior to initiation of a check-out process and is presented by the customer for activation during the check-out process" is supported by the Specification and complies with 35 U.S.C. Section 112's written description requirement.

Claim Rejections – 35 U.S.C. § 101

A. The Rejections under 35 U.S.C. § 101

Claims 1-19 and 21 stand rejected under 35 U.S.C. Section 101 as being directed to ineligible subject matter. The claimed invention is directed to a judicial exception without significantly more.

1. Step 2A of the *Mayo* Test

a) The January 2019 Guidance

On January 7, 2019, the USPTO issued The Computer-Implemented Functional Claims Limitations Guidance (the "January 2019 Guidance") wherein the USPTO revised Step 2A of the *Mayo* Test to now comprise two separate prongs. Under Prong One of Step 2A, "examiners should evaluate whether the claim recites a judicial exception, i.e., an abstract idea, a law of nature, or a natural phenomenon." *See* Fed. Reg. Vol. 84, No. 4 at 54 (Jan. 7, 2019). The January 2019 Guidance explained Step 2A was changed compared to prior guidance:

> To determine whether a claim recites an abstract idea in Prong One, examiners are now to: (a) Identify the specific limitation(s) in the claim under examination (individually or in combination) that the examiner believes recites an abstract idea; and (b) determine whether the identified limitation(s) falls within the subject matter groupings of abstract ideas enumerated in Section I of the 2019 Revised Patent Subject Matter Eligibility Guidance. If the identified limitation(s) falls within the subject matter groupings of abstract ideas enumerated in Section I, **analysis should proceed to Prong Two in order to evaluate whether the claim integrates the abstract idea into a practical application**. When evaluating Prong One, examiners are no longer to use the USPTO's ''Eligibility Quick Reference Sheet Identifying Abstract Ideas,'' which has been superseded by this document.

See id. (emphasis added).

The January 2019 Guidance explains Step 2A's new Prong Two as follows:

> In Prong Two, **examiners should evaluate whether the claim as a whole integrates the recited judicial exception into a practical application of the exception**. A claim that integrates a judicial exception into a practical application will apply, rely on, or use the judicial exception in a manner that **imposes a meaningful limit on the judicial exception**, such that the claim is more than a drafting effort designed to monopolize the judicial exception. **When the exception is so integrated, then the claim is not directed to a judicial exception (Step 2A: NO) and is eligible**. This concludes the eligibility analysis . . . Examiners evaluate integration into a practical application by: (a) Identifying whether there are any additional elements recited in the claim beyond the judicial exception(s); and (b)

evaluating those additional elements individually and in combination to determine whether they integrate the exception into a practical application, using one or more of the considerations laid out by the Supreme Court and the Federal Circuit, for example those listed below. While some of the considerations listed below were discussed in prior guidance in the context of Step 2B, evaluating them in revised Step 2A promotes early and efficient resolution of patent eligibility, and increases certainty and reliability. **Examiners should note, however, that revised Step 2A specifically excludes consideration of whether the additional elements represent well-understood, routine, conventional activity**. Instead, analysis of well-understood, routine, conventional activity is done in Step 2B. Accordingly, in revised Step 2A examiners should ensure that they give weight to all additional elements, whether or not they are conventional, when evaluating whether a judicial exception has been integrated into a practical application In the context of revised Step 2A, the following exemplary considerations are indicative that an additional element (or combination of elements) may have integrated the exception into a practical application:

- An additional element reflects an improvement in the functioning of a computer, or an improvement to other technology or technical field;

- an additional element that applies or uses a judicial exception to effect a particular treatment or prophylaxis for a disease or medical condition;

- an additional element implements a judicial exception with, or uses a judicial exception in conjunction with, a particular machine or manufacture that is integral to the claim;

- an additional element effects a transformation or reduction of a particular article to a different state or thing; and

- an additional element applies or uses the judicial exception in some other meaningful way beyond generally linking the use of the judicial exception to a particular technological environment, such that the claim as a whole is more than a drafting effort designed to monopolize the exception.

This is not an exclusive list, and there may be other examples of integrating the exception into a practical application . . . Because revised Step 2A does not evaluate whether an additional element is

> well-understood, routine, conventional activity, **examiners are reminded that a claim that includes conventional elements may still integrate an exception into a practical application, thereby satisfying the subject matter eligibility requirement of Section 101**.

See Fed. Reg. Vol. 84, No. 4 at 54-55 (emphasis added).

The January 2019 Guidance specifically states, "[t]he 2019 Revised Patent Subject Matter Eligibility Guidance is effective on January 7, 2019. The 2019 Revised Patent Subject Matter Eligibility Guidance applies to all applications, and to all patents resulting from applications, filed before, on, or after January 7, 2019." *See* Fed. Reg. Vol. 84, No. 4 at 50. As the instant application was filed before January 7, 2019, the January 2019 Guidance applies to the instant application.

b) Step 2A, Prong 2 -- The Claims Integrate the Alleged Abstract Idea into a Practical Application

As noted above, The January 2019 Guidance identifies several considerations which are indicative that an additional element (or combination of elements) integrate the alleged abstract idea into a practical application, these exemplary considerations include claims wherein:

> an additional element reflects an improvement in the functioning of a computer, or an improvement to other technology or technical field;
>
> an additional element that applies or uses a judicial exception to effect a particular treatment or prophylaxis for a disease or medical condition;
>
> **an additional element implements a judicial exception with, or uses a judicial exception in conjunction with, a particular machine or manufacture that is integral to the claim**;
>
> an additional element effects a transformation or reduction of a particular article to a different state or thing; and
>
> an additional element applies or uses the judicial exception in some other meaningful way beyond generally linking the use of the judicial exception to a particular technological environment, such that the claim as a whole is more than a drafting effort designed to monopolize the exception.

See Fed. Reg. Vol. 84, No. 4 at 54-55 (emphasis added).

Manufacture

A Manufactured, Pre-printed, Random Draw Lottery Ticket

Applicant's independent claim 1 is reproduced below:

> 1. A method for providing **a manufactured, pre-printed, random draw lottery ticket** comprising:
>
> (a) receiving, by a transaction processor, a transaction request from a retailer point of sale (POS) to activate **the manufactured, pre-printed, random draw lottery ticket**, wherein the manufactured, pre-printed, random draw lottery ticket is selected by a customer prior to initiation of a check-out process and is presented by the customer for activation during the check-out process;
>
> (b) providing, via a first secured communication, by a transaction processor or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and
>
> (c) receiving, via a second secured communication, by the transaction processor or retailer, from the lottery administration system, indication that draw information has been associated with **the manufactured, pre-printed, random lottery ticket**.

See claim 1, *supra* (emphasis added).

The instantly claimed "manufactured, pre-printed, random draw lottery ticket" is integral to the claim because the claim is eviscerated without the "manufactured, pre-printed, random draw lottery ticket." The claimed "manufactured, pre-printed, random draw lottery ticket is unquestionably a "manufacture." *See* MPEP § 2106.03 (I) ("As the courts have explained, manufactures are articles that result from the process of manufacturing, i.e., they were produced 'from raw or prepared materials by giving to these materials new forms, qualities, properties, or combinations, whether by hand-labor or by machinery.' *Samsung Electronics Co. v. Apple Inc.*, 580 U.S. __, 137 S. Ct. 429, 435, 120 USPQ2d 1749, 1752-3 (2016) (quoting *Diamond v. Chakrabarty*, 447 U. S. 303, 308, 206 USPQ 193, 196-97 (1980)).").

As such, the Office Action's identified abstract idea, "engaging in lawful wagering," *see* Office Action at 9, is integrated into a practical application via the requirement that the "abstract idea" be performed by "**an additional element implements a judicial exception with**, or uses a judicial exception in conjunction with, **a . . . manufacture that is integral to the claim**." *See* Fed. Reg. Vol. 84, No. 4 at 55 (emphasis added).

Transaction Processor

Applicant's independent claim 1 is reproduced below:

> 1. A method for providing a manufactured, pre-printed, random draw lottery ticket comprising:
>
> (a) **receiving, by a transaction processor**, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed, random draw lottery ticket, wherein the manufactured, pre-printed, random draw lottery ticket is selected by a customer prior to initiation of a check-out process and is presented by the customer for activation during the check-out process;
>
> (b) **providing, via a first secured communication, by a transaction processor** or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and
>
> (c) **receiving, via a second secured communication, by the transaction processor** or retailer, from the lottery administration system, indication that draw information has been associated with the manufactured, pre-printed, random draw lottery ticket.

See claim 1, *supra* (emphasis added).

As can be seen above, independent claim 1 recites a "transaction processor" to effectuate the claim language. *See supra*. As detailed in the Specification:

> **The transaction processor** system 630 may **include a central processing unit (CPU) 604**, memory unit 616 and 1/0 interface(s) 608 for communicating with devices external to the transaction processor system630. Instructions 604 stored in the memory unit 616, when executed by the processing unit 604 provide transaction processing and data exchange functionality 602. The functionality 602 may process transactions and exchange data from a plurality of different retailers to a single lottery system. Instructions 602 may

> include any functionality necessary for the successful exchange of data and the activation or cancellation of the pre-printed ticket.

Application at ¶ [0046] (emphasis added).

The instantly claimed "transaction processor" is integral to the claim because the "manufactured, pre-printed, random draw lottery ticket" cannot be provided without the "transaction processor."

Moreover, as shown above, the transaction processor comprises a "central processing unit (CPU)." *See id.* One of ordinary skill in the art would understand that a "CPU" would comprise a microprocessor. "The component of a computer system that performs the basic operations (such as processing data) of the system, that exchanges data with the systems memory or peripherals, and that manages the systems other components — called also *processor*." *See* Merriam-Webster at https://www.merriam-webster.com/dictionary/cpu.

The MPEP provides, "because a microprocessor is generally understood to be a manufacture, **a product claim to the microprocessor or a system comprising the microprocessor satisfies Step 1** regardless of whether the claim falls within any other statutory category (such as a machine)." *See* MPEP § 2106.03 (emphasis added).

As such, the Office Action's alleged identified abstract idea is integrated in to a practical application via the requirement that the "abstract idea" be performed by "**an additional element [which] implements a judicial exception with**, or uses a judicial exception in conjunction with, **a . . . manufacture that is integral to the claim**." *See* Fed. Reg. Vol. 84, No. 4 at 55 (emphasis added); *see also* MPEP § 2106.03 ("a microprocessor is generally understood to be a manufacture.").

Particular Machine

Transaction Processor

Applicant's independent claim 1 is reproduced below:

> 1. A method for providing a manufactured, pre-printed, random draw lottery ticket comprising:
>
> (a) **receiving, by a transaction processor**, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed, random draw lottery ticket, wherein the manufactured, pre-printed, random draw lottery ticket is selected by a customer prior to initiation of a check-out process and is presented by the customer for activation during the check-out process;
>
> (b) **providing, via a first secured communication, by a transaction processor** or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and
>
> (c) **receiving, via a second secured communication, by the transaction processor** or retailer, from the lottery administration system, indication that draw information has been associated with the manufactured, pre-printed, random draw lottery ticket.

See claim 1, *supra* (emphasis added).

As can be seen, the claims require the claimed method steps be performed by a "transaction processor" to effectuate the claim language. *See id.* As detailed in the Specification:

> **The transaction processor system 630** may include a central processing unit (CPU) 604, memory unit 616 and 1/0 interface(s) 608 for communicating with devices external to the transaction processor system630. **Instructions 604 stored in the memory unit 616, when executed by the processing unit 604 provide transaction processing and data exchange functionality 602**. The functionality 602 may process transactions and exchange data from a plurality of different retailers to a single lottery system. Instructions 602 may include any functionality necessary for the successful exchange of data and the activation or cancellation of the pre-printed ticket.

Application at ¶ [0046] (emphasis added).

As noted by the Supreme Court, "[a] claimed process is surely patent-eligible under § 101 if: (1) it is tied to a particular machine or apparatus . . . ." *See, e.g., In re Bilski,* 545 F.3d 943, 954, (Fed. Cir. 2009). In *In re Alappat* the Federal Circuit held, "programming creates a new machine because a general purpose computer, in effect, becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software." *See*

In re Alappat, 33 F.3d 1526, 1545 (Fed. Cir. 1994). Following the *In re Alappat* precedent, in *Finisar Corp. v. DirecTV Grp., Inc.*, the Federal Circuit held, "a computer programmed to implement an algorithm . . . is not the general purpose computer, but rather the special purpose computer programmed to perform the disclosed algorithm." *See Finisar Corp. v. DirecTV Grp., Inc.*, 523 F.3d 1323, 1340 (Fed. Cir. 2008).

Based on the foregoing, Applicant contends the instant claims' "transaction processor" comprises specifically programmed computer processors performing particular, recited functions, which inarguably amount to the claims being performed by "an additional element [which] implements a judicial exception with, or uses a judicial exception in conjunction with, a particular machine or manufacture that is integral to the claim." *See* Fed. Reg. Vol. 84, No. 4 at 55. *See* Interim Examination Instructions For Evaluating Subject Matter Eligibility Under 35 U.S.C. § 101, Aug. 24, 2009 at 6 ("For computer implemented processes, the 'machine' is often disclosed as a general purpose computer. In these cases, the general purpose computer may be sufficiently 'particular' when programmed to perform the process steps. Such programming creates a new machine because a general purpose computer, in effect, becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software. To qualify as a particular machine under the test, the claim must clearly convey that the computer is programmed to perform the steps of the method because such programming, in effect, creates a special purpose computer limited to the use of the particularly claimed combination of elements (i.e., the programmed instructions) performing the particularly claimed combination of functions.").

As such, the Office Action's identified abstract idea, "engaging in lawful wagering," is integrated into a practical application via the requirement that the "abstract idea" be performed by "**an additional element implements a judicial exception with**, or uses a judicial exception in

conjunction with, **a particular machine** . . . **that is integral to the claim**." *See* Fed. Reg. Vol. 84, No. 4 at 55 (emphasis added).

B. Step 2B of the Subject Matter Eligibility Guidelines

Assuming, *arguendo*, that the instant claims comprise an abstract idea, which Applicant does not concede, the U.S.P.T.O. has published considerations of what constitutes "significantly more" than an alleged abstract idea within the context of patent eligibility:

> i. Improvements to the functioning of a computer, *e.g.,* a modification of conventional Internet hyperlink protocol to dynamically produce a dual-source hybrid webpage, as discussed in *DDR Holdings, LLC v. Hotels.com, L.P.,* 773 F.3d 1245, 1258-59, 113 USPQ2d 1097, 1106-07 (Fed. Cir. 2014) (see **MPEP § 2106.05(a)**);
>
> ii. Improvements to any other technology or technical field, *e.g.,* a modification of conventional rubber-molding processes to utilize a thermocouple inside the mold to constantly monitor the temperature and thus reduce under- and over-curing problems common in the art, as discussed in *Diamond v. Diehr,* 450 U.S. 175, 191-92, 209 USPQ 1, 10 (1981) (see **MPEP § 2106.05(a)**);
>
> iii. Applying the judicial exception with, or by use of, a particular machine, *e.g.,* a Fourdrinier machine (which is understood in the art to have a specific structure comprising a headbox, a paper-making wire, and a series of rolls) that is arranged in a particular way to optimize the speed of the machine while maintaining quality of the formed paper web, as discussed in *Eibel Process Co. v. Minn. & Ont. Paper Co.,* 261 U.S. 45, 64-65 (1923) (see **MPEP § 2106.05(b)**);
>
> iv. Effecting a transformation or reduction of a particular article to a different state or thing, *e.g.,* a process that transforms raw, uncured synthetic rubber into precision-molded synthetic rubber products, as discussed in *Diehr,* 450 U.S. at 184, 209 USPQ at 21 (see **MPEP § 2106.05(c)**);
>
> v. Adding a specific limitation other than what is well-understood, routine, conventional activity in the field, or adding unconventional steps that confine the claim to a particular useful application, *e.g.,* a non-conventional and non-generic arrangement of various computer components for filtering Internet content, as discussed in *BASCOM Global Internet v. AT&T Mobility LLC,* 827 F.3d 1341, 1350-51, 119 USPQ2d 1236, 1243 (Fed. Cir. 2016) (see **MPEP § 2106.05(d)**); or

> vi. Other meaningful limitations beyond generally linking the use of the judicial exception to a particular technological environment, *e.g.*, an immunization step that integrates an abstract idea of data comparison into a specific process of immunizing that lowers the risk that immunized patients will later develop chronic immune-mediated diseases, as discussed in *Classen Immunotherapies Inc. v. Biogen IDEC,* 659 F.3d 1057, 1066-68, 100 USPQ2d 1492, 1499-1502 (Fed. Cir. 2011) (see **MPEP § 2106.05(e)**).

MPEP § 2106.05.A. As can be seen, an "inventive concept" (and thus subject matter eligibility) can be demonstrated by showing any one of the MPEP's enumerated "significantly more" considerations. *See id.*

1. "Adding a Specific Limitation other than What is Well-Understood, Routine and Conventional in the Field"

The Federal Circuit has explained that, "an inventive concept can be found in the non-conventional and non-generic arrangement of known conventional pieces." *See Bascom Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1349 (Fed. Cir. 2016). Thus, as admitted by the Office Action's withdrawal of all prior art rejections, *see supra*, because claims 1-19 and 21 are patentable over the prior art, claims 1-19 and 21 must comprise elements which are not "well-understood, routine, and conventional in the field" and recite "significantly more" than any alleged abstract idea – so as to patent eligible. *See* MPEP § 2106.05(d) (Claims that add a "specific limitation other than what is well-understood, routine and conventional in the field" comprise "significantly more" than an abstract idea and are patent eligible.).

Additionally, the Federal Circuit has stated:

> The question of whether a claim element or combination of elements is well-understood, routine and conventional to a skilled artisan in the relevant field is a question of fact. Any fact . . . pertinent to the invalidity conclusion must be proven by clear and convincing evidence . . . And the Supreme Court recognized that in making the § 101 determination, the inquiry "might sometimes overlap" with other fact-intensive inquiries like [patentability determinations, e.g., novelty and obviousness].

See Berkheimer v. HP Inc., 881 F.3d 1360, 1368 (Fed. Cir. 2018).

Moreover, the Federal Circuit has also opined, that if an applicant's specification does not describe a claimed element as "conventional," and there being no other evidence of conventionality, the claim element is presumed to not be "well understood" or "routine." *See Aatrix Software, Inc. v. Green Shades Software, Inc.*, 882 F.3d 1121, 1128 (Fed. Cir. 2018). Thus, because there is nothing in the Specification describing the instant claim elements as "conventional" and because the prior art fails to disclose all the elements of the instant claims, the instant claims must comprise elements "other than what is well-understood, routine, and conventional in the field" and recite "significantly more" than any alleged abstract idea -- so as to patent eligible. *See, e.g.,* MPEP § 2103 V. (Claims which are novel and non-obvious, i.e., not rejected in view of the prior art, are patentable); and MPEP § 2106.05(d). (Claims that add a "specific limitation other than what is well-understood, routine and conventional in the field" comprise "significantly more" than an abstract idea and are patent eligible.); *see also Bascom Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1349; *Berkheimer v. HP Inc.*, 881 F.3d 1360, 1368 (whether a claim is invalid under Section 101 must be proven by clear and convincing evidence and a determination of patentability is evidence of patent eligibility);[1] and *Aatrix Software, Inc. v. Green Shades Software, Inc.*, 882 F.3d 1121, 1128 (absent evidence to the contrary, claim elements are presumed to be not "well-understood, routine, and conventional in the field").

[1] Applicants appreciate that the Office is not bound by the "clear and convincing" evidentiary standard but submits that it is patently unjust that a claim (e.g., claims 1-18) which would be deemed patent eligible by a court based on the incapability of "clear and convincing" evidentiary burden being met due to the "patentability" of a claim, may never get such an opportunity because of the Office's ignoring of *Diamond v Diehr*, *Bascom*, and *Berkheimer*.

Based on the foregoing, Applicant respectfully submits that claims 1-19 and 21 recite "significantly more" than the alleged abstract idea of "engaging in lawful wagering" and therefore, are patent eligible.

2. The Machine or Transformation Test

Applicant contends that claims which satisfy the "machine or transformation" test comprise patent eligible subject matter. MPEP § 2106.05.A referenced above expressly incorporates the machine or transformation" test into its "considerations for determining whether a claim with additional elements amounts to significantly more than the judicial exception itself." *See* MPEP § 2106.05.A.

a) "Applying the Judicial Exception with, or by Use of, a Particular Machine"

Specifically, MPEP § 2106.05.A provides that "[a]pplying the judicial exception with, or by use of, a particular machine"[2] is a limitation which "qualif[ies] as 'significantly more' when recited in a claim with a judicial exception." *See id.*

> Independent claim 1 is reproduced below:
>
> 1. A method for providing a manufactured, pre-printed, random draw lottery ticket comprising:
>
> (a) **receiving, by a transaction processor**, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed, random draw lottery ticket, wherein the manufactured, pre-printed, random draw lottery ticket is selected by a customer prior to initiation of a check-out process and is presented by the customer for activation during the check-out process;
>
> (b) **providing, via a first secured communication, by a transaction processor** or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and

[2] *Bilski v Kappos,* 130 S. Ct. 3218, 3227 (2010) (''The Court's precedents establish that the machine-or-transformation test is a useful and important clue, an investigative tool, for determining whether some claimed inventions are processes under § 101.'').

> (c) **receiving, via a second secured communication, by the transaction processor** or retailer, from the lottery administration system, indication that draw information has been associated with the manufactured, pre-printed, random draw lottery ticket.

See claim 1, *supra* (emphasis added).

As can be seen, the claims require the claimed method steps be performed by a "transaction processor" to effectuate the claim language. *See id.* As detailed in the Specification:

> The transaction processor system 630 may include a central processing unit (CPU) 604, memory unit 616 and 1/0 interface(s) 608 for communicating with devices external to the transaction processor system630. **Instructions 604 stored in the memory unit 616, when executed by the processing unit 604 provide transaction processing and data exchange functionality 602**. The functionality 602 may process transactions and exchange data from a plurality of different retailers to a single lottery system. Instructions 602 may include any functionality necessary for the successful exchange of data and the activation or cancellation of the pre-printed ticket.

Application at ¶ [0046] (emphasis added).

Based on the foregoing, Applicant contends the instant claims' "transaction processor" results in the instant claims' methods comprising specifically programmed computer processors performing particular, recited functions, even if directed to an abstract idea, is patent-eligible subject matter. As noted by the Supreme Court, "[a] claimed process is surely patent-eligible under § 101 if: (1) it is tied to a particular machine or apparatus . . . ." *See, e.g., In re Bilski,* 545 F.3d 943, 954, (Fed. Cir. 2009); *Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709, 716 (Fed. Cir. 2014) ("[t]he machine-or-transformation test . . . can provide a "useful clue" in the second step of the *Alice* framework . . . ."); *Bancorp Servs., L.L.C. v. Sun Life Assurance Co. of Can.*, 687 F.3d 1266, 1278 (Fed. Cir. 2012) (holding that the machine-or-transformation test remains an important clue in determining whether inventions are processes under § 101); *see also In re Alappat*, 33 F.3d 1526, 1545 (Fed. Cir. 1994) ("[P]rogramming creates a new machine because a general purpose computer, in effect, becomes a special purpose computer once it is programmed to perform particular functions

pursuant to instructions from program software."); *Finisar Corp. v. DirecTV Grp., Inc.*, 523 F.3d 1323, 1340 (Fed. Cir. 2008) ("[A] computer programmed to implement an algorithm . . . is not the general purpose computer, but rather the special purpose computer programmed to perform the disclosed algorithm."); *Typhoon Touch Techs., Inc. v. Dell, Inc.*, 659 F.3d 1376, 1385 (Fed. Cir. 2011) ("[T]he term 'algorithm' as a term of art in its broad sense, i.e., to identify a step-by-step procedure for accomplishing a given result . . . ."); and MPEP § 2106.05.A ("apply[] the judicial exception with, or by the use of, a particular machine.").

Thus, Applicant contends the instant claims' devices comprising specifically programmed computer processors performing particular, recited functions, inarguably amount to "significantly more" than the alleged abstract idea of "engaging in lawful wagering" (or any other identified abstract idea), *see* MPEP § 2106.05.A, because under the Federal Circuit's decisions in *In re Bilski*, *In re Alappat*, *Finisar Corp.*, and *Typhoon Touch Techs., Inc.*, the instantly claimed methods and devices comprising specifically programmed computer processors performing particular, recited functions require that any implicated abstract idea is "tied to" or "applied by" "special purpose computers performing particular functions," *see In re Alappat*, 33 F.3d at 1545, i.e., "particular machines." *See, e.g., In re Bilski*, 545 F.3d at 954; MPEP § 2106.05.A; and Interim Examination Instructions For Evaluating Subject matter Eligibility Under 35 U.S.C. § 101, Aug. 24, 2009 at 6 ("For computer implemented processes, the 'machine' is often disclosed as a general purpose computer. In these cases, the general purpose computer may be sufficiently 'particular' when programmed to perform the process steps. Such programming creates a new machine because a general purpose computer, in effect, becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software. To qualify as a particular machine under the test, the claim must clearly convey that the computer is programmed to perform the steps of the method because such programming, in effect, creates a special

purpose computer limited to the use of the particularly claimed combination of elements (i.e., the programmed instructions) performing the particularly claimed combination of functions.").

Accordingly, the recitation in claims 1-19 and 21 of a "particular machine/special purpose computer" provides the "inventive concept" discussed by the Supreme Court in *Alice*, because the claims recite particular machines/special purpose computers which perform particular functions (e.g., facilitating and managing consumer accounts with associated providers and physical gift cards). *See Alice*, 134 S. Ct. at 2355 ("We have described step two of this analysis as a search for an 'inventive concept' -- i.e., an element or combination of elements that is "sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the [ineligible concept] itself.").

3. "Improvements to Another Technology or Technical Field"

The Federal Circuit has opined, **"inventions with specific applications or improvements to technologies in the marketplace** are not likely to be so abstract that they override the statutory language and framework of the Patent Act." *See Bascom Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1350 (citing *Research Corp. Techs. v. Microsoft Corp.*, 627 F.3d 859, 869 (Fed. Cir. 2010).

Accordingly, the Specification details:

> **Tickets for draw based lotteries are typically printed at the time of purchase on special ticket paper by a printing device approved by the lottery administering body**. The ticket will typically have the draw details such as the date, the numbers that have been selected by the customer or generated on behalf of the customer and a control number that uniquely identifies that ticket. Special ticket paper typically meets critical longevity and stress requirements to ensure the ticket will not deteriorate within a certain period of time and that the control number and selected numbers remain legible. **Typically, the printing device is attached to a single lottery terminal operated by the lottery organization. Although the model of a**

single terminal and printer is effective for single checkout lane environments such as convenience stores and gas stations, it is not ideal for multi-lane environments such as grocery stores, discount and big box retailers. Here, the majority of customers complete their shopping and pay through any one of many checkout lanes. A second stop and purchase is required at the lottery terminal location in order to purchase the lottery draw ticket. **This is extremely inconvenient for most customers who simply bypass the lottery counter**. **Installing an approved printer or any other piece of specialized hardware at every point of payment within a retail environment is cost prohibitive and not an effective use of capital as not all points of payment are open at all times. This is one of the barriers to lottery organizations expanding their sales within multi-lane retail environments**. Other barriers to installing specialized hardware in lane include the lack of available space and the added responsibility and training for the cashier who must operate the hardware. **Using the retailers POS to print the ticket on standard receipt paper is ineffective** since receipt paper is typically of the lowest quality and the ticket can deteriorate prematurely if left if sunlight or comes in contact with water. **It would be desirable to enable customers to include a lottery draw ticket in their basket along with other goods and pay for that basket at any point of payment in a retail location**. **The inclusion of such a lottery draw ticket should not require any additional hardware in lane and should be fully serviced by the existing point of sale equipment. Itis also desirable to merchandise draw based tickets in such a way that the customer experience is enhanced with the purchase convenience while increasing product awareness and impulse lottery purchases**. Currently, online lottery products are produced by a lottery terminal or similar hardware. When an online lottery ticket, such as a ticket to a draw taking place at a later time, is purchased, a ticket is generated and printed by the lottery terminal and printer. **A system is described further herein that provides the ability to include online lottery tickets that can be placed in a customer's shopping cart and paid for during the normal checkout process without the use of specialized hardware such as lottery terminals, ticket printers or customized devices at the point of purchase for the purpose of producing the lottery ticke**t. Since no specialized hardware is required, it is possible to pay for the online lottery tickets at any point of purchase. For example, at a grocery store, the online lottery tickets may be purchased at each check-out lane without requiring lottery terminals or hardware at each lane and as such, **the incorporation of the purchasing at multiple lanes may be cost effective. In addition to the ability to purchase online lottery tickets at a point of sale without additional specialized lottery hardware, the systems and methods allow the online lottery ticket to be displayed and purchased as a common**

in-store product making the purchase of an online ticket common practice for the customer and the retailer.

See Application at ¶¶ [0004]-[0019] (emphasis added). As can be seen from the above-recited portion of the Specification, the instant claims are directed to a specific improvement to technologies in the marketplace, e.g., addressing business challenges of meeting customers' growing demands for random draw based lottery tickets while simultaneously allowing lottery ticket retailers to configure their legacy technologies and systems to sell random draw based lottery tickets at any point of sale register. *See id.* Such technological improvements are patent eligible. *See Bascom Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1350 ("[I]nventions with specific applications or improvements to technologies in the marketplace are not likely to be so abstract that they override the statutory language and framework of the Patent Act."); *see also Zak v. Facebook*, Civ. No. 15-13437 at 20-22 (ED Mich. Sept. 12, 2016) ("[I]n the present case, the claim does not merely permit a known business practice to be performed on the Internet. Instead, **the claim here specifies how a solution will be implemented that addresses a business challenge** particular to the Internet, **namely allowing ordinary users to maintain dynamic websites by managing the content of websites and controlling users' interactions with web pages** . . . the claim contains enough inventive elements to be aimed at **more than a patent on the abstract idea itself**.") (emphasis added).

Based on the foregoing, the evidence of record weighs against a finding of patent ineligibility at least because Applicant's claims recite "significantly more" than the alleged abstract idea. *See* MPEP § 2106.05.A. Based on the foregoing, withdrawal of the rejection of claims 1-19 and 21 under 35 U.S.C. Section 101 is respectfully requested.

CONCLUSION

Consideration of the foregoing remarks, reconsideration of the application, and withdrawal of the rejections are respectfully requested by Applicant. No new matter is introduced by way of amendment. It is believed that each ground of rejection raised in the Office Action dated November 19, 2021 has been fully addressed. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account Number 100435 of Barnes & Thornburg LLP. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,
BARNES & THORNBURG LLP

Date: February 18, 2022

/Jerry C. Harris, Jr./
Jerry C. Harris, Jr.
Reg. No. 66,822

ATTORNEY FOR APPLICANT

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Electronic Acknowledgement Receipt

EFS ID:	45031069
Application Number:	16280629
International Application Number:	
Confirmation Number:	5484
Title of Invention:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS
First Named Inventor/Applicant Name:	Gino Giunti
Customer Number:	15608
Filer:	Jerry Harris/Michelle Horvath
Filer Authorized By:	Jerry Harris
Attorney Docket Number:	84971-326801
Receipt Date:	18-FEB-2022
Filing Date:	20-FEB-2019
Time Stamp:	10:21:03
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		16280629_ResponseNonFinal.pdf	295777 da602a0524d9afa89f3c9c299e29de13d6262f39	yes	27

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment/Request for Reconsideration-After Non-Final Rejection	1	1
	Claims	2	5
	Applicant Arguments/Remarks Made in an Amendment	6	27
Warnings:			
Information:			
	Total Files Size (in bytes):	295777	

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

PTO/SB/06 (09-11)
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 16/280,629	Filing Date 02/20/2019	☐ To be Mailed

ENTITY: ☑ LARGE ☐ SMALL ☐ MICRO

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA		RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A		N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A		N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A		N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*		x $100 =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*		x $460 =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).				
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))					
* If the difference in column 1 is less than zero, enter "0" in column 2.				TOTAL	

APPLICATION AS AMENDED - PART II

		(Column 1)		(Column 2)	(Column 3)			
AMENDMENT	02/18/2022	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 21	Minus	** 21	= 0		x $100 =	0
	Independent (37 CFR 1.16(h))	* 2	Minus	*** 3	= 0		x $480 =	0
	☐ Application Size Fee (37 CFR 1.16(s))							
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							
							TOTAL ADD'L FEE	0

		(Column 1)		(Column 2)	(Column 3)			
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	*	Minus	**	=		x $0 =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=		x $0 =	
	☐ Application Size Fee (37 CFR 1.16(s))							
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							
							TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.	LIE
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".	/SHARAIN E MORELAND/
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".	
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.	

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/280,629	02/20/2019	Gino Giunti	84971-326801	5484

15608 7590 11/19/2021

Barnes & Thornburg LLP (Blackhawk)
11 S. Meridian Street
Indianapolis, IN 46204

EXAMINER	
PANDYA, SUNIT	

ART UNIT	PAPER NUMBER
3649	

NOTIFICATION DATE	DELIVERY MODE
11/19/2021	ELECTRONIC

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

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

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

INDocket@btlaw.com
jerry.harris@btlaw.com
michelle.horvath@btlaw.com

Office Action Summary	Application No. 16/280,629	Applicant(s) Giunti, Gino	
	Examiner SUNIT PANDYA	Art Unit 3649	AIA (FITF) Status Yes

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

1)☑ Responsive to communication(s) filed on 10/4/21.

☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2a)☐ This action is **FINAL.** 2b) ☑ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

5) ☑ Claim(s) 1-19 and 21 is/are pending in the application.

5a) Of the above claim(s) 20 is/are withdrawn from consideration.

6) ☐ Claim(s) _____ is/are allowed.

7) ☑ Claim(s) 1-19 and 21 is/are rejected.

8) ☐ Claim(s) _____ is/are objected to.

9) ☐ Claim(s) _____ are subject to restriction and/or election requirement

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to **PPHfeedback@uspto.gov.**

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

1) ☑ Notice of References Cited (PTO-892)

2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) Paper No(s)/Mail Date _____.

3) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

4) ☐ Other: _____.

DETAILED ACTION

Notice of Pre-AIA or AIA Status

The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/4/21 has been entered. Furthermore, the examiner acknowledges that claim 1 has been amended, no additional claims have been added, no claims have been canceled, and claim 20 remains withdrawn. Consequently, claims 1-19 & 21 are currently pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112(a):

> (a) IN GENERAL.—The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor or joint inventor of carrying out the invention.

The following is a quotation of the first paragraph of pre-AIA 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly

connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-19 & 21 are rejected under 35 U.S.C. 112(a) or 35 U.S.C. 112 (pre-AIA), first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor or a joint inventor, or for applications subject to pre-AIA 35 U.S.C. 112, the inventor(s), at the time the application was filed, had possession of the claimed invention. New limitation to claim 1 which states "wherein the manufactured, pre-printed, random draw lottery ticket is selected by a customer prior to initiation of a check-out process and is presetn3ed by the customer for activation during the check-out process;" however, the limitation is not supported by the specification.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*,

686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on nonstatutory double patenting provided the reference application or patent either is shown to be commonly owned with the examined application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. See MPEP § 717.02 for applications subject to examination under the first inventor to file provisions of the AIA as explained in MPEP § 2159. See MPEP §§ 706.02(l)(1) - 706.02(l)(3) for applications not subject to examination under the first inventor to file provisions of the AIA. A terminal disclaimer must be signed in compliance with 37 CFR 1.321(b).

The USPTO Internet website contains terminal disclaimer forms which may be used. Please visit www.uspto.gov/patent/patents-forms. The filing date of the application in which the form is filed determines what form (e.g., PTO/SB/25, PTO/SB/26, PTO/AIA/25, or PTO/AIA/26) should be used. A web-based eTerminal Disclaimer may be filled out completely online using web-screens. An eTerminal Disclaimer that meets all requirements is auto-processed and approved immediately upon submission. For more information about eTerminal Disclaimers, refer to www.uspto.gov/patents/process/file/efs/guidance/eTD-info-I.jsp.

Claims 1-19 & 21 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 9,865,135. Although the claims at issue are not identical, they are not patentably distinct from each other because the

current application substantially claims the same limitations as the patent, except for one missing limitation. The current application fails to claim "scanning at a point of sale terminal a pre-printed lottery ticket". It would have been obvious for one with ordinary skill in the art, at the time of applicant's invention to have included a scanner to scan the information related to the pre-printed lottery ticket, thus streamlining the upload system to the lottery administrator.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The claimed invention is directed to a judicial exception (i.e., a law of nature, a natural phenomenon, or an abstract idea) without significantly more.

Subject matter eligibility determinations under 35 U.S.C. § 101 follow the procedure explained in the Federal Register notice titled **2014 Interim Guidance on Patent Subject Matter Eligibility** (79 FR 74618), which is found at: http://www.gpo.gov/fdsys/pkg/FR-2014-12-16/pdf/2014-29414.pdf.

Based upon consideration of all the relevant factors with respect to the claims as a whole, claims 1-19 & 21 are rejected under 35 U.S.C. 101 as being directed to ineligible subject matter.

Although the claim(s) are drawn to at least one of the four statutory categories of invention (i.e. process, machine, manufacture, or composition satisfying Step I of an eligibility analysis), which would normally be considered within an appropriate statutory category, as has been noted in the recent Supreme Court decisions *Bilski v. Kappos*,

130 S. Ct. 3218, 3227 (2010), *Alice Corp. Pty. Ltd. v. CLS Bank International, 134 S.Ct. 2347(2014)), (*Case No. 13-298 (Supr. Ct., June 19, 2014), and the Court of Appeals for the Federal Circuit in *CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366 (Fed. Cir. 2011), *Bancorp Services, L. L. C v Sun Life Assur. Co. of Canada (U.S.)*, -- F.3d ---, 2012, (Fed. Circ. 2012), one must then look beyond whether the claim falls within a statutory category and determine whether or not the claim is an attempt to patent ineligible subject matter which the courts have proclaimed judicially excepted, specifically, laws of nature, physical phenomena, and abstract ideas (constituting Steps 2A and 2B of the eligibility analysis). The Supreme Court noted that said decisions are instructive on how to investigate issues of subject matter eligibility and that the question underlying such an investigation is whether or not the claim is an attempt to claim subject matter which has been judicially excepted.

The 2014 Interim Guidance outlines Steps 2A and 2B equivalent to Parts I and II of the Mayo test) which must be undertaken as they pertain to the concept of abstract ideas.

Step 2A - A determination of whether the claim(s) is/are directed to a law of nature, a natural phenomenon, or an abstract idea must be performed. Examples of abstract ideas include:

a. Fundamental economic practices;

b. Certain methods of organizing human activities;

c. An idea “of itself”; and

d. Mathematical relationships/formulas.

Types of concepts the courts have found to be abstract ideas include: mitigating settlement risk; hedging; creating a contractual relationship; using advertising as an exchange or currency; processing information through a clearinghouse; comparing new and stored information and using rules to identify options; using categories to organize, store, and transmit information; organizing information through mathematical correlations; managing a game of bingo; the Arrhenius equation for calculating the cure time of rubber, a formula for updating alarm limits, a mathematical formula relating to standing wave phenomena, and a mathematical procedure for converting one form of numerical representation to another.

Step 2B - A determination of whether the claim(s) amounts to significantly more than the abstract idea itself.

Non-limiting or non-exclusive examples of limitations which qualify as "significantly more" include:

e. Improvements in another technology or technical field;

f. Improvements in the functioning of the computer itself;

g. Applying the judicial exception with, or by use of, a particular machine;

h. Effecting a transformation or reduction of a particular article to a different state or thing;

i. Adding a specific limitation other than what is well-understood, routine and conventional in the field, or adding unconventional steps that confine the claim to a particular useful application;

j. Other meaningful limitations beyond generally linking the use of an abstract idea to a particular technological environment.

Non-limiting or non-exclusive examples of limitations which fail to qualify as "significantly more" include:

k. Adding the words "apply it" (or equivalent) with an abstract idea, or mere instructions to implement an abstract idea on a computer;

l. Simply appending well-understood, routine and conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception, e.g., a claim to an abstract idea requiring no more than a generic computer to perform generic computer functions that are well-understood, routine, and conventional activities previously known in the art;

m. Adding insignificant extrasolution activity to the judicial exception, e.g., mere data gathering in conjunction with a law of nature or abstract idea;

n. Generally linking the use of the judicial exception to a particular technological environment or field of use.

A patent may be obtained for "any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof." 35 U.S.C. § 101. The Supreme Court has "long held that this provision contains an important implicit exception[:] Laws of nature, natural phenomena, and abstract ideas are not patentable." Ass'n for Molecular Pathology v. Myriad Genetics, Inc., 133 S. Ct. 2107, 2116 (2013) (quoting Mayo Collaborative Servs. v. Prometheus Labs., Inc., 132 S. Ct. 1289, 1293 (2012)). Under the now familiar two-part test described by the Supreme Court in Alice, "[w]e must first determine whether the claims at issue are directed to a patent-ineligible concept," such as an abstract idea. Alice Corp. Pty. Ltd. v.

CLS Bank Int'l, 134 S. Ct. 2347, 2355 (2014). If so, we must then "consider the elements of each claim both individually and 'as an ordered combination' to determine whether the additional elements 'transform the nature of the claim' into a patent-eligible application." Id. (quoting Mayo, 132 S. Ct. at 1298, 1297).

In the instant application, the claims, when analyzed as a whole, are held to be non-statutory because they are considered to be drawn to an abstract idea without any limitations which qualify as "significantly more" than the abstract idea itself.

Under Step 2A, and based on Supreme Court decision for similar subject matter {*OIP Techs., Inc. v. Amazon.com, Inc., 788 F.3d 1359, 1362 (Fed. Cir. 2015)*}, the current application has been rejected as the claims are directed to the abstract idea of lottery game over a computing network. See United States Court of Appeals for the Federal Circuit decision *TLI Communications LLC v. A. V Automotive, LLC.*

In the instant application, the claims, when analyzed as a whole, are held to be non-statutory because they are considered to be drawn to an abstract idea (i.e., Certain methods of organizing human activities, engaging in lawful wagering) without any limitation(s) which qualify as "significantly more" than the abstract idea itself, but which are merely implemented/applied on a computer.

Under Step 2A, the claims are directed towards statutory categories of invention. The claimed invention relates to remote lottery game. The claims are directed towards implementing a lottery game implemented over a network. Remote users are permitted to purchase lottery tickets and determine, remotely if said ticket is a winning ticket, after a drawing. All independent claims recite this principle.

Additionally, this concept is considered a method of organizing human activity by providing a network based game, based on the information provided by a user. Organizing human activity is used to describe concepts relating to interpersonal and intrapersonal activities, such as managing transactions between people and sales activities (i.e. web based POS and verification related to sale, and in this case lottery sales), advertising, marketing, pricing, resource management, and sales activities or behaviors (see July 2015 Update: Section III (B)). Several precedential cases have found concepts relating to advertising, marketing, pricing, and sales activities or behaviors abstract. One such example is the use of advertising as an exchange or currency (Ultramercial v. Hulu 772 F.3d 709, 112 U.S.P.Q.2d 1750 (Fed. Cir. 2014)). Additional precedential courts have found abstract examples of organizing human activity to include structuring a sales force or marketing company (in re Ferguson 558 F.3d 1359, 90 U.S.P.Q.2d 1035 (Fed. Cir. 2009)), automatic optimization of pricing in an ecommerce environment or pricing products in organization groups (OIP Technologies, Inc. v. Amazon.com, Inc. 788 F.3d 1359 (Fed. Cir. 2015) and Versata Development Group v. SAP America, Inc. 793 F.3d. 1306 (Fed. Cir. 2015)) and managing tasks and sales force activities and resources (Accenture Global Services, GmbH v. Guidewire Software 728 F.3d 1336 (Fed. Cir. 2013)).

Finally, the concept of identifying and transmitting lottery information to a user further represents 'an idea itself' (see July 2015 Update: Section III (C)) inasmuch as it is related to processes of identifying, comparing, processing, and presenting data. Several precedential cases have found concepts relating to processes of identifying, comparing, processing, and presenting data to be mere ideas in themselves. One

example includes selecting/identifying displayed data, manipulating the data through encoding and decoding processes, and generating new outputs/displays (Recognicorp, LLC, v. Nintendo Co., Ltd., Nintendo of America, Inc., No. 2:12-cv-01873-RAJ (2017)). The courts have addressed other computerized processes for of identifying, comparing, processing, and presenting data including data collecting and comparing known information (Classen Immunotherapies Inc. v. Biogen IDEC 659 F.3d 1057(Fed. Cir. 2011)), collecting information, analyzing it, and displaying certain results of the collection and analysis (Electric Power Group, LLC v. Alstom 830 F.3d 1350, 119 U.S.P.Q.2d 1739 (Fed. Cir. 2016))] extracting, organizing, storing and transmitting data (Content Extraction and Transmission LLC v. Wells Fargo Bank, National Ass'n. 776 F.3d 1343 (Fed. Cir. 2014)) and obtaining and comparing intangible data (Cybersource Corp v. Retail Decisions, Inc. 654 F.3d 1366, 99 U.S.P.Q.2d 1690 (Fed. Cir. 2011)) (see July 2015 Update: Section III (C)).

The Examiner deems that the claimed invention therefore is directed to the abstract idea of "engaging in lawful wagering". Further, the breadth of the claim when viewed as a whole clearly seeks to "tie up" the abstract idea.

Therefore, while it is understood that the claims in the current application are not verbatim recitations of the guidelines or case law, the detailed analysis provided above shows how the current claim limitations at issue closely parallel the concepts provided by the guidelines and the precedential case law, and are therefore considered to be directed to an abstract idea (Step 2A: YES).

Under Step 2B, the examiner acknowledges the additional limitations. These limitations however are used for data gathering and presentation and as such merely

represents insignificant pre and post solution activity. Even assuming arguendo that the claims are not insignificant pre and post solution activities or mental activities, each of the functions performed by the machinery are well-understood, routine, and conventional (i.e., receiving and processing data, and receiving or transmitting data over a network, e.g., using the Internet to gather data (see July 2015 Update: Section IV)).

Thus, under Step 2B, the Examiner concludes that there are no meaningful limitations in the claim that transform the judicial exception into a patent eligible application such that the claim amounts to significantly more than the judicial exception itself (Step 2B: NO). Thus, the independent claims are rejected as directed to a judicial exception, and it is, therefore, ineligible to be patented under 35 USC § 101 in view of the test.

Response to Arguments

Applicant's arguments, filed 10/4/21, with respect to 35 USC 103 rejection have been fully considered and are persuasive. The 35 USC 103 rejection has been withdrawn.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUNIT PANDYA whose telephone number is (571)272-2823. The examiner can normally be reached M-F 9:30-6:30PM.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an

interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at http://www.uspto.gov/interviewpractice.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darnell Jayne can be reached on 571-272-7723. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of published or unpublished applications may be obtained from Patent Center. Unpublished application information in Patent Center is available to registered users. To file and manage patent submissions in Patent Center, visit: https://patentcenter.uspto.gov. Visit https://www.uspto.gov/patents/apply/patent-center for more information about Patent Center and https://www.uspto.gov/patents/docx for information about filing in DOCX format. For additional questions, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SUNIT PANDYA/
Primary Examiner, Art Unit 3649

Notice of References Cited	Application/Control No. 16/280,629	Applicant(s)/Patent Under Reexamination Giunti, Gino	
	Examiner SUNIT PANDYA	Art Unit 3649	Page 1 of 1

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*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-8219497-B2	07-2012	Crucs; Kevin M.	G06Q20/0855	705/78
*	B	US-8784180-B2	07-2014	Stanek; Edward J.	G07F17/3232	463/17
*	C	US-20090227320-A1	09-2009	McBride; Scott Melvin	A63F3/065	463/17
*	D	US-20100093421-A1	04-2010	Nyman; Timothy B.	G06Q20/108	463/17
*	E	US-8408986-B2	04-2013	Irwin, Jr.; Kenneth Earl	G06Q20/3224	463/17
*	F	US-5935000-A	08-1999	Sanchez, III; Cayetano	G07F17/32	463/17
*	G	US-6322446-B1	11-2001	Yacenda; Michael W.	G07F17/32	463/16
*	H	US-20020119817-A1	08-2002	Behm, William F.	G07F17/42	463/17
*	I	US-9251663-B1	02-2016	Sandvick; Frederick	G07F17/3258	1/1
*	J	US-20050233797-A1	10-2005	Gilmore, Mark	G07F17/42	463/17
	K					
	L					
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	O					
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	S					
	T					

NON-PATENT DOCUMENTS

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

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

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	16/280,629	Giunti, Gino
	Examiner	Art Unit
	SUNIT PANDYA	3649

CPC - Searched*		
Symbol	Date	Examiner
A63F	01/13/2021	SP
G07F	01/13/2021	SP

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	Date	Examiner
Conducted text searches in EAST, see attached notes	08/22/2019	SP
Prior searches updated, see attachment	01/28/2020	SP
Updated prior searches in EAST, see search attachment	06/05/2020	SP
UPdated previous searches in EAST, see search notes	01/13/2021	SP
Previous searches updated in EAST, see attached notes	06/29/2021	SP
Prior searches updated, see search notes attached	11/15/2021	SP

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	16/280,629	Giunti, Gino
	Examiner	Art Unit
	SUNIT PANDYA	3649

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner

PE2E SEARCH - Search History (Prior Art)

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L37	228	L36 AND ((G07F17/34 OR G07F17/3244 OR G07F17/3213 OR G07F17/3258 OR G07F17/3267 OR G07F17/329 OR G07F17/326 OR G07F17/3225 OR G07F17/3248 OR G07F17/3255 OR G07F17/3211 OR G07F17/3246 OR G07F17/3276 OR G07F17/3209 OR G07F17/323 OR G07F17/3239 OR G07F17/3262 OR G07F17/3288 OR G07F17/32 OR G07F17/3293 OR G07F17/3227 OR G07F17/3251 OR G07F17/3269 OR G07F17/3204 OR G07F17/3223 OR G07F17/3218 OR G07F17/3237 OR	(US-PGPUB; USPAT)	OR	ON	ON	2017/09/17 11:32 PM

		G07F17/3272 OR G07F17/3295 OR G07F17/3241 OR G07F17/42 OR G07F17/3253 OR G07F17/3265 OR G07F17/3274 OR G07F17/3281 OR G07F17/3283).CPC.)					
L38	44	L36 AND ((G06Q50/34 OR G06Q30/02 OR G06Q30/0209 OR G06Q30/0212 OR G06Q30/0213 OR G06Q30/0222 OR G06Q30/0225 OR G06Q30/0226 OR G06Q30/0234 OR G06Q30/0236 OR G06Q30/0238 OR G06Q30/0239 OR G06Q10/02 OR G06Q20/108 OR G06Q20/3224 OR G06Q30/0605 OR G06Q20/045 OR G06Q10/06 OR G06Q20/00 OR G06Q20/065 OR G06Q10/0635 OR G06Q20/0453 OR G06Q20/123 OR G06Q20/202 OR G06Q20/209 OR G06Q20/325 OR G06Q20/36 OR G06Q20/387 OR G06Q30/0229 OR G06Q30/0267 OR G06Q30/0273 OR G06Q30/06 OR G06Q30/0601 OR G06Q30/0641 OR G06Q50/01).CPC.)	(US-PGPUB; USPAT)	OR	ON	ON	2017/09/17 11:34 PM
L39	32	L36 AND ((A63F13/00 OR A63F3/0645 OR A63F2250/64 OR A63F3/0605 OR A63F13/30 OR A63F3/065 OR A63F13/12 OR A63F13/45 OR A63F13/77 OR A63F2003/086 OR A63F3/06 OR A63F3/08 OR A63F3/081 OR A63F9/10 OR	(US-PGPUB; USPAT)	OR	ON	ON	2017/09/17 11:35 PM

		A63F9/24).CPC.)					
L44	216	(pre adj print$3) with lottery with ticket	(US-PGPUB; USPAT)	OR	OFF	OFF	2019/04/01 04:37 PM
L45	303	(pre adj print$3) with lottery with ticket	(US-PGPUB; USPAT)	OR	ON	ON	2019/04/01 04:37 PM
L46	15	((pre adj print$3) with lottery with ticket) with POS	(US-PGPUB; USPAT)	OR	ON	ON	2019/04/01 04:40 PM
L47	17	(lottery with ticket) with (pre adj print$3) with (identif$7 with (number$4 or informat$4))	(US-PGPUB; USPAT)	OR	OFF	OFF	2019/08/21 02:19 PM
L48	19	(lottery with ticket) with (pre adj print$3) with (identif$7 with (number$4 or informat$4))	(US-PGPUB; USPAT)	OR	ON	ON	2019/08/21 02:56 PM
L49	46	("4815741" | "5007641" | "5216595" | "5239165" | "5451052" | "5560610" | "5588649" | "5772511" | "5871398" | "5897625" | "6119099" | "6267670").PN. OR ("6899621").URPN.	(US-PGPUB; USPAT; USOCR)	OR	OFF	OFF	2019/08/21 04:04 PM
L50	8	((lottery with ticket) with (pre adj print$3)) and L49	(US-PGPUB; USPAT)	OR	ON	ON	2019/08/21 04:36 PM
L51	22	("20030045340" | "20050059465" | "20060160602" | "20060258433" | "20120122536" | "20130005431" | "4087092" | "5282620" | "5772510" | "5935000" | "6210276" | "7204756" | "7381132" | "7416483" | "7563164" | "7627497" | "7665394" | "7914371" | "8216045" | "8398484" | "8672325").PN. OR ("9443397").URPN.	(US-PGPUB; USPAT; USOCR)	OR	OFF	OFF	2019/08/21 04:39 PM
L52	22	("20030045340" | "20050059465" | "20060160602" | "20060258433" | "20120122536" | "20130005431" | "4087092" | "5282620" | "5772510" | "5935000" | "6210276" | "7204756" | "7381132" | "7416483" | "7563164" | "7627497" |	(US-PGPUB; USPAT; USOCR)	OR	OFF	OFF	2019/08/21 04:42 PM

		"7665394" | "7914371" | "8216045" | "8398484" | "8672325").PN. OR ("9443397").URPN.					
L53	7	((lottery with ticket) with (pre adj print$3)) and L52	(US-PGPUB; USPAT)	OR	ON	ON	2019/08/21 04:42 PM
L54	218	"6,241,606"	(US-PGPUB; USPAT)	OR	ON	ON	2019/08/21 04:44 PM
L55	2	"15833566"	(US-PGPUB; USPAT)	OR	OFF	OFF	2019/08/27 06:19 PM
L56	862	human with body with organ with function$4	(US-PGPUB; USPAT)	OR	OFF	OFF	2019/08/28 12:32 PM
L57	1780	human with body with organ with function$4	(US-PGPUB; USPAT)	OR	ON	ON	2019/08/28 12:32 PM
L58	16	human with body with organ with function$4 with observ$4	(US-PGPUB; USPAT)	OR	ON	ON	2019/08/28 12:33 PM
L59	319	human with body with organ with function$4	(USPAT)	OR	OFF	OFF	2019/08/28 12:34 PM
L60	665	human with body with organ with function$4	(USPAT)	OR	ON	ON	2019/08/28 12:34 PM
L61	1	human with body with organ with function$4 with visual	(USPAT)	OR	ON	ON	2019/08/28 12:35 PM
L62	14	human with body with organ with function$4 with (view$4 or visual)	(US-PGPUB; USPAT)	OR	ON	ON	2019/08/28 12:35 PM
L63	2	("2008/0233549").URPN.	(USPAT)	OR	OFF	OFF	2019/08/28 12:37 PM
L64	50	("20020119433" | "20020173778" | "20020198516" | "20030197716" | "20040059321" | "20040088650" | "20040213437" | "20040215719" | "20060004745" | "20060036619" | "20070196007" | "20080001968" | "20080091780" | "20080233549" | "20090024365" | "20090089154" | "20090287331" | "20100100364" | "20100131283" | "20100131293" | "20100131874" | "20100138231" | "20100153234" | "20100254382" |	(US-PGPUB; USPAT; USOCR)	OR	OFF	OFF	2019/08/28 12:37 PM

		"20110004110" | "20110025883" | "20110026836" | "20110026839" | "20110029553" | "20110029562" | "20110029635" | "20110029914" | "20110157226" | "20110157227" | "20110157228" | "20110285748" | "20110313934" | "20120173969" | "20120284642" | "20120284644" | "20120284645" | "20120284646" | "5098426" | "6888546" | "6983420" | "7000179" | "7783096" | "7804982" | "8316237").PN. OR ("9164666").URPN.					
L65	7	("20090227320"|"20100093421"|"5935000"|"6322446"|"8219497"|"8408986"|"8784180").PN.	(US-PGPUB; USPAT)	OR	OFF	OFF	2019/08/28 03:01 PM
L66	1	"14679028"	(USPAT)	OR	OFF	OFF	2019/08/28 05:01 PM
L67	0	"16280629"	(USPAT)	OR	OFF	OFF	2020/06/04 05:56 PM
L68	2	"16280629"	(US-PGPUB; USPAT)	OR	OFF	OFF	2020/06/04 05:56 PM
L69	27	("20030045340" | "20050059465" | "20060160602" | "20060258433" | "20120122536" | "20130005431" | "4087092" | "5282620" | "5709603" | "5772510" | "5935000" | "6210276" | "7381132" | "7416483" | "7563164" | "7627497" | "7665394" | "7914371" | "8216045" | "8398484").PN. OR ("9251663").URPN.	(US-PGPUB; USPAT; USOCR)	OR	OFF	OFF	2020/06/04 06:02 PM
L70	2	"16280629"	(US-PGPUB; USPAT; USOCR)	OR	OFF	OFF	2020/06/05 03:29 PM
L71	106	("1905659" | "20010034263" | "20010036855" | "20020162850" | "20030114211" | "20030120381" |	(US-PGPUB; USPAT; USOCR)	OR	OFF	OFF	2020/06/05 03:31 PM

		"20030153381" | "20030204288" | "20030216164" | "20040023711" | "20040176154" | "20040193464" | "20040227000" | "20040242309" | "20050014552" | "20050023346" | "20050059463" | "20050190533" | "20050233797" | "20050250572" | "20050280210" | "20060012116" | "20060071046" | "20060246992" | "20060273156" | "20080208696" | "20090101714" | "20090163264" | "20110087369" | "20140058280" | "20140295945" | "20150194008" | "20170018048" | "20170018148" | "20170169652" | "2219650" | "2252720" | "2325054" | "2776007" | "2970784" | "3481520" | "3794228" | "3894669" | "4094451" | "4202468" | "4284221" | "4397410" | "4515321" | "4586639" | "4688708" | "4697726" | "4716799" | "4730762" | "4844369" | "4982337" | "5074566" | "5113758" | "5133615" | "5158293" | "5160076" | "5215383" | "5216595" | "5222624" | "5239165" | "5256863" | "5408417" | "5503318" | "5569082" | "5709603" | "5833104" | "5836498" | "5882260" | "5927583" | "6029851" | "6056289" | "6095624" | "6168521" | "6267670" | "6351688" | "6405924" | "6582304" | "6714838" | "6824464" | "6886728" | "6887153" | "6899621" | "6899622" | "7263411" | "7381132" | "7383099" | "7665394" | "7740243" | "7756742" |				

		"7850257" | "8463668" | "8554365" | "9251663" | "9339121" | "9760939").PN.					
L72	0	"16442932"	(USPAT)	OR	OFF	OFF	2020/10/09 11:03 AM
L73	1	"16442932"	(US-PGPUB; USPAT)	OR	OFF	OFF	2020/10/09 11:03 AM
L74	5932	table with magnet$6 with (leg or support$4 or stand$4)	(US-PGPUB; USPAT)	OR	ON	ON	2020/10/09 11:05 AM
L75	1	"20050233797"	(USPAT)	OR	OFF	OFF	2021/01/13 04:50 PM
L76	2	"20050233797"	(US-PGPUB; USPAT)	OR	OFF	OFF	2021/01/13 04:50 PM
L77	3	"16280629"	(US-PGPUB; USPAT)	OR	OFF	OFF	2021/01/13 04:58 PM
L78	0	"16830161"	(USPAT)	OR	OFF	OFF	2021/06/30 01:20 PM
L79	0	"16830161"	(US-PGPUB; USPAT)	OR	OFF	OFF	2021/06/30 01:20 PM
L80	1	"15179845"	(US-PGPUB; USPAT)	OR	OFF	OFF	2021/06/30 01:20 PM
L81	3	"16280629"	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, BE, BG, BR, BY, CA, CH, CN, CS, CU, CZ, DD, DE, DK, EA, EE, EP, ES, FI, FR, GB, HR, HU, ID, IE, IL, IS, IT, JP, KR, LT, LU, LV, MA, OA, RU, SU, WO, MC, MD, MY, NL, NO, NZ, PH, PL, PT, RO, RS, SE, SG, SI, SK, TH, TN, TR, TW, UA, VN); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2021/11/15 02:04 PM
L82	3	"16280629"	(US-PGPUB; USPAT)	OR	ON	ON	2021/11/15 02:04 PM
L83	19	L46 AND ((G07F17/329 OR G07F17/3244 OR G07F17/42 OR G07F17/32 OR G07F17/3255 OR G07F17/3223 OR G07F17/3239 OR G07F17/3269 OR G07F17/3286 OR G07F17/3288 OR G07F9/002 OR G07F17/3211 OR	(US-PGPUB; USPAT)	OR	ON	ON	2021/11/15 09:18 PM

		G07F17/3225 OR G07F17/3248 OR G06Q20/202 OR G06Q50/34 OR G06Q20/209 OR G06Q30/0238 OR G06Q30/0212 OR G06Q30/02 OR G06Q10/06 OR G06Q20/00 OR G06Q20/3274 OR G06Q20/387 OR A63F3/065 OR A63F3/0625 OR A63F3/0645 OR A63F3/0655 OR A63F3/08 OR G07C$ OR G07C15/00 OR A63F$ OR G06Q$ OR G07F$).cpc.)					
L84	80	("4815741" | "4982337" | "5007641" | "5216595" | "5239165" | "5317135" | "5451052" | "5475205" | "5560610" | "5580311" | "5588649" | "5772510" | "5772511" | "5871398" | "5897625" | "5943241" | "5949042" | "6080062" | "6119099" | "6168521" | "6267670" | "6351688" | "6726077" | "6899621" | "6932258" | "20020100785").pn. OR ("7621810").urpn. AND (PGPB | USPT | USOC).dbnm.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2021/11/15 09:19 PM
L85	5	((lotter$4 WITH ticket) WITH (pre near2 print$3)) AND L84	(US-PGPUB; USPAT)	OR	ON	ON	2021/11/15 09:20 PM
L86	12	("3869124" | "5497990" | "5836816" | "5988499" | "6004206" | "6098979" | "6416414" | "6688976").pn. OR ("7100822").urpn. AND (PGPB | USPT | USOC).dbnm.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2021/11/15 09:21 PM
L87	56	("4815741" | "5007641" | "5216595" | "5239165" | "5451052" | "5560610" | "5588649" | "5772511" | "5871398" | "5897625" | "6119099" | "6267670").pn. OR ("6899621").urpn. AND (PGPB | USPT |	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2021/11/15 09:21 PM

		USOC).dbnm.					
L88	9	((lotter$4 WITH ticket) WITH (pre near2 print$3)) AND L87	(US-PGPUB; USPAT)	OR	ON	ON	2021/11/15 09:22 PM
L89	30	("4671512" | "4738473" | "4764666" | "4817949" | "4854590" | "4880964" | "4993714" | "5074566" | "5235167" | "5239165" | "5269521" | "5290033" | "5317135" | "5413341" | "5772510" | "5996997" | "6223163" | "6267670" | "6296569" | "6308991" | "6578735" | "6582304" | "6598024" | "6663105" | "6899621" | "7027850" | "20010520832" | "20040242308").pn. OR ("7841932").urpn. AND (PGPB | USPT | USOC).dbnm.	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2021/11/15 09:23 PM
L90	34	(Artificial Intelligence) More Like: US-6899621-B2 Text: (US-20020119817-A1 OR EP-1427492-A4 OR EP-1427492-A1 OR US-8403742-B2 OR CA-2770426-A1 OR US-20120184343-A1 OR AU-2004222263-B2 OR EP-1609055-A2 OR WO-2004082781-A2 OR EP-1609055-A4 OR CA-2519506-A1 OR US-20030207708-A1 OR US-7841932-B2 OR EP-1504422-A2 OR WO-2005097281-A2 OR EP-1742714-A2 OR CA-2561919-A1 OR US-20050233797-A1 OR US-7548797-B2 OR EP-1427492-B1).did.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, BE, BG, BR, BY, CA, CH, CN, CS, CU, CZ, DD, DE, DK, EA, EE, EP, ES, FI, FR, GB, HR, HU, ID, IE, IL, IS, IT, JP, KR, LT, LU, LV, MA, OA, RU, SU, WO, MC, MD, MY, NL, NO, NZ, PH, PL, PT, RO, RS, SE, SG, SI, SK, TH, TN, TR, TW, UA, VN); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2021/11/15 09:24 PM
L91	7	(US-20020119817-A1 OR EP-1427492-A4 OR EP-1427492-A1 OR US-8403742-B2 OR CA-2770426-A1 OR US-20120184343-A1 OR AU-2004222263-B2 OR EP-1609055-A2 OR WO-2004082781-A2 OR EP-1609055-A4 OR	(US-PGPUB; USPAT)	OR	ON	ON	2021/11/15 09:24 PM

		CA-2519506-A1 OR US-20030207708-A1 OR US-7841932-B2 OR EP-1504422-A2 OR WO-2005097281-A2 OR EP-1742714-A2 OR CA-2561919-A1 OR US-20050233797-A1 OR US-7548797-B2 OR EP-1427492-B1).did.					
L92	67	("4882473" | "4953895" | "5080364" | "5091634" | "5223698" | "5628684" | "5772510" | "5791990" | "5935000" | "6134309" | "6241606" | "6530842" | "6663105" | "6695699" | "6714838" | "6733387" | "6824464" | "6899621" | "6991541" | "7052393" | "7066382" | "7168616" | "20010039511" | "20020055881" | "20030162580" | "20030173739" | "20030216164" | "20040002371" | "20040063494" | "20040166919" | "20040176154" | "20040176158" | "20040229677" | "20040254007" | "20050049027" | "20050059465" | "20050085293" | "20050092839" | "20050107152" | "20050108127" | "20050130736" | "20050140092" | "20050149393" | "20050164770" | "20050176490" | "20050181858" | "20050194735" | "20050202865" | "20050233797" | "20050255905" | "20050282611" | "20060014578" | "20060025197" | "20060040726" | "20060043669" | "20060052153" | "20060054695" | "20060079311" | "20060100008" |	(US-PGPUB; USPAT; USOCR)	OR	ON	ON	2021/11/15 09:25 PM

		"20060160602" | "20060163346" | "20060166729" | "20060293783" | "20070010311").pn. OR ("9640018").urpn. AND (PGPB | USPT | USOC).dbnm.					
L93	13	((lotter$4 WITH ticket) WITH (pre near2 print$3)) AND L92	(US-PGPUB; USPAT)	OR	ON	ON	2021/11/15 09:25 PM

PE2E SEARCH - Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	British Equivalents	Time Stamp
N40	0	online with lottery with ticket with draw$4 with unique with identif$7	(USPAT)	OR	ON	ON	2017/09/17 11:43 PM
N41	0	"15070954"	(USPAT)	OR	ON	ON	2017/09/18 11:42 AM
N42	1	"15070954"	(US-PGPUB; USPAT)	OR	ON	ON	2017/09/18 11:42 AM
N43	12	"11353920"	(US-PGPUB; USPAT)	OR	ON	ON	2017/09/18 12:31 PM

PTO/SB/30EFS (02-18)
Approved for use through 11/30/2020. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

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

Application Number	16280629	Filing Date	2019-02-20	Docket Number (if applicable)	84971-326801	Art Unit	3649
First Named Inventor	Gino Giunti			Examiner Name	Sunit Pandya		

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

SUBMISSION REQUIRED UNDER 37 CFR 1.114

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

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

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

☒ Enclosed

- ☒ Amendment/Reply
- ☐ Information Disclosure Statement (IDS)
- ☐ Affidavit(s)/ Declaration(s)
- ☐ Other _____

MISCELLANEOUS

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

☐ Other _____

FEES

☐ **The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.**
The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No _____

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

Applicant Signature

PTO/SB/30EFS (02-18)
Approved for use through 11/30/2020. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Signature of Registered U.S. Patent Practitioner			
Signature	/Jerry C. Harris, Jr./	Date (YYYY-MM-DD)	2021-10-04
Name	Jerry C. Harris, Jr.	Registration Number	66822

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

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

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

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Gino Giunti	§	
		§	Group Art Unit: 3649
Serial No.	16/280,629	§	
		§	Examiner: Sunit Pandya
Filed:	February 20, 2019	§	
		§	Confirmation No.: 5484
For:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS	§	

Mail Stop: RCE
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF EFS-WEB FILING

Pursuant to 37 CFR § 1.8, I hereby certify that this correspondence is being electronically submitted to the U.S. Patent and Trademark Office website, www.uspto.gov, on

10/04/2021 .
(Date submitted)

/Jerry C. Harris, Jr./
Jerry C. Harris, Jr.

RESPONSE TO
FINAL OFFICE ACTION DATED JULY 2, 2021 AND
ADVISORY ACTION DATED SEPTEMBER 14, 2021

Dear Sir:

In response to the Final Office Action dated July 2, 2021 (the "Final Office Action) and the Advisory Action dated September 20, 2021 (the "Advisory Action"), Applicant respectfully requests consideration of the following.

The Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

THE CLAIMS

Listing of claims:

1. (Currently Amended) A method for providing a manufactured, pre-printed, random draw lottery ticket comprising:

(a) receiving, by a transaction processor, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed, random draw lottery ticket, wherein the manufactured, pre-printed, random draw lottery ticket is selected by a customer prior to initiation of a check-out process and is presented by the customer for activation during the check-out process;

(b) providing, via a first secured communication, by the transaction processor or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and

(c) receiving, via a second secured communication, by the transaction processor or retailer, from the lottery administration system, indication that draw information has been associated with the manufactured, pre-printed, random draw lottery ticket.

2. (Previously Presented) The method of claim 1, wherein receiving the transaction request comprises receiving unique product information associated with the manufactured, pre-printed, random draw lottery ticket over a secure communication channel from a point of sale (POS) system.

3. (Previously Presented) The method of claim 1, wherein draw information is made available on a printed receipt; by scanning a code on the manufactured, pre-printed, random draw lottery ticket; or by entering a unique identifier associated with the manufactured, pre-printed, random draw lottery ticket into an online website or mobile application.

4. (Previously Presented) The method of claim 1, further comprising receiving unique product information associated with the manufactured, pre-printed, random draw lottery ticket.

5. (Previously Presented) The method of claim 1, further comprising retrieving unique identification information associated with the manufactured, pre-printed, random draw lottery ticket from the received product information.

6. (Previously Presented) The method of claim 4, wherein the product information is sufficient to determine one or more of:

a game type associated with the manufactured, pre-printed, random draw lottery ticket;

a wager amount associated with the manufactured, pre-printed, random draw lottery ticket; and

a number of wagers associated with the manufactured, pre-printed, random draw lottery ticket.

7. (Original) The method of claim 1, further comprising validating the received transaction request.

8. (Previously Presented) The method of claim 7, wherein validating the received identification information comprises verifying that the product information corresponds to identification information associated with the manufactured, pre-printed, random draw lottery ticket.

9. (Original) The method of claim 8, wherein validating the transaction information includes verifying that the product is validly distributed by the retailer.

10. (Previously Presented) The method of claim 1, wherein the information provided to the lottery administration system includes one or more randomly determined lottery numbers generated at the time the manufactured, pre-printed, random draw lottery ticket is purchased at the POS.

11. (Previously Presented) The method of claim 1, wherein the information provided to the lottery administration system includes one or more randomly determined lottery numbers associated with the manufactured, pre-printed, random draw lottery ticket prior to the time the manufactured, pre-printed lottery ticket is purchased at the POS.

12. (Original) The method of claim 1, wherein the retailer POS is online.

13. (Previously Presented) The method of claim 1, wherein the manufactured, pre-printed, random draw lottery ticket comprises a barcode.

14. (Original) The method of claim 13, wherein the barcode comprises a first party information and a second party information.

15. (Original) The method of claim 13, wherein the barcode comprises a universal product code and pre-printed lottery ticket information.

16. (Previously Presented) The method of claim 1, wherein the manufactured, pre-printed, random draw lottery ticket contains information used to redeem a winning prize.

17. (Previously Presented) The method of claim 1, wherein the lottery administration system generates wagers for the manufactured, pre-printed, random draw lottery ticket and a draw date is assigned to the wagers.

18. (Original) The method of claim 1, wherein lottery numbers are entered in a draw.

19. (Original) The method of claim 7, wherein the validation comprises age validation.

20. (Withdrawn) A method for providing a product for a draw comprising:

(a) providing, by a transaction processor or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and

(b) receiving, by the transaction processor or retailer, from the lottery administration system, indication that draw information has been associated with a manufactured, pre-printed lottery ticket.

21. (Previously Presented) The method of claim 1, wherein the first secured communication, the second secured communication, or combinations thereof are encrypted.

REMARKS/ARGUMENTS

Status of Claims

Claims 1-6, 8, 10, 11, 13, 16, and 17 are currently amended.

Claims 7, 9, 12, 14, 15, and 18-19 are original.

Claims 2-6, 8, 10, 11, 13, 16, 17, and 21 were previously presented.

Claim 20 is withdrawn.

Claims 1-21 are currently pending in this application.

Applicant hereby requests further examination and reconsideration of the presently claimed application.

Double Patenting

Claims 1-19 and 21 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 9,865,135. Applicant submits that the instant double-patenting rejections will be addressed as soon as the 35 U.S.C. §§ 101 and 103 rejections have been overcome.

Claim Rejections – 35 U.S.C. § 103

Claims 1-19 and 21 are rejected under 35 U.S.C. Section 102(a)(1) as being unpatentable over Gilmore et al., U.S. Patent Application Pub. No. 2005/0233797 (hereinafter "*Gilmore*") in view of McBride, U.S. Patent Application Pub. No. 2009/0227320 (hereinafter "*McBride*").

The Legal Standard for Obviousness

The MPEP provides:

> The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have

> been obvious. The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit.

See MPEP § 2143.

In *KSR Int'l Co. v. Teleflex, Inc.*, the United States Supreme Court also noted that, "a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art," but, additionally whether "the claim extends to what is obvious." *See KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1741-42 (2007). Expounding on its edict, the Supreme Court went on to opine that an obviousness determination is based upon a "proper application of *Graham*," including consideration of "secondary factors" that may weigh against an obviousness determination. *See KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. at 1745 (citing *Graham v. John Deere Co. of Kansas City, et al.*, 383 U.S. 1, 148 U.S.P.Q. 459 (1966)). The "proper application of *Graham*" begins with a determination of whether the cited prior art contains all the elements of the contested claims. *See Graham v. John Deere Co. of Kansas City*, 383 U.S. at 22 (an obviousness determination begins with a finding that "the prior art as a whole in one form or another contains all" the elements of the claimed invention.).

Applicant contends that the Final Office Action fails to establish a *prima facie* case of unpatentability because none of the prior art of record, alone or in combination, has been shown to disclose each and every element of the pending claims.

Independent claim 1 has been amended to recite:

> 1. A method for providing a manufactured, pre-printed, random draw lottery ticket comprising:
>
> (a) receiving, by a transaction processor, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed, random draw lottery ticket**, wherein the manufactured, pre-printed, random draw lottery ticket is selected by a customer prior to initiation of a check-out process and is presented by the customer for activation during the check-out process**;
>
> (b) providing, via a first secured communication, by a transaction processor or retailer, to a lottery administration system

> unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and
>
> (c) receiving, via a second secured communication, by the transaction processor or retailer, from the lottery administration system, indication that draw information has been associated with the manufactured, pre-printed, random lottery ticket.

See claim 1, *supra* (emphasis added). Support for the amending language is found in the Specification. *See* Application at ¶¶ [0028]-[0029] ("The pre-printed tickets may be manufactured and shipped to retail locations. Retailers may manage inventory and display the pre-printed tickets in, for example, checkout lanes, at counters and throughout the store where the product is most visible to customers. Customers can select a lottery product at any time with no additional interaction with a lottery retailer and drop the pre-printed lottery ticket(s) into their shopping cart. During the checkout process, the pre-printed ticket is scanned by the cashier in the retailer's POS as they would scan any other product being purchased. The pre-printed ticket may require one, possibly two scans dependent on the bar code standard used and the technical abilities of the retailer's POS system. Upon scanning of the ticket the retailer's POS will be updated with the product description and cost. The retailer's POS will communicate the transaction type, such as purchase or cancel, and the pre-printed ticket details, such as product information and/or a unique identifier, to the lottery system though a secure communications channel. Upon receiving information for activating a pre-printed ticket being purchased, the lottery system may initiate a pre-printed ticket wager by validating the pre-printed ticket details, generating the appropriate lottery wager information, for example generating an appropriate number of random numbers for the draw. The generated wager information may then be associated with unique identifier of the pre-printed ticket in the lottery system and the pre-printed ticket activated for the next available draw. Confirmation of the activation, as well as the lottery numbers and draw information, for example when the draw is being held, may be withheld from the retailer's POS until payment confirmation is received by the lottery system.").

The Final Office Action states:

> Claims 1 & 4: Gilmore disclose a method for providing a manufactured, pre-printed random draw lottery ticket (0014-0016 & 0063-0065) comprising, receiving, by a transaction processor, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed lottery ticket (0039-0043) . . . .

See Final Office Action at 12.

Gilmore's paragraphs [0014]-[0016] provide:

> The system and method of the present invention integrates the retail functions of modern retail point of sale systems, and all of the underlying infrastructure used therewith, for receiving player requests, **and subsequently printing, dispensing, and selling lottery games or wagering games**, for example horse or dog racing wagers, or any desired combination thereof, through the point of sale system of a retail store, whether a single cash register lane convenience store or a multiple cash register lane store. The present invention provides an improved lottery or wagering system, all of which are hereinafter collectively referred to as a "lottery system," as well as methods for selling pre-printed lottery game tickets as well as on-line lottery game tickets or on-line wagers through at least one point of sale ("POS") terminal of a store. **The invention also provides for the dispensing of items of monetary value, which may include either dispensing pre-printed items, or printing items of monetary value through at least one POS terminal of the POS system within a retail store**. Accordingly, in a first embodiment, the present invention comprises a system and method of selling and dispensing pre-printed lottery game tickets for purchase by a lottery game player within a store. In known fashion, the store will have a networked POS system with at least one pos terminal, and perhaps a plurality of POS terminals, located at a separate check-out or cash register lane of a store. Each POS terminal will have a bar code reader adapted to scan product identification codes thereat.

See Gilmore at ¶¶ [0014]-[0016] (emphasis added).

Gilmore's paragraphs [0063]-[0065] provide:

> Returning now again to step 54, where using a token for an on-line lottery game, the process proceeds to step 64 which generates a quick-pick transaction and sends the transaction data or request to the off-site lottery computer 28 (FIG. 1) performing one of the two separate subroutines illustrated in FIGS. 6A and 6B. The type of on-

> line lottery game described for use with the tokens of the system is a "quick-pick" game in which the lottery system or off-site host computer generates a series of random lottery game play numbers for the game player, and **then forwards the lottery play numbers to the ticket printer located at the POS terminal.** The use of the quick-pick ticket is well known to those of skill in the art, and to lottery game players, and the manner in which the quick-pick numbers are generated is a detail of the particular lottery system in use. Certain lottery systems generate the quick-pick numbers at the lottery terminal and forward these numbers to an off-site lottery computer, whereas other types of lottery systems forward the quick-pick request from a lottery terminal to the lottery computer that generates the quick-pick numbers. Where the game player verbally instructs the sales clerk of the desire to play an on-line lottery game, the sales clerk presses the appropriate keys on the POS terminal programmed for the game(s) being played, the signal is detected by the game monitor as described herein for token originated games, and the transactional data forwarded by the in-store lottery system described herein to the off-site host computer. The lottery system host computer receives the game request and game play data, whereupon the lottery game ticket is authorized and the authorization returned to the in-store lottery system. **On receipt of the game ticket authorization, the in-store lottery system instructs the ticket printer located at the originating POS terminal to print the on-line lottery game ticket(s) for the game player.** The same process, differing only by communication with an off-site gaming host computer, for example a tote system computer, occurs where an on-line wagering game is being played, for example where a bet is made verbally by the game player to the sales clerk.

See Gilmore at ¶¶ [0063]-[0065] (emphasis added).

As can be seen from the Final Office Action's cited portions of *Gilmore*, *Gilmore* does not disclose the instantly claimed, "wherein the manufactured, pre-printed, random draw lottery ticket is selected by a customer prior to initiation of a check-out process and is presented by the customer for activation during the check-out process," because *Gilmore* specifically discloses its "random draw" lottery tickets are printed during and/or at the conclusion of the check-out process – hence, Gilmore's "random draw" lottery tickets cannot be "selected by a customer prior to initiation of a check-out process and . . . presented by the customer for activation during the check-out process." *See supra*.

Applicant also respectfully notes that *Gilmore* specifically distinguishes its disclosed "instant win/scratch-off" tickets (i.e., *Gilmore*'s "pre-printed ticket") from its "lotto/Power Ball/weekly draw" tickets (i.e., Gilmore's "on-line ticket"). Examples of *Gilmore*'s distinguishing between its "pre-printed ticket" and its "on-line ticket" are provided below:

> **In a first type of lottery game known as a pre-printed or "instant win" lottery game**, a lottery game player purchases individual game tickets of the type disclosed in U.S. Pat. Nos. 5,451,052, and 5,560,610, respectively, issued to Behm et al., for play. **Each game ticket is pre-printed by an authorized lottery game ticket manufacturer**, and typically offers a cash game prize of a predetermined amount, **the prize amount being covered by a rub or scratch off coating printed or laminated onto the pre-printed surface of the lottery game ticket**. Once the game player scratches off the coating, and if the prize amounts match as required by the rules of the game, the lottery game player will win the prize amount printed on the ticket.

See Gilmore at ¶ [0003] (emphasis added).

> **A second type of popular lottery game is an on-line game, more commonly thought of as a "lotto" type game**, which requires that a game player fill out a game play ticket with a series of lottery play numbers thereon, and/or designate a "quick pick" in which either a lottery terminal or an off-site lottery system computer generates the lottery play numbers. **The lottery play slip is scanned into a lottery terminal, typically a stand-alone terminal found in a convenience store, whereupon a ticket is authorized by the lottery system and printed at the lottery terminal**. The on-line games are the types of lottery game conducted on a weekly statewide basis by the several states, as are the regional lottery games such as the Power Ball and Big Game lotteries played in the United States. Similar national and regional games exist in foreign nations as well.

See Gilmore at ¶ [0004] (emphasis added).

> **The lottery game system includes a pre-printed ticket dispenser assembly 19, and/or a separate on-line lottery game ticket printer 20**, each of which is stationed at respective ones of the POS terminals 8 comprising the store's POS system. The ticket dispenser assembly and ticket printer are each networked to the ticket dispenser system through a separate network connection 21, which may be any of the known types of networks and may include, for example, a wireless

network allowing for the expeditious networking of the lottery game system with the store's POS system.

See Gilmore at ¶ [0046] (emphasis added).

When describing its "on-line ticket," *Gilmore* details the following:

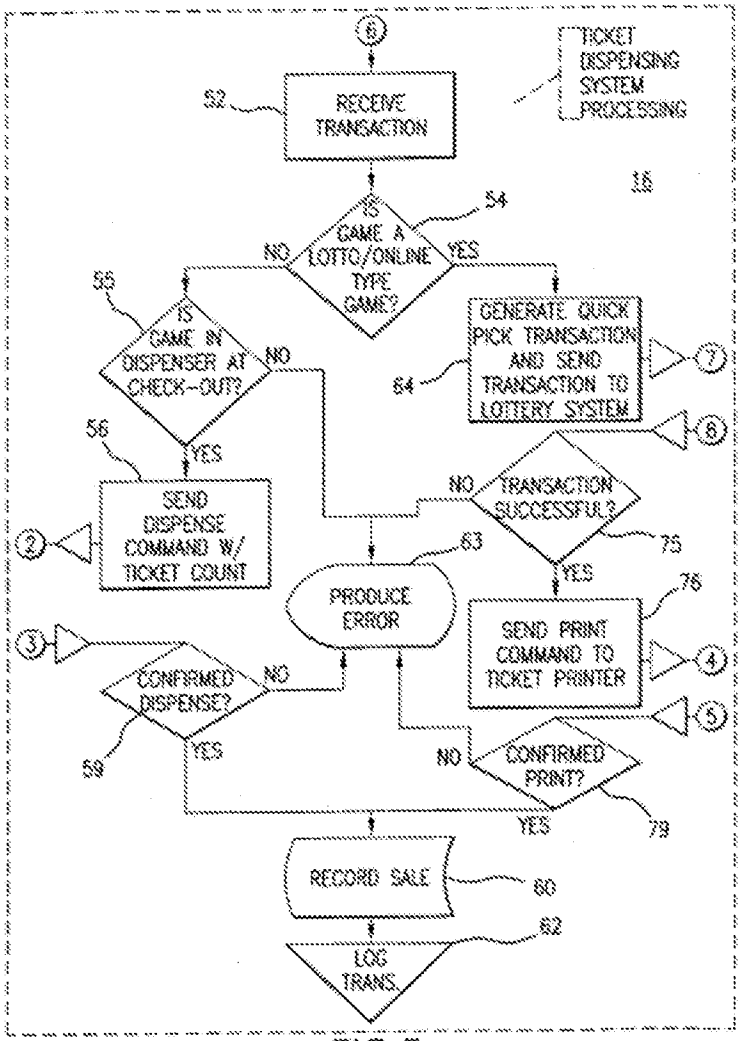


FIG.5

See Gilmore at FIG. 5.

Referring now to FIG. 5, the accumulated game identification codes have been forwarded to and received by the ticket dispensing system 16 (FIG. 1) in step 52. **The ticket dispensing system determines if the lottery game or games being played are an on-line or a pre-printed lottery game.** If the game identification code is for **a pre-printed lottery game, then the process moves to step 55** whereupon

> the ticket dispensing system will poll the identified ticket dispenser assembly at the POS terminal to determine if the desired lottery game ticket is in stock. If so, the process will proceed to step 56, whereupon a dispense ticket command will be sent to the ticket dispenser assembly, as illustrated in FIG. 3. Once the dispense ticket command has been given, and the desired number and type of pre-printed lottery tickets have been dispensed, the dispensing of the tickets is confirmed in step 59. Once confirmed, the process proceeds to step 60 to record the sale within the game monitor, in which the sales cost of the lottery game tickets detected by the game monitor as this data is transmitted by the POS system controller back to the POS terminal is recorded, and the game monitor then logs the transaction in step 62. If, at step 55, the ticket controller determined that the desired number and/or type of pre-printed lottery game tickets were not available in the ticket dispenser, an error message will be produced in step 63, and the lottery transaction will be concluded.

See Gilmore at ¶ [0062] (emphasis added).

> Returning now again to step 54, where using a token for **an on-line lottery game, the process proceeds to step 64** which generates a quick-pick transaction and sends the transaction data or request to the off-site lottery computer 28 (FIG. 1) performing one of the two separate subroutines illustrated in FIGS. 6A and 6B. The type of on-line lottery game described for use with the tokens of the system is a "quick-pick" game in which the lottery system or off-site host computer generates a series of random lottery game play numbers for the game player, and **then forwards the lottery play numbers to the ticket printer located at the POS terminal**.

See Gilmore at ¶ [0063] (emphasis added).

> Where the game player verbally instructs the sales clerk of the desire **to play an on-line lottery game**, the sales clerk presses the appropriate keys on the POS terminal programmed for the game(s) being played, the signal is detected by the game monitor as described herein for token originated games, and the transactional data forwarded by the in-store lottery system described herein to the off-site host computer. The lottery system host computer receives the game request and game play data, whereupon the lottery game ticket is authorized and the authorization returned to the in-store lottery system. **On receipt of the game ticket authorization, the in-store lottery system instructs the ticket printer located at the originating POS terminal to print the on-line lottery game ticket(s) for the game player**.

See Gilmore at ¶ [0065] (emphasis added).

As is evident from the above-cited portions of *Gilmore*, *Gilmore* contains no disclosure of the claimed "manufactured, pre-printed, random draw lottery ticket" because *Gilmore*'s "on-line ticket" (i.e., its non-instant win, non-scratch-off, lotto, Power Ball, random draw-type ticket), is not "pre-printed," but rather is printed at the time of purchase by the consumer. *See id.* The Final Office Action does not cite *McBride* as disclosing the instantly claimed elements identified as missing from *Gilmore*'s disclosure.

Applicant reserves the right to challenge each of the Final Office Action's indications of the prior art disclosing other portions/elements of the instant claims in future responses, should such future responses become necessary.

Based on the foregoing, the Final Office Action fails to establish a *prima facie* case of obviousness as to claims 1-19 and 21. *See* MPEP § 2143. As such, Applicant respectfully submits that claims 1-19 and 21are presented in condition for allowance.

Claim Rejections – 35 U.S.C. § 101

A. The Rejections under 35 U.S.C. § 101

Claims 1-19 and 21 stand rejected under 35 U.S.C. Section 101 as being directed to ineligible subject matter. The claimed invention is directed to a judicial exception without significantly more.

1. Step 2A of the *Mayo* Test

a) The January 2019 Guidance

On January 7, 2019, the USPTO issued The Computer-Implemented Functional Claims Limitations Guidance (the "January 2019 Guidance") wherein the USPTO revised Step 2A of the *Mayo* Test to now comprise two separate prongs. Under Prong One of Step 2A, "examiners should evaluate whether the claim recites a judicial exception, i.e., an abstract idea, a law of nature, or a

natural phenomenon." *See* Fed. Reg. Vol. 84, No. 4 at 54 (Jan. 7, 2019). The January 2019 Guidance explained Step 2A was changed compared to prior guidance:

> To determine whether a claim recites an abstract idea in Prong One, examiners are now to: (a) Identify the specific limitation(s) in the claim under examination (individually or in combination) that the examiner believes recites an abstract idea; and (b) determine whether the identified limitation(s) falls within the subject matter groupings of abstract ideas enumerated in Section I of the 2019 Revised Patent Subject Matter Eligibility Guidance. If the identified limitation(s) falls within the subject matter groupings of abstract ideas enumerated in Section I, **analysis should proceed to Prong Two in order to evaluate whether the claim integrates the abstract idea into a practical application**. When evaluating Prong One, examiners are no longer to use the USPTO's ''Eligibility Quick Reference Sheet Identifying Abstract Ideas,'' which has been superseded by this document.

See id. (emphasis added).

The January 2019 Guidance explains Step 2A's new Prong Two as follows:

> In Prong Two, **examiners should evaluate whether the claim as a whole integrates the recited judicial exception into a practical application of the exception**. A claim that integrates a judicial exception into a practical application will apply, rely on, or use the judicial exception in a manner that **imposes a meaningful limit on the judicial exception**, such that the claim is more than a drafting effort designed to monopolize the judicial exception. **When the exception is so integrated, then the claim is not directed to a judicial exception (Step 2A: NO) and is eligible**. This concludes the eligibility analysis . . . Examiners evaluate integration into a practical application by: (a) Identifying whether there are any additional elements recited in the claim beyond the judicial exception(s); and (b) evaluating those additional elements individually and in combination to determine whether they integrate the exception into a practical application, using one or more of the considerations laid out by the Supreme Court and the Federal Circuit, for example those listed below. While some of the considerations listed below were discussed in prior guidance in the context of Step 2B, evaluating them in revised Step 2A promotes early and efficient resolution of patent eligibility, and increases certainty and reliability. **Examiners should note, however, that revised Step 2A specifically excludes consideration of whether the additional elements represent well-understood, routine, conventional activity**. Instead, analysis of well-understood, routine, conventional activity is done in Step 2B. Accordingly, in

> revised Step 2A examiners should ensure that they give weight to all additional elements, whether or not they are conventional, when evaluating whether a judicial exception has been integrated into a practical application In the context of revised Step 2A, the following exemplary considerations are indicative that an additional element (or combination of elements) may have integrated the exception into a practical application:
>
> > ■ An additional element reflects an improvement in the functioning of a computer, or an improvement to other technology or technical field;
> >
> > ■ an additional element that applies or uses a judicial exception to effect a particular treatment or prophylaxis for a disease or medical condition;
> >
> > ■ an additional element implements a judicial exception with, or uses a judicial exception in conjunction with, a particular machine or manufacture that is integral to the claim;
> >
> > ■ an additional element effects a transformation or reduction of a particular article to a different state or thing; and
> >
> > ■ an additional element applies or uses the judicial exception in some other meaningful way beyond generally linking the use of the judicial exception to a particular technological environment, such that the claim as a whole is more than a drafting effort designed to monopolize the exception.
>
> This is not an exclusive list, and there may be other examples of integrating the exception into a practical application . . . Because revised Step 2A does not evaluate whether an additional element is well-understood, routine, conventional activity, **examiners are reminded that a claim that includes conventional elements may still integrate an exception into a practical application, thereby satisfying the subject matter eligibility requirement of Section 101**.

See Fed. Reg. Vol. 84, No. 4 at 54-55 (emphasis added).

The January 2019 Guidance specifically states, "[t]he 2019 Revised Patent Subject Matter Eligibility Guidance is effective on January 7, 2019. The 2019 Revised Patent Subject Matter

Eligibility Guidance applies to all applications, and to all patents resulting from applications, filed before, on, or after January 7, 2019." *See* Fed. Reg. Vol. 84, No. 4 at 50. As the instant application was filed before January 7, 2019, the January 2019 Guidance applies to the instant application.

b) Step 2A, Prong 2 -- The Claims Integrate the Alleged Abstract Idea into a Practical Application

As noted above, The January 2019 Guidance identifies several considerations which are indicative that an additional element (or combination of elements) integrate the alleged abstract idea into a practical application, these exemplary considerations include claims wherein:

> an additional element reflects an improvement in the functioning of a computer, or an improvement to other technology or technical field;
>
> an additional element that applies or uses a judicial exception to effect a particular treatment or prophylaxis for a disease or medical condition;
>
> **an additional element implements a judicial exception with, or uses a judicial exception in conjunction with, a particular machine or manufacture that is integral to the claim**;
>
> an additional element effects a transformation or reduction of a particular article to a different state or thing; and
>
> an additional element applies or uses the judicial exception in some other meaningful way beyond generally linking the use of the judicial exception to a particular technological environment, such that the claim as a whole is more than a drafting effort designed to monopolize the exception.

See Fed. Reg. Vol. 84, No. 4 at 54-55 (emphasis added).

Manufacture

A Manufactured, Pre-printed, Random Draw Lottery Ticket

Applicant's independent claim 1 is reproduced below:

> 1. A method for providing **a manufactured, pre-printed, random draw lottery ticket** comprising:
> (a) receiving, by a transaction processor, a transaction request from a retailer point of sale (POS) to activate **the manufactured, pre-**

> **printed, random draw lottery ticket**, wherein the manufactured, pre-printed, random draw lottery ticket is selected by a customer prior to initiation of a check-out process and is presented by the customer for activation during the check-out process;
>
> (b) providing, via a first secured communication, by a transaction processor or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and
>
> (c) receiving, via a second secured communication, by the transaction processor or retailer, from the lottery administration system, indication that draw information has been associated with **the manufactured, pre-printed, random lottery ticket**.

See claim 1, *supra* (emphasis added).

The instantly claimed "manufactured, pre-printed, random draw lottery ticket" is integral to the claim because the claim is eviscerated without the "manufactured, pre-printed, random draw lottery ticket." The claimed "manufactured, pre-printed, random draw lottery ticket is unquestionably a "manufacture." *See* MPEP § 2106.03 (I) ("As the courts have explained, manufactures are articles that result from the process of manufacturing, i.e., they were produced 'from raw or prepared materials by giving to these materials new forms, qualities, properties, or combinations, whether by hand-labor or by machinery.' *Samsung Electronics Co. v. Apple Inc.*, 580 U.S. __, 137 S. Ct. 429, 435, 120 USPQ2d 1749, 1752-3 (2016) (quoting *Diamond v. Chakrabarty*, 447 U. S. 303, 308, 206 USPQ 193, 196-97 (1980)).").

As such, the Final Office Action's identified abstract idea, "engaging in lawful wagering," *see* Final Office Action at 8, is integrated into a practical application via the requirement that the "abstract idea" be performed by "**an additional element implements a judicial exception with**, or uses a judicial exception in conjunction with, **a . . . manufacture that is integral to the claim**." *See* Fed. Reg. Vol. 84, No. 4 at 55 (emphasis added).

Transaction Processor

Applicant's independent claim 1 is reproduced below:

> 1. A method for providing a manufactured, pre-printed, random draw lottery ticket comprising:
>
> (a) **receiving, by a transaction processor**, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed, random draw lottery ticket, wherein the manufactured, pre-printed, random draw lottery ticket is selected by a customer prior to initiation of a check-out process and is presented by the customer for activation during the check-out process;
>
> (b) **providing, via a first secured communication, by a transaction processor** or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and
>
> (c) **receiving, via a second secured communication, by the transaction processor** or retailer, from the lottery administration system, indication that draw information has been associated with the manufactured, pre-printed, random draw lottery ticket.

See claim 1, *supra* (emphasis added).

As can be seen above, independent claim 1 recites a "transaction processor" to effectuate the claim language. *See supra*. As detailed in the Specification:

> **The transaction processor** system 630 may **include a central processing unit (CPU) 604**, memory unit 616 and 1/0 interface(s) 608 for communicating with devices external to the transaction processor system630. Instructions 604 stored in the memory unit 616, when executed by the processing unit 604 provide transaction processing and data exchange functionality 602. The functionality 602 may process transactions and exchange data from a plurality of different retailers to a single lottery system. Instructions 602 may include any functionality necessary for the successful exchange of data and the activation or cancellation of the pre-printed ticket.

Application at ¶ [0046] (emphasis added).

The instantly claimed "transaction processor" is integral to the claim because the "manufactured, pre-printed, random draw lottery ticket" cannot be provided without the "transaction processor."

Moreover, as shown above, the transaction processor comprises a "central processing unit (CPU)." *See id*. One of ordinary skill in the art would understand that a "CPU" would comprise a

microprocessor. "The component of a computer system that performs the basic operations (such as processing data) of the system, that exchanges data with the systems memory or peripherals, and that manages the systems other components — called also *processor*." *See* Merriam-Webster at https://www.merriam-webster.com/dictionary/cpu.

The MPEP provides, "because a microprocessor is generally understood to be a manufacture, **a product claim to the microprocessor or a system comprising the microprocessor satisfies Step 1** regardless of whether the claim falls within any other statutory category (such as a machine)." *See* MPEP § 2106.03 (emphasis added).

As such, the Final Office Action's alleged identified abstract idea is integrated in to a practical application via the requirement that the "abstract idea" be performed by "**an additional element [which] implements a judicial exception with**, or uses a judicial exception in conjunction with, **a . . . manufacture that is integral to the claim**." *See* Fed. Reg. Vol. 84, No. 4 at 55 (emphasis added); *see also* MPEP § 2106.03 ("a microprocessor is generally understood to be a manufacture.").

Particular Machine

Transaction Processor

Applicant's independent claim 1 is reproduced below:

> 1. A method for providing a manufactured, pre-printed, random draw lottery ticket comprising:
>
> (a) **receiving, by a transaction processor**, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed, random draw lottery ticket, wherein the manufactured, pre-printed, random draw lottery ticket is selected by a customer prior to initiation of a check-out process and is presented by the customer for activation during the check-out process;
>
> (b) **providing, via a first secured communication, by a transaction processor** or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and
>
> (c) **receiving, via a second secured communication, by the transaction processor** or retailer, from the lottery administration

> system, indication that draw information has been associated with the manufactured, pre-printed, random draw lottery ticket.

See claim 1, *supra* (emphasis added).

As can be seen, the claims require the claimed method steps be performed by a "transaction processor" to effectuate the claim language. *See id.* As detailed in the Specification:

> **The transaction processor system 630** may include a central processing unit (CPU) 604, memory unit 616 and 1/0 interface(s) 608 for communicating with devices external to the transaction processor system630. **Instructions 604 stored in the memory unit 616, when executed by the processing unit 604 provide transaction processing and data exchange functionality 602**. The functionality 602 may process transactions and exchange data from a plurality of different retailers to a single lottery system. Instructions 602 may include any functionality necessary for the successful exchange of data and the activation or cancellation of the pre-printed ticket.

Application at ¶ [0046] (emphasis added).

As noted by the Supreme Court, "[a] claimed process is surely patent-eligible under § 101 if: (1) it is tied to a particular machine or apparatus . . . ." *See, e.g., In re Bilski,* 545 F.3d 943, 954, (Fed. Cir. 2009). In *In re Alappat* the Federal Circuit held, "programming creates a new machine because a general purpose computer, in effect, becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software." *See In re Alappat*, 33 F.3d 1526, 1545 (Fed. Cir. 1994). Following the *In re Alappat* precedent, in *Finisar Corp. v. DirecTV Grp., Inc.*, the Federal Circuit held, "a computer programmed to implement an algorithm . . . is not the general purpose computer, but rather the special purpose computer programmed to perform the disclosed algorithm." *See Finisar Corp. v. DirecTV Grp., Inc.*, 523 F.3d 1323, 1340 (Fed. Cir. 2008).

Based on the foregoing, Applicant contends the instant claims' "transaction processor" comprises specifically programmed computer processors performing particular, recited functions, which inarguably amount to the claims being performed by "an additional element [which]

implements a judicial exception with, or uses a judicial exception in conjunction with, a particular machine or manufacture that is integral to the claim." *See* Fed. Reg. Vol. 84, No. 4 at 55. *See* Interim Examination Instructions For Evaluating Subject Matter Eligibility Under 35 U.S.C. § 101, Aug. 24, 2009 at 6 ("For computer implemented processes, the 'machine' is often disclosed as a general purpose computer. In these cases, the general purpose computer may be sufficiently 'particular' when programmed to perform the process steps. Such programming creates a new machine because a general purpose computer, in effect, becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software. To qualify as a particular machine under the test, the claim must clearly convey that the computer is programmed to perform the steps of the method because such programming, in effect, creates a special purpose computer limited to the use of the particularly claimed combination of elements (i.e., the programmed instructions) performing the particularly claimed combination of functions.").

As such, the Final Office Action's identified abstract idea, "engaging in lawful wagering," is integrated into a practical application via the requirement that the "abstract idea" be performed by "**an additional element implements a judicial exception with**, or uses a judicial exception in conjunction with, **a particular machine** . . . **that is integral to the claim**." *See* Fed. Reg. Vol. 84, No. 4 at 55 (emphasis added).

B. Step 2B of the Subject Matter Eligibility Guidelines

Assuming, *arguendo*, that the instant claims comprise an abstract idea, which Applicant does not concede, the U.S.P.T.O. has published considerations of what constitutes "significantly more" than an alleged abstract idea within the context of patent eligibility:

> i. Improvements to the functioning of a computer, *e.g.,* a modification of conventional Internet hyperlink protocol to dynamically produce a dual-source hybrid webpage, as discussed in *DDR Holdings, LLC v.*

Hotels.com, L.P., 773 F.3d 1245, 1258-59, 113 USPQ2d 1097, 1106-07 (Fed. Cir. 2014) (see **MPEP § 2106.05(a)**);

ii. Improvements to any other technology or technical field, *e.g.,* a modification of conventional rubber-molding processes to utilize a thermocouple inside the mold to constantly monitor the temperature and thus reduce under- and over-curing problems common in the art, as discussed in *Diamond v. Diehr,* 450 U.S. 175, 191-92, 209 USPQ 1, 10 (1981) (see **MPEP § 2106.05(a)**);

iii. Applying the judicial exception with, or by use of, a particular machine, *e.g.,* a Fourdrinier machine (which is understood in the art to have a specific structure comprising a headbox, a paper-making wire, and a series of rolls) that is arranged in a particular way to optimize the speed of the machine while maintaining quality of the formed paper web, as discussed in *Eibel Process Co. v. Minn. & Ont. Paper Co.,* 261 U.S. 45, 64-65 (1923) (see **MPEP § 2106.05(b)**);

iv. Effecting a transformation or reduction of a particular article to a different state or thing, *e.g.,* a process that transforms raw, uncured synthetic rubber into precision-molded synthetic rubber products, as discussed in *Diehr,* 450 U.S. at 184, 209 USPQ at 21 (see **MPEP § 2106.05(c)**);

v. Adding a specific limitation other than what is well-understood, routine, conventional activity in the field, or adding unconventional steps that confine the claim to a particular useful application, *e.g.,* a non-conventional and non-generic arrangement of various computer components for filtering Internet content, as discussed in *BASCOM Global Internet v. AT&T Mobility LLC,* 827 F.3d 1341, 1350-51, 119 USPQ2d 1236, 1243 (Fed. Cir. 2016) (see **MPEP § 2106.05(d)**); or

vi. Other meaningful limitations beyond generally linking the use of the judicial exception to a particular technological environment, *e.g.,* an immunization step that integrates an abstract idea of data comparison into a specific process of immunizing that lowers the risk that immunized patients will later develop chronic immune-mediated diseases, as discussed in *Classen Immunotherapies Inc. v. Biogen IDEC,* 659 F.3d 1057, 1066-68, 100 USPQ2d 1492, 1499-1502 (Fed. Cir. 2011) (see **MPEP § 2106.05(e)**).

MPEP § 2106.05.A. As can be seen, an "inventive concept" (and thus subject matter eligibility) can be demonstrated by showing any one of the MPEP's enumerated "significantly more" considerations. *See id.*

1. "Adding a Specific Limitation other than What is Well-Understood, Routine and Conventional in the Field"

The Federal Circuit has explained that, "an inventive concept can be found in the non-conventional and non-generic arrangement of known conventional pieces." *See Bascom Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1349 (Fed. Cir. 2016). Thus, as detailed above, because claims 1-19 and 21 are patentable over the prior art, claims 1-19 and 21 must comprise elements which are not "well-understood, routine, and conventional in the field" and recite "significantly more" than any alleged abstract idea – so as to patent eligible. *See* MPEP § 2106.05(d) (Claims that add a "specific limitation other than what is well-understood, routine and conventional in the field" comprise "significantly more" than an abstract idea and are patent eligible.).

Additionally, the Federal Circuit has stated:

> The question of whether a claim element or combination of elements is well-understood, routine and conventional to a skilled artisan in the relevant field is a question of fact. Any fact . . . pertinent to the invalidity conclusion must be proven by clear and convincing evidence . . . And the Supreme Court recognized that in making the § 101 determination, the inquiry "might sometimes overlap" with other fact-intensive inquiries like [patentability determinations, e.g., novelty and obviousness].

See Berkheimer v. HP Inc., 881 F.3d 1360, 1368 (Fed. Cir. 2018).

Moreover, the Federal Circuit has also opined, that if an applicant's specification does not describe a claimed element as "conventional," and there being no other evidence of conventionality, the claim element is presumed to not be "well understood" or "routine." *See Aatrix Software, Inc. v. Green Shades Software, Inc.*, 882 F.3d 1121, 1128 (Fed. Cir. 2018). Thus, because there is nothing in the Specification describing the instant claim elements as "conventional" and because the prior art fails to disclose all the elements of the instant claims, the instant claims must comprise elements "other than what is well-understood, routine, and

conventional in the field" and recite "significantly more" than any alleged abstract idea -- so as to patent eligible. *See, e.g.,* MPEP § 2103 V. (Claims which are novel and non-obvious, i.e., not rejected in view of the prior art, are patentable); and MPEP § 2106.05(d). (Claims that add a "specific limitation other than what is well-understood, routine and conventional in the field" comprise "significantly more" than an abstract idea and are patent eligible.); *see also Bascom Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1349; *Berkheimer v. HP Inc.*, 881 F.3d 1360, 1368 (whether a claim is invalid under Section 101 must be proven by clear and convincing evidence and a determination of patentability is evidence of patent eligibility);[1] and *Aatrix Software, Inc. v. Green Shades Software, Inc.*, 882 F.3d 1121, 1128 (absent evidence to the contrary, claim elements are presumed to be not "well-understood, routine, and conventional in the field").

Based on the foregoing, Applicant respectfully submits that claims 1-19 and 21 recite "significantly more" than the alleged abstract idea of "engaging in lawful wagering" and therefore, are patent eligible.

2. The Machine or Transformation Test

Applicant contends that claims which satisfy the "machine or transformation" test comprise patent eligible subject matter. MPEP § 2106.05.A referenced above expressly incorporates the machine or transformation" test into its "considerations for determining whether a claim with additional elements amounts to significantly more than the judicial exception itself." *See* MPEP § 2106.05.A.

[1] Applicants appreciate that the Office is not bound by the "clear and convincing" evidentiary standard but submits that it is patently unjust that a claim (e.g., claims 1-18) which would be deemed patent eligible by a court based on the incapability of "clear and convincing" evidentiary burden being met due to the "patentability" of a claim, may never get such an opportunity because of the Office's ignoring of *Diamond v Diehr*, *Bascom*, and *Berkheimer*.

a) "Applying the Judicial Exception with, or by Use of, a Particular Machine"

Specifically, MPEP § 2106.05.A provides that "[a]pplying the judicial exception with, or by use of, a particular machine"[2] is a limitation which "qualif[ies] as 'significantly more' when recited in a claim with a judicial exception." *See id.*

> Independent claim 1 is reproduced below:
>
> 1. A method for providing a manufactured, pre-printed, random draw lottery ticket comprising:
> (a) **receiving, by a transaction processor**, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed, random draw lottery ticket, wherein the manufactured, pre-printed, random draw lottery ticket is selected by a customer prior to initiation of a check-out process and is presented by the customer for activation during the check-out process;
> (b) **providing, via a first secured communication, by a transaction processor** or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and
> (c) **receiving, via a second secured communication, by the transaction processor** or retailer, from the lottery administration system, indication that draw information has been associated with the manufactured, pre-printed, random draw lottery ticket.

See claim 1, *supra* (emphasis added).

As can be seen, the claims require the claimed method steps be performed by a "transaction processor" to effectuate the claim language. *See id.* As detailed in the Specification:

> The transaction processor system 630 may include a central processing unit (CPU) 604, memory unit 616 and 1/0 interface(s) 608 for communicating with devices external to the transaction processor system630. **Instructions 604 stored in the memory unit 616, when executed by the processing unit 604 provide transaction processing and data exchange functionality 602**. The functionality 602 may process transactions and exchange data from a plurality of different retailers to a single lottery system. Instructions 602 may

[2] *Bilski v Kappos,* 130 S. Ct. 3218, 3227 (2010) (''The Court's precedents establish that the machine-or-transformation test is a useful and important clue, an investigative tool, for determining whether some claimed inventions are processes under § 101.'').

> include any functionality necessary for the successful exchange of data and the activation or cancellation of the pre-printed ticket.

Application at ¶ [0046] (emphasis added).

Based on the foregoing, Applicant contends the instant claims' "transaction processor" results in the instant claims' methods comprising specifically programmed computer processors performing particular, recited functions, even if directed to an abstract idea, is patent-eligible subject matter. As noted by the Supreme Court, "[a] claimed process is surely patent-eligible under § 101 if: (1) it is tied to a particular machine or apparatus . . . ." *See, e.g., In re Bilski,* 545 F.3d 943, 954, (Fed. Cir. 2009); *Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709, 716 (Fed. Cir. 2014) ("[t]he machine-or-transformation test . . . can provide a "useful clue" in the second step of the *Alice* framework . . . ."); *Bancorp Servs., L.L.C. v. Sun Life Assurance Co. of Can.*, 687 F.3d 1266, 1278 (Fed. Cir. 2012) (holding that the machine-or-transformation test remains an important clue in determining whether inventions are processes under § 101); *see also In re Alappat*, 33 F.3d 1526, 1545 (Fed. Cir. 1994) ("[P]rogramming creates a new machine because a general purpose computer, in effect, becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software."); *Finisar Corp. v. DirecTV Grp., Inc.*, 523 F.3d 1323, 1340 (Fed. Cir. 2008) ("[A] computer programmed to implement an algorithm . . . is not the general purpose computer, but rather the special purpose computer programmed to perform the disclosed algorithm."); *Typhoon Touch Techs., Inc. v. Dell, Inc.*, 659 F.3d 1376, 1385 (Fed. Cir. 2011) ("[T]he term 'algorithm' as a term of art in its broad sense, i.e., to identify a step-by-step procedure for accomplishing a given result . . . ."); and MPEP § 2106.05.A ("apply[] the judicial exception with, or by the use of, a particular machine.").

Thus, Applicant contends the instant claims' devices comprising specifically programmed computer processors performing particular, recited functions, inarguably amount to "significantly

more" than the alleged abstract idea of "engaging in lawful wagering" (or any other identified abstract idea), *see* MPEP § 2106.05.A, because under the Federal Circuit's decisions in *In re Bilski*, *In re Alappat*, *Finisar Corp.*, and *Typhoon Touch Techs., Inc.*, the instantly claimed methods and devices comprising specifically programmed computer processors performing particular, recited functions require that any implicated abstract idea is "tied to" or "applied by" "special purpose computers performing particular functions," *see In re Alappat*, 33 F.3d at 1545, i.e., "particular machines." *See*, *e.g.*, *In re Bilski*, 545 F.3d at 954; MPEP § 2106.05.A; and Interim Examination Instructions For Evaluating Subject matter Eligibility Under 35 U.S.C. § 101, Aug. 24, 2009 at 6 ("For computer implemented processes, the 'machine' is often disclosed as a general purpose computer. In these cases, the general purpose computer may be sufficiently 'particular' when programmed to perform the process steps. Such programming creates a new machine because a general purpose computer, in effect, becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software. To qualify as a particular machine under the test, the claim must clearly convey that the computer is programmed to perform the steps of the method because such programming, in effect, creates a special purpose computer limited to the use of the particularly claimed combination of elements (i.e., the programmed instructions) performing the particularly claimed combination of functions.").

Accordingly, the recitation in claims 1-19 and 21 of a "particular machine/special purpose computer" provides the "inventive concept" discussed by the Supreme Court in *Alice*, because the claims recite particular machines/special purpose computers which perform particular functions (e.g., facilitating and managing consumer accounts with associated providers and physical gift cards). *See Alice*, 134 S. Ct. at 2355 ("We have described step two of this analysis as a search for an 'inventive concept' -- i.e., an element or combination of elements that is "sufficient to ensure that

the patent in practice amounts to significantly more than a patent upon the [ineligible concept] itself.").

3. "Improvements to Another Technology or Technical Field"

The Federal Circuit has opined, **"inventions with specific applications or improvements to technologies in the marketplace** are not likely to be so abstract that they override the statutory language and framework of the Patent Act." *See Bascom Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1350 (citing *Research Corp. Techs. v. Microsoft Corp.*, 627 F.3d 859, 869 (Fed. Cir. 2010).

Accordingly, the Specification details:

> **Tickets for draw based lotteries are typically printed at the time of purchase on special ticket paper by a printing device approved by the lottery administering body**. The ticket will typically have the draw details such as the date, the numbers that have been selected by the customer or generated on behalf of the customer and a control number that uniquely identifies that ticket. Special ticket paper typically meets critical longevity and stress requirements to ensure the ticket will not deteriorate within a certain period of time and that the control number and selected numbers remain legible. **Typically, the printing device is attached to a single lottery terminal operated by the lottery organization. Although the model of a single terminal and printer is effective for single checkout lane environments such as convenience stores and gas stations, it is not ideal for multi-lane environments such as grocery stores, discount and big box retailers**. Here, the majority of customers complete their shopping and pay through any one of many checkout lanes. A second stop and purchase is required at the lottery terminal location in order to purchase the lottery draw ticket. **This is extremely inconvenient for most customers who simply bypass the lottery counter**. **Installing an approved printer or any other piece of specialized hardware at every point of payment within a retail environment is cost prohibitive and not an effective use of capital as not all points of payment are open at all times. This is one of the barriers to lottery organizations expanding their sales within multi-lane retail environments**. Other barriers to installing specialized hardware in lane include the lack of available space and the added responsibility and training for the cashier who must operate the hardware. **Using the retailers POS to print the ticket on standard receipt paper is ineffective** since receipt paper is typically of the

> lowest quality and the ticket can deteriorate prematurely if left if sunlight or comes in contact with water. **It would be desirable to enable customers to include a lottery draw ticket in their basket along with other goods and pay for that basket at any point of payment in a retail location**. **The inclusion of such a lottery draw ticket should not require any additional hardware in lane and should be fully serviced by the existing point of sale equipment. Itis also desirable to merchandise draw based tickets in such a way that the customer experience is enhanced with the purchase convenience while increasing product awareness and impulse lottery purchases**. Currently, online lottery products are produced by a lottery terminal or similar hardware. When an online lottery ticket, such as a ticket to a draw taking place at a later time, is purchased, a ticket is generated and printed by the lottery terminal and printer. **A system is described further herein that provides the ability to include online lottery tickets that can be placed in a customer's shopping cart and paid for during the normal checkout process without the use of specialized hardware such as lottery terminals, ticket printers or customized devices at the point of purchase for the purpose of producing the lottery ticke**t. Since no specialized hardware is required, it is possible to pay for the online lottery tickets at any point of purchase. For example, at a grocery store, the online lottery tickets may be purchased at each check-out lane without requiring lottery terminals or hardware at each lane and as such, **the incorporation of the purchasing at multiple lanes may be cost effective. In addition to the ability to purchase online lottery tickets at a point of sale without additional specialized lottery hardware, the systems and methods allow the online lottery ticket to be displayed and purchased as a common in-store product making the purchase of an online ticket common practice for the customer and the retailer**.

See Application at ¶¶ [0004]-[0019] (emphasis added). As can be seen from the above-recited portion of the Specification, the instant claims are directed to a specific improvement to technologies in the marketplace, e.g., addressing business challenges of meeting customers' growing demands for random draw based lottery tickets while simultaneously allowing lottery ticket retailers to configure their legacy technologies and systems to sell random draw based lottery tickets at any point of sale register. *See id.* Such technological improvements are patent eligible. *See Bascom Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1350 ("[I]nventions with specific applications or improvements to technologies in the marketplace are not likely to be so abstract that they override

the statutory language and framework of the Patent Act."); *see also Zak v. Facebook*, Civ. No. 15-13437 at 20-22 (ED Mich. Sept. 12, 2016) ("[I]n the present case, the claim does not merely permit a known business practice to be performed on the Internet. Instead, **the claim here specifies how a solution will be implemented that addresses a business challenge** particular to the Internet, **namely allowing ordinary users to maintain dynamic websites by managing the content of websites and controlling users' interactions with web pages** . . . the claim contains enough inventive elements to be aimed at **more than a patent on the abstract idea itself**.") (emphasis added).

Based on the foregoing, the evidence of record weighs against a finding of patent ineligibility at least because Applicant's claims recite "significantly more" than the alleged abstract idea. *See* MPEP § 2106.05.A. Based on the foregoing, withdrawal of the rejection of claims 1-19 and 21 under 35 U.S.C. Section 101 is respectfully requested.

CONCLUSION

Consideration of the foregoing remarks, reconsideration of the application, and withdrawal of the rejections are respectfully requested by Applicant. No new matter is introduced by way of amendment. It is believed that each ground of rejection raised in the Final Office Action dated July 2, 2021 and the Advisory Action dated September 14, 2021 has been fully addressed. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account Number 100435 of Barnes & Thornburg LLP. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,
BARNES & THORNBURG LLP

Date: October 4, 2021

/Jerry C. Harris, Jr./
Jerry C. Harris, Jr.
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Electronic Patent Application Fee Transmittal

Application Number:	16280629
Filing Date:	20-Feb-2019
Title of Invention:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS
First Named Inventor/Applicant Name:	Gino Giunti
Filer:	Jerry Harris/Michelle Horvath
Attorney Docket Number:	84971-326801

Filed as Large Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
RCE- 2ND AND SUBSEQUENT REQUEST	1820	1	2000	2000
		Total in USD ($)		**2000**

Electronic Acknowledgement Receipt

EFS ID:	43939039
Application Number:	16280629
International Application Number:	
Confirmation Number:	5484
Title of Invention:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS
First Named Inventor/Applicant Name:	Gino Giunti
Customer Number:	15608
Filer:	Jerry Harris/Michelle Horvath
Filer Authorized By:	Jerry Harris
Attorney Docket Number:	84971-326801
Receipt Date:	04-OCT-2021
Filing Date:	20-FEB-2019
Time Stamp:	14:23:44
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$2000
RAM confirmation Number	E202104E24114816
Deposit Account	100435
Authorized User	Michelle Horvath
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: 37 CFR 1.21 (Miscellaneous fees and charges) 37 CFR 1.20 (Post Issuance fees)	

37 CFR 1.19 (Document supply fees)

37 CFR 1.17 (Patent application and reexamination processing fees)

37 CFR 1.16 (National application filing, search, and examination fees)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	16280629_RCE.pdf	1349884 bca450ae97f16af204a362523d42b3d33fb2527c	no	3
Warnings:					
Information:					
2		16280629_AdvisoryResponseRCE.pdf	526313 af8ddc94402d74ba1c82adb8156122d2d8f26600	yes	32

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment Submitted/Entered with Filing of CPA/RCE	1	1
	Claims	2	5
	Applicant Arguments/Remarks Made in an Amendment	6	32

Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	38096 b9d7649f4e9c00673db1cd5e9ce25215b86309b8	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	1914293		

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

PTO/SB/06 (09-11)
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 16/280,629	Filing Date 02/20/2019	☐ To be Mailed

ENTITY: ☑ LARGE ☐ SMALL ☐ MICRO

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA		RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A		N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A		N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A		N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*		x $100 =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*		x $460 =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).				
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))					
* If the difference in column 1 is less than zero, enter "0" in column 2.				TOTAL	

APPLICATION AS AMENDED - PART II

		(Column 1)		(Column 2)	(Column 3)			
AMENDMENT	10/04/2021	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 21	Minus	** 21	= 0		x $100 =	0
	Independent (37 CFR 1.16(h))	* 2	Minus	*** 3	= 0		x $480 =	0
	☐ Application Size Fee (37 CFR 1.16(s))							
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							
							TOTAL ADD'L FEE	0

		(Column 1)		(Column 2)	(Column 3)			
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	*	Minus	**	=		x $0 =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=		x $0 =	
	☐ Application Size Fee (37 CFR 1.16(s))							
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							
							TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.	LIE
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".	/BURNELL L ROSS/
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".	
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.	

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/280,629	02/20/2019	Gino Giunti	84971-326801	5484

15608 7590 09/14/2021

Barnes & Thornburg LLP (Blackhawk)
11 S. Meridian Street
Indianapolis, IN 46204

EXAMINER	
PANDYA, SUNIT	

ART UNIT	PAPER NUMBER
3649	

NOTIFICATION DATE	DELIVERY MODE
09/14/2021	ELECTRONIC

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

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

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

INDocket@btlaw.com
jerry.harris@btlaw.com
michelle.horvath@btlaw.com

Advisory Action Before the Filing of an Appeal Brief	Application No. 16/280,629	Applicant(s) Giunti, Gino	
	Examiner SUNIT PANDYA	Art Unit 3649	AIA (FITF) Status Yes

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

THE REPLY FILED 02 September 2021 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

NO NOTICE OF APPEAL FILED

1. ☑ The reply was filed after a final rejection. No Notice of Appeal has been filed. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114 if this is a utility or plant application. Note that RCEs are not permitted in design applications. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires ____ months from the mailing date of the final rejection.
   b) ☑ The period for reply expires on: (1) the mailing date of this Advisory Action; or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
   c) ☐ A prior Advisory Action was mailed more than 3 months after the mailing date of the final rejection in response to a first after-final reply filed within 2 months of the mailing date of the final rejection.The current period for reply expires ____ months from the mailing date of *the prior Advisory Action* or SIX MONTHS from the mailing date of the final rejection, whichever is earlier.
   Examiner Note: If box 1 is checked, check either box (a), (b) or (c). ONLY CHECK BOX (b) WHEN THIS ADVISORY ACTION IS THE FIRST RESPONSE TO APPLICANTS FIRST AFTER-FINAL REPLY WHICH WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. ONLY CHECK BOX (c) IN THE LIMITED SITUATION SET FORTH UNDER BOX (c). See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) or (c) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37CFR 41.37(a).

AMENDMENTS

3. ☑ The proposed amendments filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   a) ☑ They raise new issues that would require further consideration and/or search (see NOTE below);
   b) ☐ They raise the issue of new matter (see NOTE below);
   c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
   NOTE: See Continuation Sheet (See 37CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicants reply has overcome the following rejection(s): _____
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☑ For purposes of appeal, the proposed amendment(s):(a) ☑ will not be entered, or (b) ☐ will be entered, and an explanation of how the new or amended claims would be rejected is provided below or appended.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____
9. ☐ The affidavit or other evidence filed after final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
10. ☐ The affidavit or other evidence filed after the date of filing the Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
11. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

12. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
13. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
14. ☐ Other: _____.

STATUS OF CLAIMS

15. The status of the claim(s) is (or will be) as follows:
    Claim(s) allowed:_____.
    Claim(s) objected to:_____.
    Claim(s) rejected:1-19 and 21.
    Claim(s) withdrawn from consideration:20.

/SUNIT PANDYA/ Primary Examiner, Art Unit 3649	

Continuation of 3. NOTE: Proposed amendment to claim 1 changes the scope of the claims and would require further search

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Gino Giunti	§	
		§	Group Art Unit: 3649
Serial No.	16/280,629	§	
		§	Examiner: Sunit Pandya
Filed:	February 20, 2019	§	
		§	Confirmation No.: 5484
For:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS	§	

Mail Stop: Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF EFS-WEB FILING

Pursuant to 37 CFR § 1.8, I hereby certify that this correspondence is being electronically submitted to the U.S. Patent and Trademark Office website, www.uspto.gov, on

09/02/2021 .
(Date submitted)

/Jerry C. Harris, Jr./
Jerry C. Harris, Jr.

RESPONSE TO FINAL OFFICE ACTION DATED JULY 2, 2021

Dear Sir:

In response to the Final Office Action dated July 2, 2021 (the "Final Office Action), Applicant respectfully requests consideration of the following.

The Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

DO NOT ENTER: /S.P/

09/09/2021

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Gino Giunti	§	
		§	Group Art Unit: 3649
Serial No.	16/280,629	§	
		§	Examiner: Sunit Pandya
Filed:	February 20, 2019	§	
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Mail Stop: Amendment
Commissioner for Patents
PO Box 1450
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CERTIFICATE OF EFS-WEB FILING

Pursuant to 37 CFR § 1.8, I hereby certify that this correspondence is being electronically submitted to the U.S. Patent and Trademark Office website, www.uspto.gov, on

09/02/2021 .
(Date submitted)

/Jerry C. Harris, Jr./
Jerry C. Harris, Jr.

RESPONSE TO FINAL OFFICE ACTION DATED JULY 2, 2021

Dear Sir:

In response to the Final Office Action dated July 2, 2021 (the "Final Office Action), Applicant respectfully requests consideration of the following.

The Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

THE CLAIMS

Listing of claims:

1. (Currently Amended) A method for providing a manufactured, pre-printed, random draw lottery ticket comprising:

(a) receiving, by a transaction processor, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed, random draw lottery ticket, wherein the manufactured, pre-printed, random draw lottery ticket is selected by a customer prior to initiation of a check-out process and is presented by the customer for activation during the check-out process;

(b) providing, via a first secured communication, by the transaction processor or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and

(c) receiving, via a second secured communication, by the transaction processor or retailer, from the lottery administration system, indication that draw information has been associated with the manufactured, pre-printed, random draw lottery ticket.

2. (Previously Presented) The method of claim 1, wherein receiving the transaction request comprises receiving unique product information associated with the manufactured, pre-printed, random draw lottery ticket over a secure communication channel from a point of sale (POS) system.

3. (Previously Presented) The method of claim 1, wherein draw information is made available on a printed receipt; by scanning a code on the manufactured, pre-printed, random draw lottery ticket; or by entering a unique identifier associated with the manufactured, pre-printed, random draw lottery ticket into an online website or mobile application.

4. (Previously Presented) The method of claim 1, further comprising receiving unique product information associated with the manufactured, pre-printed, random draw lottery ticket.

5. (Previously Presented) The method of claim 1, further comprising retrieving unique identification information associated with the manufactured, pre-printed, random draw lottery ticket from the received product information.

6. (Previously Presented) The method of claim 4, wherein the product information is sufficient to determine one or more of:

a game type associated with the manufactured, pre-printed, random draw lottery ticket;

a wager amount associated with the manufactured, pre-printed, random draw lottery ticket; and

a number of wagers associated with the manufactured, pre-printed, random draw lottery ticket.

7. (Original) The method of claim 1, further comprising validating the received transaction request.

8. (Previously Presented) The method of claim 7, wherein validating the received identification information comprises verifying that the product information corresponds to identification information associated with the manufactured, pre-printed, random draw lottery ticket.

9. (Original) The method of claim 8, wherein validating the transaction information includes verifying that the product is validly distributed by the retailer.

10. (Previously Presented) The method of claim 1, wherein the information provided to the lottery administration system includes one or more randomly determined lottery numbers generated at the time the manufactured, pre-printed, random draw lottery ticket is purchased at the POS.

11. (Previously Presented) The method of claim 1, wherein the information provided to the lottery administration system includes one or more randomly determined lottery numbers associated with the manufactured, pre-printed, random draw lottery ticket prior to the time the manufactured, pre-printed lottery ticket is purchased at the POS.

12. (Original) The method of claim 1, wherein the retailer POS is online.

13. (Previously Presented) The method of claim 1, wherein the manufactured, pre-printed, random draw lottery ticket comprises a barcode.

14. (Original) The method of claim 13, wherein the barcode comprises a first party information and a second party information.

15. (Original) The method of claim 13, wherein the barcode comprises a universal product code and pre-printed lottery ticket information.

16. (Previously Presented) The method of claim 1, wherein the manufactured, pre-printed, random draw lottery ticket contains information used to redeem a winning prize.

17. (Previously Presented) The method of claim 1, wherein the lottery administration system generates wagers for the manufactured, pre-printed, random draw lottery ticket and a draw date is assigned to the wagers.

18. (Original) The method of claim 1, wherein lottery numbers are entered in a draw.

19. (Original) The method of claim 7, wherein the validation comprises age validation.

20. (Withdrawn) A method for providing a product for a draw comprising:

(a) providing, by a transaction processor or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and

(b) receiving, by the transaction processor or retailer, from the lottery administration system, indication that draw information has been associated with a manufactured, pre-printed lottery ticket.

21. (Previously Presented) The method of claim 1, wherein the first secured communication, the second secured communication, or combinations thereof are encrypted.

REMARKS/ARGUMENTS

Status of Claims

Claims 1-6, 8, 10, 11, 13, 16, and 17 are currently amended.

Claims 7, 9, 12, 14, 15, and 18-19 are original.

Claims 2-6, 8, 10, 11, 13, 16, 17, and 21 were previously presented.

Claim 20 is withdrawn.

Claims 1-21 are currently pending in this application.

Applicant hereby requests further examination and reconsideration of the presently claimed application.

Double Patenting

Claims 1-19 and 21 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 9,865,135. Applicant submits that the instant double-patenting rejections will be addressed as soon as the 35 U.S.C. §§ 101 and 103 rejections have been overcome.

Claim Rejections – 35 U.S.C. § 103

Claims 1-19 and 21 are rejected under 35 U.S.C. Section 102(a)(1) as being unpatentable over Gilmore et al., U.S. Patent Application Pub. No. 2005/0233797 (hereinafter "*Gilmore*") in view of McBride, U.S. Patent Application Pub. No. 2009/0227320 (hereinafter "*McBride*").

The Legal Standard for Obviousness

The MPEP provides:

> The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have

> been obvious. The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit.

See MPEP § 2143.

In *KSR Int'l Co. v. Teleflex, Inc.*, the United States Supreme Court also noted that, "a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art," but, additionally whether "the claim extends to what is obvious." *See KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1741-42 (2007). Expounding on its edict, the Supreme Court went on to opine that an obviousness determination is based upon a "proper application of *Graham*," including consideration of "secondary factors" that may weigh against an obviousness determination. *See KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. at 1745 (citing *Graham v. John Deere Co. of Kansas City, et al.*, 383 U.S. 1, 148 U.S.P.Q. 459 (1966)). The "proper application of *Graham*" begins with a determination of whether the cited prior art contains all the elements of the contested claims. *See Graham v. John Deere Co. of Kansas City*, 383 U.S. at 22 (an obviousness determination begins with a finding that "the prior art as a whole in one form or another contains all" the elements of the claimed invention.).

Applicant contends that the Final Office Action fails to establish a *prima facie* case of unpatentability because none of the prior art of record, alone or in combination, has been shown to disclose each and every element of the pending claims.

Independent claim 1 has been amended to recite:

> 1. A method for providing a manufactured, pre-printed, random draw lottery ticket comprising:
>
> (a) receiving, by a transaction processor, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed, random draw lottery ticket**, wherein the manufactured, pre-printed, random draw lottery ticket is selected by a customer prior to initiation of a check-out process and is presented by the customer for activation during the check-out process**;
>
> (b) providing, via a first secured communication, by a transaction processor or retailer, to a lottery administration system

> unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and
>
> (c) receiving, via a second secured communication, by the transaction processor or retailer, from the lottery administration system, indication that draw information has been associated with the manufactured, pre-printed, random lottery ticket.

See claim 1, *supra* (emphasis added). Support for the amending language is found in the Specification. *See* Application at ¶¶ [0028]-[0029] ("The pre-printed tickets may be manufactured and shipped to retail locations. Retailers may manage inventory and display the pre-printed tickets in, for example, checkout lanes, at counters and throughout the store where the product is most visible to customers. Customers can select a lottery product at any time with no additional interaction with a lottery retailer and drop the pre-printed lottery ticket(s) into their shopping cart. During the checkout process, the pre-printed ticket is scanned by the cashier in the retailer's POS as they would scan any other product being purchased. The pre-printed ticket may require one, possibly two scans dependent on the bar code standard used and the technical abilities of the retailer's POS system. Upon scanning of the ticket the retailer's POS will be updated with the product description and cost. The retailer's POS will communicate the transaction type, such as purchase or cancel, and the pre-printed ticket details, such as product information and/or a unique identifier, to the lottery system though a secure communications channel. Upon receiving information for activating a pre-printed ticket being purchased, the lottery system may initiate a pre-printed ticket wager by validating the pre-printed ticket details, generating the appropriate lottery wager information, for example generating an appropriate number of random numbers for the draw. The generated wager information may then be associated with unique identifier of the pre-printed ticket in the lottery system and the pre-printed ticket activated for the next available draw. Confirmation of the activation, as well as the lottery numbers and draw information, for example when the draw is being held, may be withheld from the retailer's POS until payment confirmation is received by the lottery system.").

The Final Office Action states:

> Claims 1 & 4: Gilmore disclose a method for providing a manufactured, pre-printed random draw lottery ticket (0014-0016 & 0063-0065) comprising, receiving, by a transaction processor, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed lottery ticket (0039-0043) . . . .

See Final Office Action at 12.

Gilmore's paragraphs [0014]-[0016] provide:

> The system and method of the present invention integrates the retail functions of modern retail point of sale systems, and all of the underlying infrastructure used therewith, for receiving player requests, **and subsequently printing, dispensing, and selling lottery games or wagering games**, for example horse or dog racing wagers, or any desired combination thereof, through the point of sale system of a retail store, whether a single cash register lane convenience store or a multiple cash register lane store. The present invention provides an improved lottery or wagering system, all of which are hereinafter collectively referred to as a "lottery system," as well as methods for selling pre-printed lottery game tickets as well as on-line lottery game tickets or on-line wagers through at least one point of sale ("POS") terminal of a store. **The invention also provides for the dispensing of items of monetary value, which may include either dispensing pre-printed items, or printing items of monetary value through at least one POS terminal of the POS system within a retail store**. Accordingly, in a first embodiment, the present invention comprises a system and method of selling and dispensing pre-printed lottery game tickets for purchase by a lottery game player within a store. In known fashion, the store will have a networked POS system with at least one pos terminal, and perhaps a plurality of POS terminals, located at a separate check-out or cash register lane of a store. Each POS terminal will have a bar code reader adapted to scan product identification codes thereat.

See Gilmore at ¶¶ [0014]-[0016] (emphasis added).

Gilmore's paragraphs [0063]-[0065] provide:

> Returning now again to step 54, where using a token for an on-line lottery game, the process proceeds to step 64 which generates a quick-pick transaction and sends the transaction data or request to the off-site lottery computer 28 (FIG. 1) performing one of the two separate subroutines illustrated in FIGS. 6A and 6B. The type of on-

> line lottery game described for use with the tokens of the system is a "quick-pick" game in which the lottery system or off-site host computer generates a series of random lottery game play numbers for the game player, and **then forwards the lottery play numbers to the ticket printer located at the POS terminal.** The use of the quick-pick ticket is well known to those of skill in the art, and to lottery game players, and the manner in which the quick-pick numbers are generated is a detail of the particular lottery system in use. Certain lottery systems generate the quick-pick numbers at the lottery terminal and forward these numbers to an off-site lottery computer, whereas other types of lottery systems forward the quick-pick request from a lottery terminal to the lottery computer that generates the quick-pick numbers. Where the game player verbally instructs the sales clerk of the desire to play an on-line lottery game, the sales clerk presses the appropriate keys on the POS terminal programmed for the game(s) being played, the signal is detected by the game monitor as described herein for token originated games, and the transactional data forwarded by the in-store lottery system described herein to the off-site host computer. The lottery system host computer receives the game request and game play data, whereupon the lottery game ticket is authorized and the authorization returned to the in-store lottery system. **On receipt of the game ticket authorization, the in-store lottery system instructs the ticket printer located at the originating POS terminal to print the on-line lottery game ticket(s) for the game player.** The same process, differing only by communication with an off-site gaming host computer, for example a tote system computer, occurs where an on-line wagering game is being played, for example where a bet is made verbally by the game player to the sales clerk.

See Gilmore at ¶¶ [0063]-[0065] (emphasis added).

As can be seen from the Final Office Action's cited portions of *Gilmore*, *Gilmore* does not disclose the instantly claimed, "wherein the manufactured, pre-printed, random draw lottery ticket is selected by a customer prior to initiation of a check-out process and is presented by the customer for activation during the check-out process," because *Gilmore* specifically discloses its "random draw" lottery tickets are printed during and/or at the conclusion of the check-out process – hence, Gilmore's "random draw" lottery tickets cannot be "selected by a customer prior to initiation of a check-out process and . . . presented by the customer for activation during the check-out process." *See supra*.

Applicant also respectfully notes that *Gilmore* specifically distinguishes its disclosed "instant win/scratch-off" tickets (i.e., *Gilmore*'s "pre-printed ticket") from its "lotto/Power Ball/weekly draw" tickets (i.e., Gilmore's "on-line ticket"). Examples of *Gilmore*'s distinguishing between its "pre-printed ticket" and its "on-line ticket" are provided below:

> **In a first type of lottery game known as a pre-printed or "instant win" lottery game**, a lottery game player purchases individual game tickets of the type disclosed in U.S. Pat. Nos. 5,451,052, and 5,560,610, respectively, issued to Behm et al., for play. **Each game ticket is pre-printed by an authorized lottery game ticket manufacturer**, and typically offers a cash game prize of a predetermined amount, **the prize amount being covered by a rub or scratch off coating printed or laminated onto the pre-printed surface of the lottery game ticket**. Once the game player scratches off the coating, and if the prize amounts match as required by the rules of the game, the lottery game player will win the prize amount printed on the ticket.

See Gilmore at ¶ [0003] (emphasis added).

> **A second type of popular lottery game is an on-line game, more commonly thought of as a "lotto" type game**, which requires that a game player fill out a game play ticket with a series of lottery play numbers thereon, and/or designate a "quick pick" in which either a lottery terminal or an off-site lottery system computer generates the lottery play numbers. **The lottery play slip is scanned into a lottery terminal, typically a stand-alone terminal found in a convenience store, whereupon a ticket is authorized by the lottery system and printed at the lottery terminal**. The on-line games are the types of lottery game conducted on a weekly statewide basis by the several states, as are the regional lottery games such as the Power Ball and Big Game lotteries played in the United States. Similar national and regional games exist in foreign nations as well.

See Gilmore at ¶ [0004] (emphasis added).

> **The lottery game system includes a pre-printed ticket dispenser assembly 19, and/or a separate on-line lottery game ticket printer 20**, each of which is stationed at respective ones of the POS terminals 8 comprising the store's POS system. The ticket dispenser assembly and ticket printer are each networked to the ticket dispenser system through a separate network connection 21, which may be any of the known types of networks and may include, for example, a wireless

network allowing for the expeditious networking of the lottery game system with the store's POS system.

See Gilmore at ¶ [0046] (emphasis added).

When describing its "on-line ticket," *Gilmore* details the following:

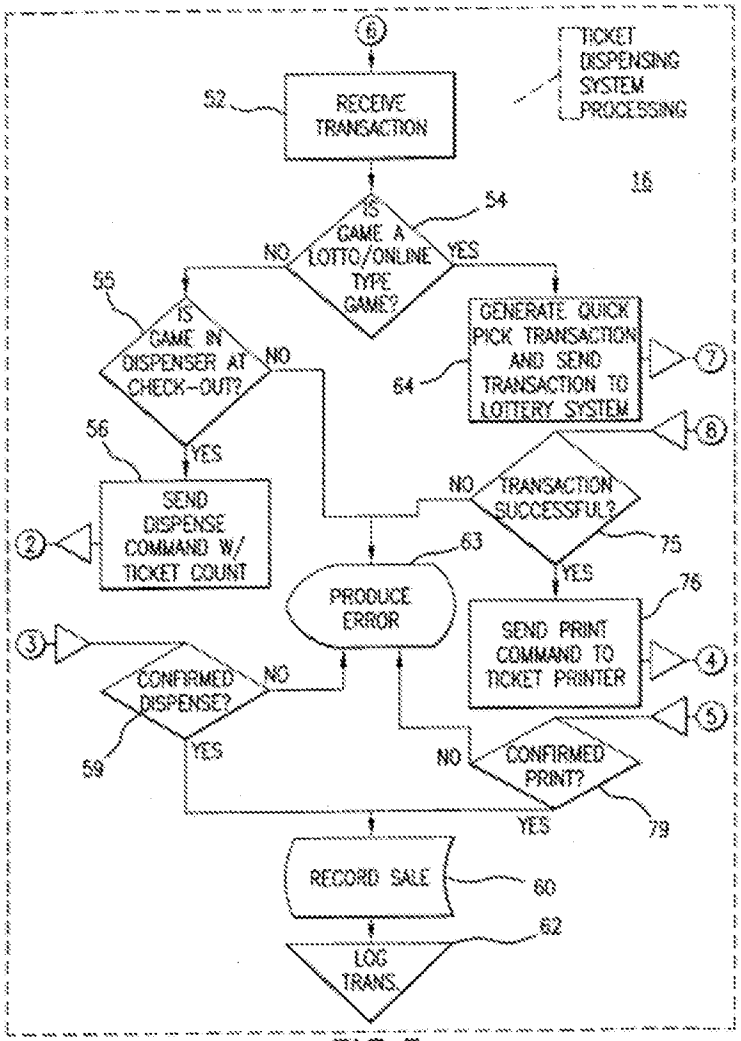


FIG.5

See Gilmore at FIG. 5.

Referring now to FIG. 5, the accumulated game identification codes have been forwarded to and received by the ticket dispensing system 16 (FIG. 1) in step 52. **The ticket dispensing system determines if the lottery game or games being played are an on-line or a pre-printed lottery game.** If the game identification code is for **a pre-printed lottery game, then the process moves to step 55** whereupon

> the ticket dispensing system will poll the identified ticket dispenser assembly at the POS terminal to determine if the desired lottery game ticket is in stock. If so, the process will proceed to step 56, whereupon a dispense ticket command will be sent to the ticket dispenser assembly, as illustrated in FIG. 3. Once the dispense ticket command has been given, and the desired number and type of pre-printed lottery tickets have been dispensed, the dispensing of the tickets is confirmed in step 59. Once confirmed, the process proceeds to step 60 to record the sale within the game monitor, in which the sales cost of the lottery game tickets detected by the game monitor as this data is transmitted by the POS system controller back to the POS terminal is recorded, and the game monitor then logs the transaction in step 62. If, at step 55, the ticket controller determined that the desired number and/or type of pre-printed lottery game tickets were not available in the ticket dispenser, an error message will be produced in step 63, and the lottery transaction will be concluded.

See Gilmore at ¶ [0062] (emphasis added).

> Returning now again to step 54, where using a token for **an on-line lottery game, the process proceeds to step 64** which generates a quick-pick transaction and sends the transaction data or request to the off-site lottery computer 28 (FIG. 1) performing one of the two separate subroutines illustrated in FIGS. 6A and 6B. The type of on-line lottery game described for use with the tokens of the system is a "quick-pick" game in which the lottery system or off-site host computer generates a series of random lottery game play numbers for the game player, and **then forwards the lottery play numbers to the ticket printer located at the POS terminal**.

See Gilmore at ¶ [0063] (emphasis added).

> Where the game player verbally instructs the sales clerk of the desire **to play an on-line lottery game**, the sales clerk presses the appropriate keys on the POS terminal programmed for the game(s) being played, the signal is detected by the game monitor as described herein for token originated games, and the transactional data forwarded by the in-store lottery system described herein to the off-site host computer. The lottery system host computer receives the game request and game play data, whereupon the lottery game ticket is authorized and the authorization returned to the in-store lottery system. **On receipt of the game ticket authorization, the in-store lottery system instructs the ticket printer located at the originating POS terminal to print the on-line lottery game ticket(s) for the game player**.

See Gilmore at ¶ [0065] (emphasis added).

As is evident from the above-cited portions of *Gilmore*, *Gilmore* contains no disclosure of the claimed "manufactured, pre-printed, random draw lottery ticket" because *Gilmore*'s "on-line ticket" (i.e., its non-instant win, non-scratch-off, lotto, Power Ball, random draw-type ticket), is not "pre-printed," but rather is printed at the time of purchase by the consumer. *See id.* The Final Office Action does not cite *McBride* as disclosing the instantly claimed elements identified as missing from *Gilmore*'s disclosure.

Applicant reserves the right to challenge each of the Final Office Action's indications of the prior art disclosing other portions/elements of the instant claims in future responses, should such future responses become necessary.

Based on the foregoing, the Final Office Action fails to establish a *prima facie* case of obviousness as to claims 1-19 and 21. *See* MPEP § 2143. As such, Applicant respectfully submits that claims 1-19 and 21are presented in condition for allowance.

Claim Rejections – 35 U.S.C. § 101

A. The Rejections under 35 U.S.C. § 101

Claims 1-19 and 21 stand rejected under 35 U.S.C. Section 101 as being directed to ineligible subject matter. The claimed invention is directed to a judicial exception without significantly more.

1. Step 2A of the *Mayo* Test

a) The January 2019 Guidance

On January 7, 2019, the USPTO issued The Computer-Implemented Functional Claims Limitations Guidance (the "January 2019 Guidance") wherein the USPTO revised Step 2A of the *Mayo* Test to now comprise two separate prongs. Under Prong One of Step 2A, "examiners should evaluate whether the claim recites a judicial exception, i.e., an abstract idea, a law of nature, or a

natural phenomenon." *See* Fed. Reg. Vol. 84, No. 4 at 54 (Jan. 7, 2019). The January 2019 Guidance explained Step 2A was changed compared to prior guidance:

> To determine whether a claim recites an abstract idea in Prong One, examiners are now to: (a) Identify the specific limitation(s) in the claim under examination (individually or in combination) that the examiner believes recites an abstract idea; and (b) determine whether the identified limitation(s) falls within the subject matter groupings of abstract ideas enumerated in Section I of the 2019 Revised Patent Subject Matter Eligibility Guidance. If the identified limitation(s) falls within the subject matter groupings of abstract ideas enumerated in Section I, **analysis should proceed to Prong Two in order to evaluate whether the claim integrates the abstract idea into a practical application**. When evaluating Prong One, examiners are no longer to use the USPTO's ''Eligibility Quick Reference Sheet Identifying Abstract Ideas,'' which has been superseded by this document.

See id. (emphasis added).

The January 2019 Guidance explains Step 2A's new Prong Two as follows:

> In Prong Two, **examiners should evaluate whether the claim as a whole integrates the recited judicial exception into a practical application of the exception**. A claim that integrates a judicial exception into a practical application will apply, rely on, or use the judicial exception in a manner that **imposes a meaningful limit on the judicial exception**, such that the claim is more than a drafting effort designed to monopolize the judicial exception. **When the exception is so integrated, then the claim is not directed to a judicial exception (Step 2A: NO) and is eligible**. This concludes the eligibility analysis . . . Examiners evaluate integration into a practical application by: (a) Identifying whether there are any additional elements recited in the claim beyond the judicial exception(s); and (b) evaluating those additional elements individually and in combination to determine whether they integrate the exception into a practical application, using one or more of the considerations laid out by the Supreme Court and the Federal Circuit, for example those listed below. While some of the considerations listed below were discussed in prior guidance in the context of Step 2B, evaluating them in revised Step 2A promotes early and efficient resolution of patent eligibility, and increases certainty and reliability. **Examiners should note, however, that revised Step 2A specifically excludes consideration of whether the additional elements represent well-understood, routine, conventional activity**. Instead, analysis of well-understood, routine, conventional activity is done in Step 2B. Accordingly, in

> revised Step 2A examiners should ensure that they give weight to all additional elements, whether or not they are conventional, when evaluating whether a judicial exception has been integrated into a practical application In the context of revised Step 2A, the following exemplary considerations are indicative that an additional element (or combination of elements) may have integrated the exception into a practical application:
>
> > ■ An additional element reflects an improvement in the functioning of a computer, or an improvement to other technology or technical field;
> >
> > ■ an additional element that applies or uses a judicial exception to effect a particular treatment or prophylaxis for a disease or medical condition;
> >
> > ■ an additional element implements a judicial exception with, or uses a judicial exception in conjunction with, a particular machine or manufacture that is integral to the claim;
> >
> > ■ an additional element effects a transformation or reduction of a particular article to a different state or thing; and
> >
> > ■ an additional element applies or uses the judicial exception in some other meaningful way beyond generally linking the use of the judicial exception to a particular technological environment, such that the claim as a whole is more than a drafting effort designed to monopolize the exception.
>
> This is not an exclusive list, and there may be other examples of integrating the exception into a practical application . . . Because revised Step 2A does not evaluate whether an additional element is well-understood, routine, conventional activity, **examiners are reminded that a claim that includes conventional elements may still integrate an exception into a practical application, thereby satisfying the subject matter eligibility requirement of Section 101**.

See Fed. Reg. Vol. 84, No. 4 at 54-55 (emphasis added).

The January 2019 Guidance specifically states, "[t]he 2019 Revised Patent Subject Matter Eligibility Guidance is effective on January 7, 2019. The 2019 Revised Patent Subject Matter

Eligibility Guidance applies to all applications, and to all patents resulting from applications, filed before, on, or after January 7, 2019." *See* Fed. Reg. Vol. 84, No. 4 at 50. As the instant application was filed before January 7, 2019, the January 2019 Guidance applies to the instant application.

b) Step 2A, Prong 2 -- The Claims Integrate the Alleged Abstract Idea into a Practical Application

As noted above, The January 2019 Guidance identifies several considerations which are indicative that an additional element (or combination of elements) integrate the alleged abstract idea into a practical application, these exemplary considerations include claims wherein:

> an additional element reflects an improvement in the functioning of a computer, or an improvement to other technology or technical field;
>
> an additional element that applies or uses a judicial exception to effect a particular treatment or prophylaxis for a disease or medical condition;
>
> **an additional element implements a judicial exception with, or uses a judicial exception in conjunction with, a particular machine or manufacture that is integral to the claim**;
>
> an additional element effects a transformation or reduction of a particular article to a different state or thing; and
>
> an additional element applies or uses the judicial exception in some other meaningful way beyond generally linking the use of the judicial exception to a particular technological environment, such that the claim as a whole is more than a drafting effort designed to monopolize the exception.

See Fed. Reg. Vol. 84, No. 4 at 54-55 (emphasis added).

Manufacture

A Manufactured, Pre-printed, Random Draw Lottery Ticket

Applicant's independent claim 1 is reproduced below:

> 1. A method for providing **a manufactured, pre-printed, random draw lottery ticket** comprising:
> (a) receiving, by a transaction processor, a transaction request from a retailer point of sale (POS) to activate **the manufactured, pre-**

> **printed, random draw lottery ticket**, wherein the manufactured, pre-printed, random draw lottery ticket is selected by a customer prior to initiation of a check-out process and is presented by the customer for activation during the check-out process;
>
> (b) providing, via a first secured communication, by a transaction processor or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and
>
> (c) receiving, via a second secured communication, by the transaction processor or retailer, from the lottery administration system, indication that draw information has been associated with **the manufactured, pre-printed, random lottery ticket**.

See claim 1, *supra* (emphasis added).

The instantly claimed "manufactured, pre-printed, random draw lottery ticket" is integral to the claim because the claim is eviscerated without the "manufactured, pre-printed, random draw lottery ticket." The claimed "manufactured, pre-printed, random draw lottery ticket is unquestionably a "manufacture." *See* MPEP § 2106.03 (I) ("As the courts have explained, manufactures are articles that result from the process of manufacturing, i.e., they were produced 'from raw or prepared materials by giving to these materials new forms, qualities, properties, or combinations, whether by hand-labor or by machinery.' *Samsung Electronics Co. v. Apple Inc.*, 580 U.S. __, 137 S. Ct. 429, 435, 120 USPQ2d 1749, 1752-3 (2016) (quoting *Diamond v. Chakrabarty*, 447 U. S. 303, 308, 206 USPQ 193, 196-97 (1980)).").

As such, the Final Office Action's identified abstract idea, "engaging in lawful wagering," *see* Final Office Action at 8, is integrated into a practical application via the requirement that the "abstract idea" be performed by "**an additional element implements a judicial exception with**, or uses a judicial exception in conjunction with, **a . . . manufacture that is integral to the claim**." *See* Fed. Reg. Vol. 84, No. 4 at 55 (emphasis added).

Transaction Processor

Applicant's independent claim 1 is reproduced below:

> 1. A method for providing a manufactured, pre-printed, random draw lottery ticket comprising:
>
> (a) **receiving, by a transaction processor**, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed, random draw lottery ticket, wherein the manufactured, pre-printed, random draw lottery ticket is selected by a customer prior to initiation of a check-out process and is presented by the customer for activation during the check-out process;
>
> (b) **providing, via a first secured communication, by a transaction processor** or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and
>
> (c) **receiving, via a second secured communication, by the transaction processor** or retailer, from the lottery administration system, indication that draw information has been associated with the manufactured, pre-printed, random draw lottery ticket.

See claim 1, *supra* (emphasis added).

As can be seen above, independent claim 1 recites a "transaction processor" to effectuate the claim language. *See supra*. As detailed in the Specification:

> **The transaction processor** system 630 may **include a central processing unit (CPU) 604**, memory unit 616 and 1/0 interface(s) 608 for communicating with devices external to the transaction processor system630. Instructions 604 stored in the memory unit 616, when executed by the processing unit 604 provide transaction processing and data exchange functionality 602. The functionality 602 may process transactions and exchange data from a plurality of different retailers to a single lottery system. Instructions 602 may include any functionality necessary for the successful exchange of data and the activation or cancellation of the pre-printed ticket.

Application at ¶ [0046] (emphasis added).

The instantly claimed "transaction processor" is integral to the claim because the "manufactured, pre-printed, random draw lottery ticket" cannot be provided without the "transaction processor."

Moreover, as shown above, the transaction processor comprises a "central processing unit (CPU)." *See id*. One of ordinary skill in the art would understand that a "CPU" would comprise a

microprocessor. "The component of a computer system that performs the basic operations (such as processing data) of the system, that exchanges data with the systems memory or peripherals, and that manages the systems other components — called also *processor*." *See* Merriam-Webster at https://www.merriam-webster.com/dictionary/cpu.

The MPEP provides, "because a microprocessor is generally understood to be a manufacture, **a product claim to the microprocessor or a system comprising the microprocessor satisfies Step 1** regardless of whether the claim falls within any other statutory category (such as a machine)." *See* MPEP § 2106.03 (emphasis added).

As such, the Final Office Action's alleged identified abstract idea is integrated in to a practical application via the requirement that the "abstract idea" be performed by "**an additional element [which] implements a judicial exception with**, or uses a judicial exception in conjunction with, **a . . . manufacture that is integral to the claim**." *See* Fed. Reg. Vol. 84, No. 4 at 55 (emphasis added); *see also* MPEP § 2106.03 ("a microprocessor is generally understood to be a manufacture.").

Particular Machine

Transaction Processor

Applicant's independent claim 1 is reproduced below:

> 1. A method for providing a manufactured, pre-printed, random draw lottery ticket comprising:
>
> (a) **receiving, by a transaction processor**, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed, random draw lottery ticket, wherein the manufactured, pre-printed, random draw lottery ticket is selected by a customer prior to initiation of a check-out process and is presented by the customer for activation during the check-out process;
>
> (b) **providing, via a first secured communication, by a transaction processor** or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and
>
> (c) **receiving, via a second secured communication, by the transaction processor** or retailer, from the lottery administration

> system, indication that draw information has been associated with the manufactured, pre-printed, random draw lottery ticket.

See claim 1, *supra* (emphasis added).

As can be seen, the claims require the claimed method steps be performed by a "transaction processor" to effectuate the claim language. *See id.* As detailed in the Specification:

> **The transaction processor system 630** may include a central processing unit (CPU) 604, memory unit 616 and 1/0 interface(s) 608 for communicating with devices external to the transaction processor system630. **Instructions 604 stored in the memory unit 616, when executed by the processing unit 604 provide transaction processing and data exchange functionality 602**. The functionality 602 may process transactions and exchange data from a plurality of different retailers to a single lottery system. Instructions 602 may include any functionality necessary for the successful exchange of data and the activation or cancellation of the pre-printed ticket.

Application at ¶ [0046] (emphasis added).

As noted by the Supreme Court, "[a] claimed process is surely patent-eligible under § 101 if: (1) it is tied to a particular machine or apparatus . . . ." *See, e.g., In re Bilski,* 545 F.3d 943, 954, (Fed. Cir. 2009). In *In re Alappat* the Federal Circuit held, "programming creates a new machine because a general purpose computer, in effect, becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software." *See In re Alappat*, 33 F.3d 1526, 1545 (Fed. Cir. 1994). Following the *In re Alappat* precedent, in *Finisar Corp. v. DirecTV Grp., Inc.*, the Federal Circuit held, "a computer programmed to implement an algorithm . . . is not the general purpose computer, but rather the special purpose computer programmed to perform the disclosed algorithm." *See Finisar Corp. v. DirecTV Grp., Inc.*, 523 F.3d 1323, 1340 (Fed. Cir. 2008).

Based on the foregoing, Applicant contends the instant claims' "transaction processor" comprises specifically programmed computer processors performing particular, recited functions, which inarguably amount to the claims being performed by "an additional element [which]

implements a judicial exception with, or uses a judicial exception in conjunction with, a particular machine or manufacture that is integral to the claim." *See* Fed. Reg. Vol. 84, No. 4 at 55. *See* Interim Examination Instructions For Evaluating Subject Matter Eligibility Under 35 U.S.C. § 101, Aug. 24, 2009 at 6 ("For computer implemented processes, the 'machine' is often disclosed as a general purpose computer. In these cases, the general purpose computer may be sufficiently 'particular' when programmed to perform the process steps. Such programming creates a new machine because a general purpose computer, in effect, becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software. To qualify as a particular machine under the test, the claim must clearly convey that the computer is programmed to perform the steps of the method because such programming, in effect, creates a special purpose computer limited to the use of the particularly claimed combination of elements (i.e., the programmed instructions) performing the particularly claimed combination of functions.").

As such, the Final Office Action's identified abstract idea, "engaging in lawful wagering," is integrated into a practical application via the requirement that the "abstract idea" be performed by "**an additional element implements a judicial exception with**, or uses a judicial exception in conjunction with, **a particular machine** . . . **that is integral to the claim**." *See* Fed. Reg. Vol. 84, No. 4 at 55 (emphasis added).

B. Step 2B of the Subject Matter Eligibility Guidelines

Assuming, *arguendo*, that the instant claims comprise an abstract idea, which Applicant does not concede, the U.S.P.T.O. has published considerations of what constitutes "significantly more" than an alleged abstract idea within the context of patent eligibility:

> i. Improvements to the functioning of a computer, *e.g.,* a modification of conventional Internet hyperlink protocol to dynamically produce a dual-source hybrid webpage, as discussed in *DDR Holdings, LLC v.*

Hotels.com, L.P., 773 F.3d 1245, 1258-59, 113 USPQ2d 1097, 1106-07 (Fed. Cir. 2014) (see **MPEP § 2106.05(a)**);

ii. Improvements to any other technology or technical field, *e.g.,* a modification of conventional rubber-molding processes to utilize a thermocouple inside the mold to constantly monitor the temperature and thus reduce under- and over-curing problems common in the art, as discussed in *Diamond v. Diehr,* 450 U.S. 175, 191-92, 209 USPQ 1, 10 (1981) (see **MPEP § 2106.05(a)**);

iii. Applying the judicial exception with, or by use of, a particular machine, *e.g.,* a Fourdrinier machine (which is understood in the art to have a specific structure comprising a headbox, a paper-making wire, and a series of rolls) that is arranged in a particular way to optimize the speed of the machine while maintaining quality of the formed paper web, as discussed in *Eibel Process Co. v. Minn. & Ont. Paper Co.,* 261 U.S. 45, 64-65 (1923) (see **MPEP § 2106.05(b)**);

iv. Effecting a transformation or reduction of a particular article to a different state or thing, *e.g.,* a process that transforms raw, uncured synthetic rubber into precision-molded synthetic rubber products, as discussed in *Diehr,* 450 U.S. at 184, 209 USPQ at 21 (see **MPEP § 2106.05(c)**);

v. Adding a specific limitation other than what is well-understood, routine, conventional activity in the field, or adding unconventional steps that confine the claim to a particular useful application, *e.g.,* a non-conventional and non-generic arrangement of various computer components for filtering Internet content, as discussed in *BASCOM Global Internet v. AT&T Mobility LLC,* 827 F.3d 1341, 1350-51, 119 USPQ2d 1236, 1243 (Fed. Cir. 2016) (see **MPEP § 2106.05(d)**); or

vi. Other meaningful limitations beyond generally linking the use of the judicial exception to a particular technological environment, *e.g.,* an immunization step that integrates an abstract idea of data comparison into a specific process of immunizing that lowers the risk that immunized patients will later develop chronic immune-mediated diseases, as discussed in *Classen Immunotherapies Inc. v. Biogen IDEC,* 659 F.3d 1057, 1066-68, 100 USPQ2d 1492, 1499-1502 (Fed. Cir. 2011) (see **MPEP § 2106.05(e)**).

MPEP § 2106.05.A. As can be seen, an "inventive concept" (and thus subject matter eligibility) can be demonstrated by showing any one of the MPEP's enumerated "significantly more" considerations. *See id.*

1. "Adding a Specific Limitation other than What is Well-Understood, Routine and Conventional in the Field"

The Federal Circuit has explained that, "an inventive concept can be found in the non-conventional and non-generic arrangement of known conventional pieces." *See Bascom Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1349 (Fed. Cir. 2016). Thus, as detailed above, because claims 1-19 and 21 are patentable over the prior art, claims 1-19 and 21 must comprise elements which are not "well-understood, routine, and conventional in the field" and recite "significantly more" than any alleged abstract idea – so as to patent eligible. *See* MPEP § 2106.05(d) (Claims that add a "specific limitation other than what is well-understood, routine and conventional in the field" comprise "significantly more" than an abstract idea and are patent eligible.).

Additionally, the Federal Circuit has stated:

> The question of whether a claim element or combination of elements is well-understood, routine and conventional to a skilled artisan in the relevant field is a question of fact. Any fact . . . pertinent to the invalidity conclusion must be proven by clear and convincing evidence . . . And the Supreme Court recognized that in making the § 101 determination, the inquiry "might sometimes overlap" with other fact-intensive inquiries like [patentability determinations, e.g., novelty and obviousness].

See Berkheimer v. HP Inc., 881 F.3d 1360, 1368 (Fed. Cir. 2018).

Moreover, the Federal Circuit has also opined, that if an applicant's specification does not describe a claimed element as "conventional," and there being no other evidence of conventionality, the claim element is presumed to not be "well understood" or "routine." *See Aatrix Software, Inc. v. Green Shades Software, Inc.*, 882 F.3d 1121, 1128 (Fed. Cir. 2018). Thus, because there is nothing in the Specification describing the instant claim elements as "conventional" and because the prior art fails to disclose all the elements of the instant claims, the instant claims must comprise elements "other than what is well-understood, routine, and

conventional in the field" and recite "significantly more" than any alleged abstract idea -- so as to patent eligible. *See, e.g.,* MPEP § 2103 V. (Claims which are novel and non-obvious, i.e., not rejected in view of the prior art, are patentable); and MPEP § 2106.05(d). (Claims that add a "specific limitation other than what is well-understood, routine and conventional in the field" comprise "significantly more" than an abstract idea and are patent eligible.); *see also Bascom Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1349; *Berkheimer v. HP Inc.*, 881 F.3d 1360, 1368 (whether a claim is invalid under Section 101 must be proven by clear and convincing evidence and a determination of patentability is evidence of patent eligibility);[1] and *Aatrix Software, Inc. v. Green Shades Software, Inc.*, 882 F.3d 1121, 1128 (absent evidence to the contrary, claim elements are presumed to be not "well-understood, routine, and conventional in the field").

Based on the foregoing, Applicant respectfully submits that claims 1-19 and 21 recite "significantly more" than the alleged abstract idea of "engaging in lawful wagering" and therefore, are patent eligible.

2. The Machine or Transformation Test

Applicant contends that claims which satisfy the "machine or transformation" test comprise patent eligible subject matter. MPEP § 2106.05.A referenced above expressly incorporates the machine or transformation" test into its "considerations for determining whether a claim with additional elements amounts to significantly more than the judicial exception itself." *See* MPEP § 2106.05.A.

[1] Applicants appreciate that the Office is not bound by the "clear and convincing" evidentiary standard but submits that it is patently unjust that a claim (e.g., claims 1-18) which would be deemed patent eligible by a court based on the incapability of "clear and convincing" evidentiary burden being met due to the "patentability" of a claim, may never get such an opportunity because of the Office's ignoring of *Diamond v Diehr*, *Bascom*, and *Berkheimer*.

a) "Applying the Judicial Exception with, or by Use of, a Particular Machine"

Specifically, MPEP § 2106.05.A provides that "[a]pplying the judicial exception with, or by use of, a particular machine"[2] is a limitation which "qualif[ies] as 'significantly more' when recited in a claim with a judicial exception." *See id.*

> Independent claim 1 is reproduced below:
>
> 1. A method for providing a manufactured, pre-printed, random draw lottery ticket comprising:
> (a) **receiving, by a transaction processor**, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed, random draw lottery ticket, wherein the manufactured, pre-printed, random draw lottery ticket is selected by a customer prior to initiation of a check-out process and is presented by the customer for activation during the check-out process;
> (b) **providing, via a first secured communication, by a transaction processor** or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and
> (c) **receiving, via a second secured communication, by the transaction processor** or retailer, from the lottery administration system, indication that draw information has been associated with the manufactured, pre-printed, random draw lottery ticket.

See claim 1, *supra* (emphasis added).

As can be seen, the claims require the claimed method steps be performed by a "transaction processor" to effectuate the claim language. *See id.* As detailed in the Specification:

> The transaction processor system 630 may include a central processing unit (CPU) 604, memory unit 616 and 1/0 interface(s) 608 for communicating with devices external to the transaction processor system630. **Instructions 604 stored in the memory unit 616, when executed by the processing unit 604 provide transaction processing and data exchange functionality 602**. The functionality 602 may process transactions and exchange data from a plurality of different retailers to a single lottery system. Instructions 602 may

[2] *Bilski v Kappos,* 130 S. Ct. 3218, 3227 (2010) (''The Court's precedents establish that the machine-or-transformation test is a useful and important clue, an investigative tool, for determining whether some claimed inventions are processes under § 101.'').

> include any functionality necessary for the successful exchange of data and the activation or cancellation of the pre-printed ticket.

Application at ¶ [0046] (emphasis added).

Based on the foregoing, Applicant contends the instant claims' "transaction processor" results in the instant claims' methods comprising specifically programmed computer processors performing particular, recited functions, even if directed to an abstract idea, is patent-eligible subject matter. As noted by the Supreme Court, "[a] claimed process is surely patent-eligible under § 101 if: (1) it is tied to a particular machine or apparatus . . . ." *See, e.g., In re Bilski,* 545 F.3d 943, 954, (Fed. Cir. 2009); *Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709, 716 (Fed. Cir. 2014) ("[t]he machine-or-transformation test . . . can provide a "useful clue" in the second step of the *Alice* framework . . . ."); *Bancorp Servs., L.L.C. v. Sun Life Assurance Co. of Can.*, 687 F.3d 1266, 1278 (Fed. Cir. 2012) (holding that the machine-or-transformation test remains an important clue in determining whether inventions are processes under § 101); *see also In re Alappat*, 33 F.3d 1526, 1545 (Fed. Cir. 1994) ("[P]rogramming creates a new machine because a general purpose computer, in effect, becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software."); *Finisar Corp. v. DirecTV Grp., Inc.*, 523 F.3d 1323, 1340 (Fed. Cir. 2008) ("[A] computer programmed to implement an algorithm . . . is not the general purpose computer, but rather the special purpose computer programmed to perform the disclosed algorithm."); *Typhoon Touch Techs., Inc. v. Dell, Inc.*, 659 F.3d 1376, 1385 (Fed. Cir. 2011) ("[T]he term 'algorithm' as a term of art in its broad sense, i.e., to identify a step-by-step procedure for accomplishing a given result . . . ."); and MPEP § 2106.05.A ("apply[] the judicial exception with, or by the use of, a particular machine.").

Thus, Applicant contends the instant claims' devices comprising specifically programmed computer processors performing particular, recited functions, inarguably amount to "significantly

more" than the alleged abstract idea of "engaging in lawful wagering" (or any other identified abstract idea), *see* MPEP § 2106.05.A, because under the Federal Circuit's decisions in *In re Bilski*, *In re Alappat*, *Finisar Corp.*, and *Typhoon Touch Techs., Inc.*, the instantly claimed methods and devices comprising specifically programmed computer processors performing particular, recited functions require that any implicated abstract idea is "tied to" or "applied by" "special purpose computers performing particular functions," *see In re Alappat*, 33 F.3d at 1545, i.e., "particular machines." *See, e.g., In re Bilski*, 545 F.3d at 954; MPEP § 2106.05.A; and Interim Examination Instructions For Evaluating Subject matter Eligibility Under 35 U.S.C. § 101, Aug. 24, 2009 at 6 ("For computer implemented processes, the 'machine' is often disclosed as a general purpose computer. In these cases, the general purpose computer may be sufficiently 'particular' when programmed to perform the process steps. Such programming creates a new machine because a general purpose computer, in effect, becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software. To qualify as a particular machine under the test, the claim must clearly convey that the computer is programmed to perform the steps of the method because such programming, in effect, creates a special purpose computer limited to the use of the particularly claimed combination of elements (i.e., the programmed instructions) performing the particularly claimed combination of functions.").

Accordingly, the recitation in claims 1-19 and 21 of a "particular machine/special purpose computer" provides the "inventive concept" discussed by the Supreme Court in *Alice*, because the claims recite particular machines/special purpose computers which perform particular functions (e.g., facilitating and managing consumer accounts with associated providers and physical gift cards). *See Alice*, 134 S. Ct. at 2355 ("We have described step two of this analysis as a search for an 'inventive concept' -- i.e., an element or combination of elements that is "sufficient to ensure that

the patent in practice amounts to significantly more than a patent upon the [ineligible concept] itself.").

3. "Improvements to Another Technology or Technical Field"

The Federal Circuit has opined, **"inventions with specific applications or improvements to technologies in the marketplace** are not likely to be so abstract that they override the statutory language and framework of the Patent Act." *See Bascom Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1350 (citing *Research Corp. Techs. v. Microsoft Corp.*, 627 F.3d 859, 869 (Fed. Cir. 2010).

Accordingly, the Specification details:

> **Tickets for draw based lotteries are typically printed at the time of purchase on special ticket paper by a printing device approved by the lottery administering body**. The ticket will typically have the draw details such as the date, the numbers that have been selected by the customer or generated on behalf of the customer and a control number that uniquely identifies that ticket. Special ticket paper typically meets critical longevity and stress requirements to ensure the ticket will not deteriorate within a certain period of time and that the control number and selected numbers remain legible. **Typically, the printing device is attached to a single lottery terminal operated by the lottery organization. Although the model of a single terminal and printer is effective for single checkout lane environments such as convenience stores and gas stations, it is not ideal for multi-lane environments such as grocery stores, discount and big box retailers**. Here, the majority of customers complete their shopping and pay through any one of many checkout lanes. A second stop and purchase is required at the lottery terminal location in order to purchase the lottery draw ticket. **This is extremely inconvenient for most customers who simply bypass the lottery counter**. **Installing an approved printer or any other piece of specialized hardware at every point of payment within a retail environment is cost prohibitive and not an effective use of capital as not all points of payment are open at all times. This is one of the barriers to lottery organizations expanding their sales within multi-lane retail environments**. Other barriers to installing specialized hardware in lane include the lack of available space and the added responsibility and training for the cashier who must operate the hardware. **Using the retailers POS to print the ticket on standard receipt paper is ineffective** since receipt paper is typically of the

> lowest quality and the ticket can deteriorate prematurely if left if sunlight or comes in contact with water. **It would be desirable to enable customers to include a lottery draw ticket in their basket along with other goods and pay for that basket at any point of payment in a retail location**. **The inclusion of such a lottery draw ticket should not require any additional hardware in lane and should be fully serviced by the existing point of sale equipment. Itis also desirable to merchandise draw based tickets in such a way that the customer experience is enhanced with the purchase convenience while increasing product awareness and impulse lottery purchases**. Currently, online lottery products are produced by a lottery terminal or similar hardware. When an online lottery ticket, such as a ticket to a draw taking place at a later time, is purchased, a ticket is generated and printed by the lottery terminal and printer. **A system is described further herein that provides the ability to include online lottery tickets that can be placed in a customer's shopping cart and paid for during the normal checkout process without the use of specialized hardware such as lottery terminals, ticket printers or customized devices at the point of purchase for the purpose of producing the lottery ticke**t. Since no specialized hardware is required, it is possible to pay for the online lottery tickets at any point of purchase. For example, at a grocery store, the online lottery tickets may be purchased at each check-out lane without requiring lottery terminals or hardware at each lane and as such, **the incorporation of the purchasing at multiple lanes may be cost effective. In addition to the ability to purchase online lottery tickets at a point of sale without additional specialized lottery hardware, the systems and methods allow the online lottery ticket to be displayed and purchased as a common in-store product making the purchase of an online ticket common practice for the customer and the retailer**.

See Application at ¶¶ [0004]-[0019] (emphasis added). As can be seen from the above-recited portion of the Specification, the instant claims are directed to a specific improvement to technologies in the marketplace, e.g., addressing business challenges of meeting customers' growing demands for random draw based lottery tickets while simultaneously allowing lottery ticket retailers to configure their legacy technologies and systems to sell random draw based lottery tickets at any point of sale register. *See id.* Such technological improvements are patent eligible. *See Bascom Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1350 ("[I]nventions with specific applications or improvements to technologies in the marketplace are not likely to be so abstract that they override

the statutory language and framework of the Patent Act."); *see also Zak v. Facebook*, Civ. No. 15-13437 at 20-22 (ED Mich. Sept. 12, 2016) ("[I]n the present case, the claim does not merely permit a known business practice to be performed on the Internet. Instead, **the claim here specifies how a solution will be implemented that addresses a business challenge** particular to the Internet, **namely allowing ordinary users to maintain dynamic websites by managing the content of websites and controlling users' interactions with web pages** . . . the claim contains enough inventive elements to be aimed at **more than a patent on the abstract idea itself**.") (emphasis added).

Based on the foregoing, the evidence of record weighs against a finding of patent ineligibility at least because Applicant's claims recite "significantly more" than the alleged abstract idea. *See* MPEP § 2106.05.A. Based on the foregoing, withdrawal of the rejection of claims 1-19 and 21 under 35 U.S.C. Section 101 is respectfully requested.

CONCLUSION

Consideration of the foregoing remarks, reconsideration of the application, and withdrawal of the rejections are respectfully requested by Applicant. No new matter is introduced by way of amendment. It is believed that each ground of rejection raised in the Final Office Action dated July 2, 2021 has been fully addressed. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account Number 100435 of Barnes & Thornburg LLP. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,
BARNES & THORNBURG LLP

Date: September 2, 2021

/Jerry C. Harris, Jr./
Jerry C. Harris, Jr.
Reg. No. 66,822

ATTORNEY FOR APPLICANT

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Electronic Acknowledgement Receipt

EFS ID:	43668421
Application Number:	16280629
International Application Number:	
Confirmation Number:	5484
Title of Invention:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS
First Named Inventor/Applicant Name:	Gino Giunti
Customer Number:	15608
Filer:	Jerry Harris/Michelle Horvath
Filer Authorized By:	Jerry Harris
Attorney Docket Number:	84971-326801
Receipt Date:	02-SEP-2021
Filing Date:	20-FEB-2019
Time Stamp:	10:46:06
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		16280629_ResponseToFinal.pdf	526041 cb182951694c1b6720a76a4a440b2c36db09662c	yes	32

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Response After Final Action	1	1
	Claims	2	5
	Applicant Arguments/Remarks Made in an Amendment	6	32
Warnings:			
Information:			
	Total Files Size (in bytes):	526041	

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Gino Giunti	§	
		§	Group Art Unit: 3649
Serial No.	16/280,629	§	
		§	Examiner: Sunit Pandya
Filed:	February 20, 2019	§	
		§	Confirmation No.: 5484
For:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS	§	

Mail Stop: Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF EFS-WEB FILING

Pursuant to 37 CFR § 1.8, I hereby certify that this correspondence is being electronically submitted to the U.S. Patent and Trademark Office website, www.uspto.gov, on

09/02/2021 .
(Date submitted)

/Jerry C. Harris, Jr./
Jerry C. Harris, Jr.

RESPONSE TO FINAL OFFICE ACTION DATED JULY 2, 2021

Dear Sir:

In response to the Final Office Action dated July 2, 2021 (the "Final Office Action), Applicant respectfully requests consideration of the following.

The Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/280,629	02/20/2019	Gino Giunti	84971-326801	5484

15608 7590 07/02/2021

Barnes & Thornburg LLP (Blackhawk)
11 S. Meridian Street
Indianapolis, IN 46204

EXAMINER	
PANDYA, SUNIT	

ART UNIT	PAPER NUMBER
3649	

NOTIFICATION DATE	DELIVERY MODE
07/02/2021	ELECTRONIC

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

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

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

INDocket@btlaw.com
jerry.harris@btlaw.com
michelle.horvath@btlaw.com

Office Action Summary	Application No. 16/280,629	Applicant(s) Giunti, Gino	
	Examiner SUNIT PANDYA	Art Unit 3649	AIA (FITF) Status Yes

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

1)☑ Responsive to communication(s) filed on 4/19/21.

☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2a)☑ This action is **FINAL.** 2b) ☐ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

5) ☑ Claim(s) 1-21 is/are pending in the application.

5a) Of the above claim(s) 20 is/are withdrawn from consideration.

6) ☐ Claim(s) _____ is/are allowed.

7) ☑ Claim(s) 1-19 and 21 is/are rejected.

8) ☐ Claim(s) _____ is/are objected to.

9) ☐ Claim(s) _____ are subject to restriction and/or election requirement

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to **PPHfeedback@uspto.gov.**

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

1) ☑ Notice of References Cited (PTO-892)

2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) Paper No(s)/Mail Date _____.

3) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

4) ☐ Other: _____.

DETAILED ACTION

Notice of Pre-AIA or AIA Status

The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

Response to Amendment

This action is in response to the amendments filed on 4/19/21 wherein the examiner acknowledges that claims 1-6, 8, 10-11, 13 & 16-17 have been amended, additional claim 21 has been added and claim 20 has been withdrawn. Consequently, claims 1-19 & 21 are currently pending.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*,

686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on nonstatutory double patenting provided the reference application or patent either is shown to be commonly owned with the examined application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. See MPEP § 717.02 for applications subject to examination under the first inventor to file provisions of the AIA as explained in MPEP § 2159. See MPEP §§ 706.02(l)(1) - 706.02(l)(3) for applications not subject to examination under the first inventor to file provisions of the AIA. A terminal disclaimer must be signed in compliance with 37 CFR 1.321(b).

The USPTO Internet website contains terminal disclaimer forms which may be used. Please visit www.uspto.gov/patent/patents-forms. The filing date of the application in which the form is filed determines what form (e.g., PTO/SB/25, PTO/SB/26, PTO/AIA/25, or PTO/AIA/26) should be used. A web-based eTerminal Disclaimer may be filled out completely online using web-screens. An eTerminal Disclaimer that meets all requirements is auto-processed and approved immediately upon submission. For more information about eTerminal Disclaimers, refer to www.uspto.gov/patents/process/file/efs/guidance/eTD-info-I.jsp.

Claims 1-19 & 21 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 9,865,135. Although the claims at issue are not identical, they are not patentably distinct from each other because the

current application substantially claims the same limitations as the patent, except for one missing limitation. The current application fails to claim "scanning at a point of sale terminal a pre-printed lottery ticket". It would have been obvious for one with ordinary skill in the art, at the time of applicant's invention to have included a scanner to scan the information related to the pre-printed lottery ticket, thus streamlining the upload system to the lottery administrator.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The claimed invention is directed to a judicial exception (i.e., a law of nature, a natural phenomenon, or an abstract idea) without significantly more.

Subject matter eligibility determinations under 35 U.S.C. § 101 follow the procedure explained in the Federal Register notice titled **2014 Interim Guidance on Patent Subject Matter Eligibility** (79 FR 74618), which is found at: http://www.gpo.gov/fdsys/pkg/FR-2014-12-16/pdf/2014-29414.pdf.

Based upon consideration of all the relevant factors with respect to the claims as a whole, claims 1-19 & 21 are rejected under 35 U.S.C. 101 as being directed to ineligible subject matter.

Although the claim(s) are drawn to at least one of the four statutory categories of invention (i.e. process, machine, manufacture, or composition satisfying Step I of an eligibility analysis), which would normally be considered within an appropriate statutory category, as has been noted in the recent Supreme Court decisions *Bilski v. Kappos*,

130 S. Ct. 3218, 3227 (2010), *Alice Corp. Pty. Ltd. v. CLS Bank International, 134 S.Ct. 2347(2014)), (*Case No. 13-298 (Supr. Ct., June 19, 2014), and the Court of Appeals for the Federal Circuit in *CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366 (Fed. Cir. 2011), *Bancorp Services, L. L. C v Sun Life Assur. Co. of Canada (U.S.)*, -- F.3d ---, 2012, (Fed. Circ. 2012), one must then look beyond whether the claim falls within a statutory category and determine whether or not the claim is an attempt to patent ineligible subject matter which the courts have proclaimed judicially excepted, specifically, laws of nature, physical phenomena, and abstract ideas (constituting Steps 2A and 2B of the eligibility analysis). The Supreme Court noted that said decisions are instructive on how to investigate issues of subject matter eligibility and that the question underlying such an investigation is whether or not the claim is an attempt to claim subject matter which has been judicially excepted.

The 2014 Interim Guidance outlines Steps 2A and 2B equivalent to Parts I and II of the Mayo test) which must be undertaken as they pertain to the concept of abstract ideas.

Step 2A - A determination of whether the claim(s) is/are directed to a law of nature, a natural phenomenon, or an abstract idea must be performed. Examples of abstract ideas include:

a. Fundamental economic practices;

b. Certain methods of organizing human activities;

c. An idea “of itself”; and

d. Mathematical relationships/formulas.

Types of concepts the courts have found to be abstract ideas include: mitigating settlement risk; hedging; creating a contractual relationship; using advertising as an exchange or currency; processing information through a clearinghouse; comparing new and stored information and using rules to identify options; using categories to organize, store, and transmit information; organizing information through mathematical correlations; managing a game of bingo; the Arrhenius equation for calculating the cure time of rubber, a formula for updating alarm limits, a mathematical formula relating to standing wave phenomena, and a mathematical procedure for converting one form of numerical representation to another.

Step 2B - A determination of whether the claim(s) amounts to significantly more than the abstract idea itself.

Non-limiting or non-exclusive examples of limitations which qualify as "significantly more" include:

e. Improvements in another technology or technical field;

f. Improvements in the functioning of the computer itself;

g. Applying the judicial exception with, or by use of, a particular machine;

h. Effecting a transformation or reduction of a particular article to a different state or thing;

i. Adding a specific limitation other than what is well-understood, routine and conventional in the field, or adding unconventional steps that confine the claim to a particular useful application;

j. Other meaningful limitations beyond generally linking the use of an abstract idea to a particular technological environment.

Non-limiting or non-exclusive examples of limitations which fail to qualify as "significantly more" include:

k. Adding the words "apply it" (or equivalent) with an abstract idea, or mere instructions to implement an abstract idea on a computer;

l. Simply appending well-understood, routine and conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception, e.g., a claim to an abstract idea requiring no more than a generic computer to perform generic computer functions that are well-understood, routine, and conventional activities previously known in the art;

m. Adding insignificant extrasolution activity to the judicial exception, e.g., mere data gathering in conjunction with a law of nature or abstract idea;

n. Generally linking the use of the judicial exception to a particular technological environment or field of use.

A patent may be obtained for "any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof." 35 U.S.C. § 101. The Supreme Court has "long held that this provision contains an important implicit exception[:] Laws of nature, natural phenomena, and abstract ideas are not patentable." Ass'n for Molecular Pathology v. Myriad Genetics, Inc., 133 S. Ct. 2107, 2116 (2013) (quoting Mayo Collaborative Servs. v. Prometheus Labs., Inc., 132 S. Ct. 1289, 1293 (2012)). Under the now familiar two-part test described by the Supreme Court in Alice, "[w]e must first determine whether the claims at issue are directed to a patent-ineligible concept," such as an abstract idea. Alice Corp. Pty. Ltd. v.

CLS Bank Int'l, 134 S. Ct. 2347, 2355 (2014). If so, we must then "consider the elements of each claim both individually and 'as an ordered combination' to determine whether the additional elements 'transform the nature of the claim' into a patent-eligible application." Id. (quoting Mayo, 132 S. Ct. at 1298, 1297).

In the instant application, the claims, when analyzed as a whole, are held to be non-statutory because they are considered to be drawn to an abstract idea without any limitations which qualify as "significantly more" than the abstract idea itself.

Under Step 2A, and based on Supreme Court decision for similar subject matter {*OIP Techs., Inc. v. Amazon.com, Inc., 788 F.3d 1359, 1362 (Fed. Cir. 2015)*}, the current application has been rejected as the claims are directed to the abstract idea of lottery game over a computing network. See United States Court of Appeals for the Federal Circuit decision *TLI Communications LLC v. A. V Automotive, LLC.*

In the instant application, the claims, when analyzed as a whole, are held to be non-statutory because they are considered to be drawn to an abstract idea (i.e., Certain methods of organizing human activities, engaging in lawful wagering) without any limitation(s) which qualify as "significantly more" than the abstract idea itself, but which are merely implemented/applied on a computer.

Under Step 2A, the claims are directed towards statutory categories of invention. The claimed invention relates to remote lottery game. The claims are directed towards implementing a lottery game implemented over a network. Remote users are permitted to purchase lottery tickets and determine, remotely if said ticket is a winning ticket, after a drawing. All independent claims recite this principle.

Additionally, this concept is considered a method of organizing human activity by providing a network based game, based on the information provided by a user. Organizing human activity is used to describe concepts relating to interpersonal and intrapersonal activities, such as managing transactions between people and sales activities (i.e. web based POS and verification related to sale, and in this case lottery sales), advertising, marketing, pricing, resource management, and sales activities or behaviors (see July 2015 Update: Section III (B)). Several precedential cases have found concepts relating to advertising, marketing, pricing, and sales activities or behaviors abstract. One such example is the use of advertising as an exchange or currency (Ultramercial v. Hulu 772 F.3d 709, 112 U.S.P.Q.2d 1750 (Fed. Cir. 2014)). Additional precedential courts have found abstract examples of organizing human activity to include structuring a sales force or marketing company (in re Ferguson 558 F.3d 1359, 90 U.S.P.Q.2d 1035 (Fed. Cir. 2009)), automatic optimization of pricing in an ecommerce environment or pricing products in organization groups (OIP Technologies, Inc. v. Amazon.com, Inc. 788 F.3d 1359 (Fed. Cir. 2015) and Versata Development Group v. SAP America, Inc. 793 F.3d. 1306 (Fed. Cir. 2015)) and managing tasks and sales force activities and resources (Accenture Global Services, GmbH v. Guidewire Software 728 F.3d 1336 (Fed. Cir. 2013)).

Finally, the concept of identifying and transmitting lottery information to a user further represents 'an idea itself' (see July 2015 Update: Section III (C)) inasmuch as it is related to processes of identifying, comparing, processing, and presenting data. Several precedential cases have found concepts relating to processes of identifying, comparing, processing, and presenting data to be mere ideas in themselves. One

example includes selecting/identifying displayed data, manipulating the data through encoding and decoding processes, and generating new outputs/displays (Recognicorp, LLC, v. Nintendo Co., Ltd., Nintendo of America, Inc., No. 2:12-cv-01873-RAJ (2017)). The courts have addressed other computerized processes for of identifying, comparing, processing, and presenting data including data collecting and comparing known information (Classen Immunotherapies Inc. v. Biogen IDEC 659 F.3d 1057(Fed. Cir. 2011)), collecting information, analyzing it, and displaying certain results of the collection and analysis (Electric Power Group, LLC v. Alstom 830 F.3d 1350, 119 U.S.P.Q.2d 1739 (Fed. Cir. 2016))] extracting, organizing, storing and transmitting data (Content Extraction and Transmission LLC v. Wells Fargo Bank, National Ass'n. 776 F.3d 1343 (Fed. Cir. 2014)) and obtaining and comparing intangible data (Cybersource Corp v. Retail Decisions, Inc. 654 F.3d 1366, 99 U.S.P.Q.2d 1690 (Fed. Cir. 2011)) (see July 2015 Update: Section III (C)).

The Examiner deems that the claimed invention therefore is directed to the abstract idea of "engaging in lawful wagering". Further, the breadth of the claim when viewed as a whole clearly seeks to "tie up" the abstract idea.

Therefore, while it is understood that the claims in the current application are not verbatim recitations of the guidelines or case law, the detailed analysis provided above shows how the current claim limitations at issue closely parallel the concepts provided by the guidelines and the precedential case law, and are therefore considered to be directed to an abstract idea (Step 2A: YES).

Under Step 2B, the examiner acknowledges the additional limitations. These limitations however are used for data gathering and presentation and as such merely

represents insignificant pre and post solution activity. Even assuming arguendo that the claims are not insignificant pre and post solution activities or mental activities, each of the functions performed by the machinery are well-understood, routine, and conventional (i.e., receiving and processing data, and receiving or transmitting data over a network, e.g., using the Internet to gather data (see July 2015 Update: Section IV)).

Thus, under Step 2B, the Examiner concludes that there are no meaningful limitations in the claim that transform the judicial exception into a patent eligible application such that the claim amounts to significantly more than the judicial exception itself (Step 2B: NO). Thus, the independent claims are rejected as directed to a judicial exception, and it is, therefore, ineligible to be patented under 35 USC § 101 in view of the test.

Claim Rejections - 35 USC § 103

In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

> A patent for a claimed invention may not be obtained, notwithstanding that the claimed invention is not identically disclosed as set forth in section 102, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19 & 21 are rejected under 35 U.S.C. 103 as being unpatentable over Gilmore et al. (US Patent Pub. 20050233797, referred to hereinafter as Gilmore), and further in view of McBride (US Patent Pub. 20090227320).

Claims 1 & 4:Gilmore disclose a method for providing a manufactured, pre-printed random draw lottery ticket (0014-0016 & 0063-0065) comprising, receiving, by a transaction processor, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed lottery ticket (0039-0043), providing, by a transaction processor or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware (0044-0050) and receiving, by the transaction processor or retailer, from the lottery administration system, indication that draw information has been associated with the manufactured, pre-printed random draw lottery ticket (0050-0084). Gilmore, however, does not explicitly disclose a first and second secured communication but a single secured communication. In an analogous art, McBride teach an online lottery game played over internet, TV or mobile devices (0012-0013). Furthermore, McBride also teach a communication port which includes a first and second secured communication channels (0058-0063, McBride). It would have been obvious for one with ordinary skill in the art, at the time of applicant's invention to include a first and second secured communication to allow for securely communicating unique game related information solely associated with the lottery ticket and designated player (0039, McBride).

Claim 2: The combination of Gilmore and McBride teach receiving the transaction request comprises receiving unique product information associated with the

manufactured, pre-printed random-draw lottery ticket over a secure communication channel from a point of sale (POS) system (0039-0050).

Claim 3: The combination of Gilmore and McBride teach draw information is made available on a printed receipt; by scanning a code on the manufactured, pre-printed random draw lottery ticket; or by entering a unique identifier associated with the manufactured, pre-printed random draw lottery ticket into an online website or mobile application (0039-0050).

Claim 5: The combination of Gilmore and McBride teach retrieving unique identification information associated with the manufactured, pre-printed random-draw lottery ticket from the received product information (0051-0059).

Claim 6: The combination of Gilmore and McBride teach a game type associated with the manufactured, pre-printed random-draw lottery ticket; a wager amount associated with the manufactured, pre-printed random draw lottery ticket; and a number of wagers associated with the manufactured, pre-printed random draw lottery ticket (0039-0059).

Claim 7: The combination of Gilmore and McBride teach validating the received transaction request (0075-0076).

Claim 8: The combination of Gilmore and McBride teach verifying that the product information corresponds to identification information associated with the manufactured, pre-printed random-draw lottery ticket (0075-0080).

Claim 9: The combination of Gilmore and McBride teach validating the transaction information includes verifying that the product is validly distributed by the retailer (0014-0020).

Claim 10: The combination of Gilmore and McBride teach the information provided to the lottery administration system includes one or more randomly determined lottery numbers generated at the time the manufactured, pre-printed random-draw lottery ticket is purchased at the POS (0022 & 0063-0066).

Claim 11: The combination of Gilmore and McBride teach information provided to the lottery administration system includes one or more randomly determined lottery numbers associated with the manufactured, pre-printed random-draw lottery ticket prior to the time the manufactured, pre-printed lottery ticket is purchased at the POS (0022 & 0063-0070).

Claim 12: The combination of Gilmore and McBride teach that the retailer POS is online (0014-0022).

Claims 13 & 15: The combination of Gilmore and McBride teach that the manufactured, pre-printed random-draw lottery ticket comprises a barcode, which includes product code and pre-printed random-draw lottery ticket information (0040-0075 & 0104).

Claim 14: The combination of Gilmore and McBride teach a barcode comprises a first party information and a second party information (0050-0070 & 0104).

Claim 16: The combination of Gilmore and McBride teach pre-printed random draw lottery ticket contains information used to redeem a winning prize (0040-0070).

Claims 17 & 18: The combination of Gilmore and McBride teach lottery administration system generates wagers for the manufactured, pre-printed random-draw lottery ticket and a draw date is assigned to the wagers (0039-0055).

Claim 19: The combination of Gilmore and McBride teach age validation (0054).

Claim 21: The combination of Gilmore and McBride teach wherein the first secured communication, the second secured communication or combination thereof are encrypted (0075).

Response to Arguments

Applicant's arguments with respect to claims 1-19 & 21 have been considered but are moot because the new ground of rejection does not rely on any reference applied in the prior rejection of record for any teaching or matter specifically challenged in the argument.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUNIT PANDYA whose telephone number is (571)272-2823. The examiner can normally be reached on M-F 9:30-6:30PM.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at http://www.uspto.gov/interviewpractice.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darnell Jayne can be reached on 571-272-7723. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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

/SUNIT PANDYA/
Primary Examiner, Art Unit 3649

Notice of References Cited	Application/Control No. 16/280,629	Applicant(s)/Patent Under Reexamination Giunti, Gino	
	Examiner SUNIT PANDYA	Art Unit 3649	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-8219497-B2	07-2012	Crucs; Kevin M.	G06Q20/0855	705/78
*	B	US-8784180-B2	07-2014	Stanek; Edward J.	G07F17/3232	463/17
*	C	US-20090227320-A1	09-2009	McBride; Scott Melvin	A63F3/065	463/17
*	D	US-20100093421-A1	04-2010	Nyman; Timothy B.	G06Q20/108	463/17
*	E	US-8408986-B2	04-2013	Irwin, Jr.; Kenneth Earl	G06Q20/3224	463/17
*	F	US-5935000-A	08-1999	Sanchez, III; Cayetano	G07F17/32	463/17
*	G	US-6322446-B1	11-2001	Yacenda; Michael W.	G07F17/32	463/16
*	H	US-20020119817-A1	08-2002	Behm, William F.	G07F17/42	463/17
*	I	US-9251663-B1	02-2016	Sandvick; Frederick	G07F17/3258	1/1
*	J	US-20050233797-A1	10-2005	Gilmore, Mark	G07F17/42	463/17
	K					
	L					
	M					

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

NON-PATENT DOCUMENTS

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

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

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	16/280,629	Giunti, Gino
	Examiner	Art Unit
	SUNIT PANDYA	3649

CPC - Searched*		
Symbol	Date	Examiner
A63F	01/13/2021	SP
G07F	01/13/2021	SP

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	Date	Examiner
Conducted text searches in EAST, see attached notes	08/22/2019	SP
Prior searches updated, see attachment	01/28/2020	SP
Updated prior searches in EAST, see search attachment	06/05/2020	SP
UPdated previous searches in EAST, see search notes	01/13/2021	SP
Previous searches updated in EAST, see attached notes	06/29/2021	SP

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
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S2	0	("2016/0210808").URPN.	USPAT	OR	OFF	2016/12/28 14:55
S3	14	online with lottery with ticket with draw	USPAT	OR	OFF	2016/12/28 14:55
S4	28	online with lottery with ticket with draw$4	USPAT	OR	OFF	2016/12/28 14:55
S5	211	online with lottery with ticket with draw$4	US-PGPUB; USPAT	OR	ON	2016/12/28 14:55
S6	1	online with lottery with ticket with draw$4 with unique with identif$7	US-PGPUB; USPAT	OR	ON	2016/12/28 14:56
S7	3	online with lottery with ticket with draw$4 same (unique with identif$7)	US-PGPUB; USPAT	OR	ON	2016/12/28 14:56
S9	22	"5241487"	US-PGPUB; USPAT	OR	ON	2016/12/28 18:28
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S17	49	S16 AND ((G07F17/32 OR G07F17/329 OR G07F17/3244 OR G07F17/3255 OR G07F17/3258 OR G07F17/3288 OR G07F17/34 OR G07F17/323 OR G07F17/3248 OR G07F17/3246 OR G07F17/3276 OR G07F17/3293 OR G07F17/3202 OR G07F17/3251 OR G07F17/42 OR G07F17/3225 OR G07F17/3211 OR G07F17/3218 OR G07F17/3223 OR G07F17/3286).CPC.)	US-PGPUB; USPAT	OR	ON	2016/12/29 19:10
S18	29	S16 AND ((G06Q50/34 OR G06Q30/02 OR G06Q30/0209 OR G06Q30/0212 OR G06Q30/0213 OR G06Q30/0222 OR G06Q30/0225 OR G06Q30/0226 OR G06Q30/0234 OR G06Q30/0236 OR G06Q30/0238 OR G06Q30/0239 OR G06Q20/108 OR G06Q20/045 OR G06Q10/06 OR G06Q20/00 OR G06Q20/202 OR G06Q20/209).CPC.)	US-PGPUB; USPAT	OR	ON	2016/12/29 19:10
S19	18	S16 AND ((A63F13/00 OR A63F3/0645 OR A63F3/065 OR A63F2003/086 OR A63F3/06 OR A63F3/08 OR A63F9/24).CPC.)	US-PGPUB; USPAT	OR	ON	2016/12/29 19:10
S20	3	S16 AND ((G06F17/303 OR G06F17/30569 OR G07C15/006 OR G07G5/00).CPC.)	US-PGPUB; USPAT	OR	ON	2016/12/29 19:11
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S30	492	online same lottery same ticket same draw$4	US-PGPUB; USPAT	OR	ON	2017/09/15 16:38
S31	929	(online same lottery same ticket)and draw$4	US-PGPUB; USPAT	OR	ON	2017/09/15 16:39
S32	929	(online same lottery same ticket) and draw$4	US-PGPUB; USPAT	OR	ON	2017/09/15 16:39
S33	929	(online same lottery same ticket) and draw$4	US-PGPUB; USPAT	OR	ON	2017/09/16 15:10
S34	498	(online same lottery same ticket) and verif$5	US-PGPUB; USPAT	OR	ON	2017/09/16 15:10
S35	1,098	(online same lottery) and verif$5	US-PGPUB; USPAT	OR	ON	2017/09/16 17:07
S36	234	online with lottery with ticket with draw$4	US-PGPUB; USPAT	OR	ON	2017/09/17 23:32
S37	228	S36 AND ((G07F17/34 OR G07F17/3244 OR G07F17/3213 OR G07F17/3258 OR G07F17/3267 OR G07F17/329 OR G07F17/326 OR G07F17/3225 OR G07F17/3248 OR G07F17/3255 OR G07F17/3211 OR	US-PGPUB; USPAT	OR	ON	2017/09/17 23:32

		G07F17/3246 OR G07F17/3276 OR G07F17/3209 OR G07F17/323 OR G07F17/3239 OR G07F17/3262 OR G07F17/3288 OR G07F17/32 OR G07F17/3293 OR G07F17/3227 OR G07F17/3251 OR G07F17/3269 OR G07F17/3204 OR G07F17/3223 OR G07F17/3218 OR G07F17/3237 OR G07F17/3272 OR G07F17/3295 OR G07F17/3241 OR G07F17/42 OR G07F17/3253 OR G07F17/3265 OR G07F17/3274 OR G07F17/3281 OR G07F17/3283).CPC.)				
S38	44	S36 AND ((G06Q50/34 OR G06Q30/02 OR G06Q30/0209 OR G06Q30/0212 OR G06Q30/0213 OR G06Q30/0222 OR G06Q30/0225 OR G06Q30/0226 OR G06Q30/0234 OR G06Q30/0236 OR G06Q30/0238 OR G06Q30/0239 OR G06Q10/02 OR G06Q20/108 OR G06Q20/3224 OR G06Q30/0605 OR G06Q20/045 OR G06Q10/06 OR G06Q20/00 OR G06Q20/065 OR G06Q10/0635 OR G06Q20/0453 OR G06Q20/123 OR G06Q20/202 OR G06Q20/209 OR G06Q20/325 OR G06Q20/36 OR G06Q20/387 OR G06Q30/0229 OR G06Q30/0267 OR G06Q30/0273 OR G06Q30/06 OR G06Q30/0601 OR G06Q30/0641 OR G06Q50/01).CPC.)	US-PGPUB; USPAT	OR	ON	2017/09/17 23:34
S39	32	S36 AND ((A63F13/00 OR A63F3/0645 OR A63F2250/64 OR A63F3/0605 OR A63F13/30 OR A63F3/065 OR A63F13/12 OR A63F13/45 OR A63F13/77 OR A63F2003/086 OR A63F3/06 OR A63F3/08 OR A63F3/081 OR A63F9/10 OR A63F9/24).CPC.)	US-PGPUB; USPAT	OR	ON	2017/09/17 23:35
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S45	303	(pre adj print$3) with lottery with ticket	US-PGPUB; USPAT	OR	ON	2019/04/01 16:37
S46	15	((pre adj print$3) with lottery with ticket) with POS	US-PGPUB; USPAT	OR	ON	2019/04/01 16:40
S47	17	(lottery with ticket) with (pre adj print$3) with (identif$7 with (number$4 or informat$4))	US-PGPUB; USPAT	OR	OFF	2019/08/21 14:19
S48	19	(lottery with ticket) with (pre adj print$3) with (identif$7 with (number$4 or informat$4))	US-PGPUB; USPAT	OR	ON	2019/08/21 14:56

S49	46	("4815741" | "5007641" | "5216595" | "5239165" | "5451052" | "5560610" | "5588649" | "5772511" | "5871398" | "5897625" | "6119099" | "6267670").PN. OR ("6899621").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2019/08/21 16:04
S50	8	((lottery with ticket) with (pre adj print$3)) and S49	US-PGPUB; USPAT	OR	ON	2019/08/21 16:36
S51	22	("20030045340" | "20050059465" | "20060160602" | "20060258433" | "20120122536" | "20130005431" | "4087092" | "5282620" | "5772510" | "5935000" | "6210276" | "7204756" | "7381132" | "7416483" | "7563164" | "7627497" | "7665394" | "7914371" | "8216045" | "8398484" | "8672325").PN. OR ("9443397").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2019/08/21 16:39
S52	22	("20030045340" | "20050059465" | "20060160602" | "20060258433" | "20120122536" | "20130005431" | "4087092" | "5282620" | "5772510" | "5935000" | "6210276" | "7204756" | "7381132" | "7416483" | "7563164" | "7627497" | "7665394" | "7914371" | "8216045" | "8398484" | "8672325").PN. OR ("9443397").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2019/08/21 16:42
S53	7	((lottery with ticket) with (pre adj print$3)) and S52	US-PGPUB; USPAT	OR	ON	2019/08/21 16:42
S54	218	"6,241,606"	US-PGPUB; USPAT	OR	ON	2019/08/21 16:44
S55	2	"15833566"	US-PGPUB; USPAT	OR	OFF	2019/08/27 18:19
S56	862	human with body with organ with function$4	US-PGPUB; USPAT	OR	OFF	2019/08/28 12:32
S57	1,780	human with body with organ with function$4	US-PGPUB; USPAT	OR	ON	2019/08/28 12:32
S58	16	human with body with organ with function$4 with observ$4	US-PGPUB; USPAT	OR	ON	2019/08/28 12:33
S59	319	human with body with organ with function$4	USPAT	OR	OFF	2019/08/28 12:34
S60	665	human with body with organ with function$4	USPAT	OR	ON	2019/08/28 12:34

S61	1	human with body with organ with function$4 with visual	USPAT	OR	ON	2019/08/28 12:35
S62	14	human with body with organ with function$4 with (view$4 or visual)	US-PGPUB; USPAT	OR	ON	2019/08/28 12:35
S63	2	("2008/0233549").URPN.	USPAT	OR	OFF	2019/08/28 12:37
S64	50	("20020119433" | "20020173778" | "20020198516" | "20030197716" | "20040059321" | "20040088650" | "20040213437" | "20040215719" | "20060004745" | "20060036619" | "20070196007" | "20080001968" | "20080091780" | "20080233549" | "20090024365" | "20090089154" | "20090287331" | "20100100364" | "20100131283" | "20100131293" | "20100131874" | "20100138231" | "20100153234" | "20100254382" | "20110004110" | "20110025883" | "20110026836" | "20110026839" | "20110029553" | "20110029562" | "20110029635" | "20110029914" | "20110157226" | "20110157227" | "20110157228" | "20110285748" | "20110313934" | "20120173969" | "20120284642" | "20120284644" | "20120284645" | "20120284646" | "5098426" | "6888546" | "6983420" | "7000179" | "7783096" | "7804982" | "8316237").PN. OR ("9164666").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2019/08/28 12:37
S65	7	("20090227320" | "20100093421" | "5935000" | "6322446" | "8219497" | "8408986" | "8784180").PN.	US-PGPUB; USPAT	OR	OFF	2019/08/28 15:01
S66	1	"14679028"	USPAT	OR	OFF	2019/08/28 17:01
S67	0	"16280629"	USPAT	OR	OFF	2020/06/04 17:56
S68	2	"16280629"	US-PGPUB; USPAT	OR	OFF	2020/06/04 17:56
S69	27	("20030045340" | "20050059465" | "20060160602" | "20060258433" | "20120122536" | "20130005431" | "4087092" | "5282620" | "5709603" | "5772510" | "5935000" | "6210276" | "7381132" | "7416483" | "7563164" | "7627497" | "7665394" | "7914371" | "8216045" | "8398484").PN. OR ("9251663").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2020/06/04 18:02

S70	2	"16280629"	US-PGPUB; USPAT; USOCR	OR	OFF	2020/06/05 15:29
S71	106	("1905659" | "20010034263" | "20010036855" | "20020162850" | "20030114211" | "20030120381" | "20030153381" | "20030204288" | "20030216164" | "20040023711" | "20040176154" | "20040193464" | "20040227000" | "20040242309" | "20050014552" | "20050023346" | "20050059463" | "20050190533" | "20050233797" | "20050250572" | "20050280210" | "20060012116" | "20060071046" | "20060246992" | "20060273156" | "20080208696" | "20090101714" | "20090163264" | "20110087369" | "20140058280" | "20140295945" | "20150194008" | "20170018048" | "20170018148" | "20170169652" | "2219650" | "2252720" | "2325054" | "2776007" | "2970784" | "3481520" | "3794228" | "3894669" | "4094451" | "4202468" | "4284221" | "4397410" | "4515321" | "4586639" | "4688708" | "4697726" | "4716799" | "4730762" | "4844369" | "4982337" | "5074566" | "5113758" | "5133615" | "5158293" | "5160076" | "5215383" | "5216595" | "5222624" | "5239165" | "5256863" | "5408417" | "5503318" | "5569082" | "5709603" | "5833104" | "5836498" | "5882260" | "5927583" | "6029851" | "6056289" | "6095624" | "6168521" | "6267670" | "6351688" | "6405924" | "6582304" | "6714838" | "6824464" | "6886728" | "6887153" | "6899621" | "6899622" | "7263411" | "7381132" | "7383099" | "7665394" | "7740243" | "7756742" | "7850257" | "8463668" | "8554365" | "9251663" | "9339121" | "9760939").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2020/06/05 15:31
S72	0	"16442932"	USPAT	OR	OFF	2020/10/09 11:03
S73	1	"16442932"	US-PGPUB; USPAT	OR	OFF	2020/10/09 11:03
S74	5,932	table with magnet$6 with (leg or support$4 or stand$4)	US-PGPUB; USPAT	OR	ON	2020/10/09 11:05

S75	1	"20050233797"	USPAT	OR	OFF	2021/01/13 16:50
S76	2	"20050233797"	US-PGPUB; USPAT	OR	OFF	2021/01/13 16:50
S77	3	"16280629"	US-PGPUB; USPAT	OR	OFF	2021/01/13 16:58

EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S40	0	online with lottery with ticket with draw$4 with unique with identif$7	USPAT	OR	ON	2017/09/17 23:43
S41	0	"15070954"	USPAT	OR	ON	2017/09/18 11:42
S42	1	"15070954"	US-PGPUB; USPAT	OR	ON	2017/09/18 11:42
S43	12	"11353920"	US-PGPUB; USPAT	OR	ON	2017/09/18 12:31

6/29/2021 6:40:29 PM
C:\Users\spandya\Documents\EAST\Workspaces\16280629.wsp

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Gino Giunti	§	
		§	Group Art Unit: 3649
Serial No.	16/280,629	§	
		§	Examiner: Sunit Pandya
Filed:	February 20, 2019	§	
		§	Confirmation No.: 5484
For:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS	§	

Mail Stop: Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF EFS-WEB FILING

Pursuant to 37 CFR § 1.8, I hereby certify that this correspondence is being electronically submitted to the U.S. Patent and Trademark Office website, www.uspto.gov, on

04/19/2021 .
(Date submitted)

/Jerry C. Harris, Jr./
Jerry C. Harris, Jr.

RESPONSE TO OFFICE ACTION DATED JANUARY 19, 2021

Dear Sir:

In response to the Office Action dated January 19, 2021 (the "Office Action), Applicant respectfully requests consideration of the following.

The Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

THE CLAIMS

Listing of claims:

1. (Currently Amended) A method for providing a manufactured, pre-printed, random draw lottery ticket ~~for a random draw~~ comprising:

(a) receiving, by a transaction processor, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed, random draw lottery ticket;

(b) providing, via a first secured communication, by ~~a~~ the transaction processor or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and

(c) receiving, via a second secured communication, by the transaction processor or retailer, from the lottery administration system, indication that draw information has been associated with the manufactured, pre-printed, random draw lottery ticket.

2. (Currently Amended) The method of claim 1, wherein receiving the transaction request comprises receiving unique product information associated with the manufactured, pre-printed, random draw lottery ticket over a secure communication channel from a point of sale (POS) system.

3. (Currently Amended) The method of claim 1, wherein draw information is made available on a printed receipt; by scanning a code on the manufactured, pre-printed, random draw lottery ticket; or by entering a unique identifier associated with the manufactured, pre-printed, random draw lottery ticket into an online website or mobile application.

4. (Currently Amended) The method of claim 1, further comprising receiving unique product information associated with the manufactured, pre-printed, random draw lottery ticket.

5. (Currently Amended) The method of claim 1, further comprising retrieving unique identification information associated with the manufactured, pre-printed, random draw lottery ticket from the received product information.

6. (Currently Amended) The method of claim 4, wherein the product information is sufficient to determine one or more of:

a game type associated with the manufactured, pre-printed, random draw lottery ticket;

a wager amount associated with the manufactured, pre-printed, random draw lottery ticket; and

a number of wagers associated with the manufactured, pre-printed, random draw lottery ticket.

7. (Original) The method of claim 1, further comprising validating the received transaction request.

8. (Currently Amended) The method of claim 7, wherein validating the received identification information comprises verifying that the product information corresponds to identification information associated with the manufactured, pre-printed, random draw lottery ticket.

9. (Original) The method of claim 8, wherein validating the transaction information includes verifying that the product is validly distributed by the retailer.

10. (Currently Amended) The method of claim 1, wherein the information provided to the lottery administration system includes one or more randomly determined lottery numbers generated at the time the manufactured, pre-printed, random draw lottery ticket is purchased at the POS.

11. (Currently Amended) The method of claim 1, wherein the information provided to the lottery administration system includes one or more randomly determined lottery numbers associated with the manufactured, pre-printed, random draw lottery ticket prior to the time the manufactured, pre-printed lottery ticket is purchased at the POS.

12. (Original) The method of claim 1, wherein the retailer POS is online.

13. (Currently Amended) The method of claim 1, wherein the manufactured, pre-printed, random draw lottery ticket comprises a barcode.

14. (Original) The method of claim 13, wherein the barcode comprises a first party information and a second party information.

15. (Original) The method of claim 13, wherein the barcode comprises a universal product code and pre-printed lottery ticket information.

16. (Currently Amended) The method of claim 1, wherein the manufactured, pre-printed, random draw lottery ticket contains information used to redeem a winning prize.

17. (Currently Amended) The method of claim 1, wherein the lottery administration system generates wagers for the manufactured, pre-printed, random draw lottery ticket and a draw date is assigned to the wagers.

18. (Original) The method of claim 1, wherein lottery numbers are entered in a draw.

19. (Original) The method of claim 7, wherein the validation comprises age validation.

20. (Withdrawn) A method for providing a product for a draw comprising:

(a) providing, by a transaction processor or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and

(b) receiving, by the transaction processor or retailer, from the lottery administration system, indication that draw information has been associated with a manufactured, pre-printed lottery ticket.

21. (New) The method of claim 1, wherein the first secured communication, the second secured communication, or combinations thereof are encrypted.

REMARKS/ARGUMENTS

Status of Claims

Claims 1-6, 8, 10, 11, 13, 16, and 17 are currently amended.

Claims 7, 9, 12, 14, 15, and 18-19 are original.

Claim 20 is withdrawn.

Claim 21 is new. Support is found in the Specification. *See* Application at ¶[[0036]

Claims 1-21 are currently pending in this application.

Applicant hereby requests further examination and reconsideration of the presently claimed application.

Double Patenting

Claims 1-19 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 9,865,135. Applicant submits that the instant double-patenting rejections will be addressed as soon as the 35 U.S.C. § 101 rejections have been overcome.

Claim Rejections – 35 U.S.C. § 102

Claims 1-19 are rejected under 35 U.S.C. Section 102(a)(1) as being anticipated by Gilmore et al., U.S. Patent Application Pub. No. 20050233797 (hereinafter "*Gilmore*").

As explained by the Court of Appeals for the Federal Circuit: "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *See Verdegall Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Independent claim 1 has been amended to recite:

> 1. A method for providing **a manufactured, pre-printed, random draw lottery ticket** comprising:
>
> (a) receiving, by a transaction processor, a transaction request from a retailer point of sale (POS) to activate **the manufactured, pre-printed, random draw lottery ticket**;
>
> (b) providing, **via a first secured communication,** by a transaction processor or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and
>
> (c) receiving, **via a second secured communication,** by the transaction processor or retailer, from the lottery administration system, indication that draw information has been associated with **the manufactured, pre-printed, random lottery ticket**.

See claim 1, *supra* (emphasis added). Support for the amending language is found in the Specification. *See* Application at ¶ [0036] ("The communication between retail POS terminals and the lottery system may be secured using various encryption techniques.") and ¶ [0039] ("FIG. 3 depicts a process for providing a ticket for a random draw. The process 300 assumes a consumer is purchasing a number of items including a pre-printed lottery ticket. A pre-printed lottery ticket is scanned (302) at a POS terminal 202 and unique identification information and details of the pre-printed ticket is communicated (304) to a lottery system 220, which verifies the ticket information and determines draw and wager information (306), if the wager information is not already associated with the ticket information.").

Applicant respectfully notes that *Gilmore* specifically distinguishes its disclosed "instant win/scratch-off" tickets (i.e., *Gilmore*'s "pre-printed ticket") from its "lotto/Power Ball/weekly draw" tickets (i.e., Gilmore's "on-line ticket"). Examples of Gilmore's distinguishing between its "pre-printed ticket" and its "on-line ticket" are provided below:

> **In a first type of lottery game known as a pre-printed or "instant win" lottery game**, a lottery game player purchases individual game

> tickets of the type disclosed in U.S. Pat. Nos. 5,451,052, and 5,560,610, respectively, issued to Behm et al., for play. **Each game ticket is pre-printed by an authorized lottery game ticket manufacturer**, and typically offers a cash game prize of a predetermined amount, **the prize amount being covered by a rub or scratch off coating printed or laminated onto the pre-printed surface of the lottery game ticket**. Once the game player scratches off the coating, and if the prize amounts match as required by the rules of the game, the lottery game player will win the prize amount printed on the ticket.

See Gilmore at ¶ [0003] (emphasis added).

> **A second type of popular lottery game is an on-line game, more commonly thought of as a "lotto" type game**, which requires that a game player fill out a game play ticket with a series of lottery play numbers thereon, and/or designate a "quick pick" in which either a lottery terminal or an off-site lottery system computer generates the lottery play numbers. **The lottery play slip is scanned into a lottery terminal, typically a stand-alone terminal found in a convenience store, whereupon a ticket is authorized by the lottery system and printed at the lottery terminal**. The on-line games are the types of lottery game conducted on a weekly statewide basis by the several states, as are the regional lottery games such as the Power Ball and Big Game lotteries played in the United States. Similar national and regional games exist in foreign nations as well.

See Gilmore at ¶ [0004] (emphasis added).

> **The lottery game system includes a pre-printed ticket dispenser assembly 19, and/or a separate on-line lottery game ticket printer 20**, each of which is stationed at respective ones of the POS terminals 8 comprising the store's POS system. The ticket dispenser assembly and ticket printer are each networked to the ticket dispenser system through a separate network connection 21, which may be any of the known types of networks and may include, for example, a wireless network allowing for the expeditious networking of the lottery game system with the store's POS system.

See Gilmore at ¶ [0046] (emphasis added).

When describing its "on-line ticket," *Gilmore* details the following:

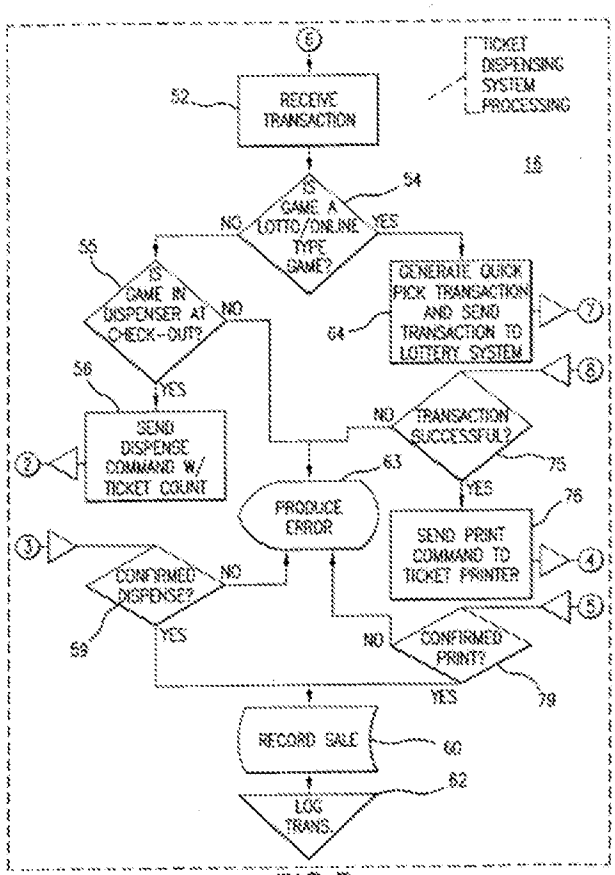


FIG.5

See Gilmore at FIG. 5.

Referring now to FIG. 5, the accumulated game identification codes have been forwarded to and received by the ticket dispensing system 16 (FIG. 1) in step 52. **The ticket dispensing system determines if the lottery game or games being played are an on-line or a pre-printed lottery game.** If the game identification code is for **a pre-printed lottery game, then the process moves to step 55** whereupon the ticket dispensing system will poll the identified ticket dispenser assembly at the POS terminal to determine if the desired lottery game ticket is in stock. If so, the process will proceed to step 56, whereupon a dispense ticket command will be sent to the ticket dispenser assembly, as illustrated in FIG. 3. Once the dispense ticket command has been given, and the desired number and type of pre-printed lottery tickets have been dispensed, the dispensing of the tickets is confirmed in step 59. Once confirmed, the process proceeds to step 60 to record the sale within the game monitor, in which the sales cost of the lottery game tickets detected by the game monitor as this data is transmitted by the POS system controller back to the POS terminal is recorded, and the game monitor then logs the transaction in step 62. If, at step

> 55, the ticket controller determined that the desired number and/or type of pre-printed lottery game tickets were not available in the ticket dispenser, an error message will be produced in step 63, and the lottery transaction will be concluded.

See Gilmore at ¶ [0062] (emphasis added).

> Returning now again to step 54, where using a token for **an on-line lottery game, the process proceeds to step 64** which generates a quick-pick transaction and sends the transaction data or request to the off-site lottery computer 28 (FIG. 1) performing one of the two separate subroutines illustrated in FIGS. 6A and 6B. The type of on-line lottery game described for use with the tokens of the system is a "quick-pick" game in which the lottery system or off-site host computer generates a series of random lottery game play numbers for the game player, and **then forwards the lottery play numbers to the ticket printer located at the POS terminal**.

See Gilmore at ¶ [0063] (emphasis added).

> Where the game player verbally instructs the sales clerk of the desire **to play an on-line lottery game**, the sales clerk presses the appropriate keys on the POS terminal programmed for the game(s) being played, the signal is detected by the game monitor as described herein for token originated games, and the transactional data forwarded by the in-store lottery system described herein to the off-site host computer. The lottery system host computer receives the game request and game play data, whereupon the lottery game ticket is authorized and the authorization returned to the in-store lottery system. **On receipt of the game ticket authorization, the in-store lottery system instructs the ticket printer located at the originating POS terminal to print the on-line lottery game ticket(s) for the game player**.

See Gilmore at ¶ [0065] (emphasis added).

As is evident from the above-cited portions of *Gilmore*, *Gilmore* contains no disclosure of the claimed "manufactured, pre-printed, random draw lottery ticket" because *Gilmore*'s "on-line ticket" (i.e., its non-instant win, non-scratch-off, lotto, Power Ball, random draw-type ticket), is not "pre-printed," but rather is printed at the time of purchase by the consumer. *See id.*

Based on the foregoing, Gilmore fails to disclose each and every element of independent claim 1; therefore, *Gilmore* cannot be understood to anticipate claims 1-19. *See Verdegall Bros.*

v. Union Oil Co. of California, 2 USPQ2d at 1053. Applicant respectfully request the withdrawal of the 35 U.S.C. Section 102 rejections of claims 1-19.

Claim Rejections – 35 U.S.C. § 101

A. The Rejections under 35 U.S.C. § 101

Claims 1-19 stand rejected under 35 U.S.C. Section 101 as being directed to ineligible subject matter. The claimed invention is directed to a judicial exception without significantly more.

1. Step 2A of the *Mayo* Test

a) The January 2019 Guidance

On January 7, 2019, the USPTO issued The Computer-Implemented Functional Claims Limitations Guidance (the "January 2019 Guidance") wherein the USPTO revised Step 2A of the *Mayo* Test to now comprise two separate prongs. Under Prong One of Step 2A, "examiners should evaluate whether the claim recites a judicial exception, i.e., an abstract idea, a law of nature, or a natural phenomenon." *See* Fed. Reg. Vol. 84, No. 4 at 54 (Jan. 7, 2019). The January 2019 Guidance explained Step 2A was changed compared to prior guidance:

> To determine whether a claim recites an abstract idea in Prong One, examiners are now to: (a) Identify the specific limitation(s) in the claim under examination (individually or in combination) that the examiner believes recites an abstract idea; and (b) determine whether the identified limitation(s) falls within the subject matter groupings of abstract ideas enumerated in Section I of the 2019 Revised Patent Subject Matter Eligibility Guidance. If the identified limitation(s) falls within the subject matter groupings of abstract ideas enumerated in Section I, **analysis should proceed to Prong Two in order to evaluate whether the claim integrates the abstract idea into a practical application**. When evaluating Prong One, examiners are no longer to use the USPTO's ''Eligibility Quick Reference Sheet Identifying Abstract Ideas,'' which has been superseded by this document.

See id. (emphasis added).

The January 2019 Guidance explains Step 2A's new Prong Two as follows:

In Prong Two, **examiners should evaluate whether the claim as a whole integrates the recited judicial exception into a practical application of the exception**. A claim that integrates a judicial exception into a practical application will apply, rely on, or use the judicial exception in a manner that **imposes a meaningful limit on the judicial exception**, such that the claim is more than a drafting effort designed to monopolize the judicial exception. **When the exception is so integrated, then the claim is not directed to a judicial exception (Step 2A: NO) and is eligible**. This concludes the eligibility analysis . . . Examiners evaluate integration into a practical application by: (a) Identifying whether there are any additional elements recited in the claim beyond the judicial exception(s); and (b) evaluating those additional elements individually and in combination to determine whether they integrate the exception into a practical application, using one or more of the considerations laid out by the Supreme Court and the Federal Circuit, for example those listed below. While some of the considerations listed below were discussed in prior guidance in the context of Step 2B, evaluating them in revised Step 2A promotes early and efficient resolution of patent eligibility, and increases certainty and reliability. **Examiners should note, however, that revised Step 2A specifically excludes consideration of whether the additional elements represent well-understood, routine, conventional activity**. Instead, analysis of well-understood, routine, conventional activity is done in Step 2B. Accordingly, in revised Step 2A examiners should ensure that they give weight to all additional elements, whether or not they are conventional, when evaluating whether a judicial exception has been integrated into a practical application In the context of revised Step 2A, the following exemplary considerations are indicative that an additional element (or combination of elements) may have integrated the exception into a practical application:

> ■ An additional element reflects an improvement in the functioning of a computer, or an improvement to other technology or technical field;
>
> ■ an additional element that applies or uses a judicial exception to effect a particular treatment or prophylaxis for a disease or medical condition;
>
> ■ an additional element implements a judicial exception with, or uses a judicial exception in conjunction with, a particular machine or manufacture that is integral to the claim;

> ■ an additional element effects a transformation or reduction of a particular article to a different state or thing; and
>
> ■ an additional element applies or uses the judicial exception in some other meaningful way beyond generally linking the use of the judicial exception to a particular technological environment, such that the claim as a whole is more than a drafting effort designed to monopolize the exception.
>
> This is not an exclusive list, and there may be other examples of integrating the exception into a practical application . . . Because revised Step 2A does not evaluate whether an additional element is well-understood, routine, conventional activity, **examiners are reminded that a claim that includes conventional elements may still integrate an exception into a practical application, thereby satisfying the subject matter eligibility requirement of Section 101**.

See Fed. Reg. Vol. 84, No. 4 at 54-55 (emphasis added).

The January 2019 Guidance specifically states, "[t]he 2019 Revised Patent Subject Matter Eligibility Guidance is effective on January 7, 2019. The 2019 Revised Patent Subject Matter Eligibility Guidance applies to all applications, and to all patents resulting from applications, filed before, on, or after January 7, 2019." *See* Fed. Reg. Vol. 84, No. 4 at 50. As the instant application was filed before January 7, 2019, the January 2019 Guidance applies to the instant application.

b) Step 2A, Prong 2 -- The Claims Integrate the Alleged Abstract Idea into a Practical Application

As noted above, The January 2019 Guidance identifies several considerations which are indicative that an additional element (or combination of elements) integrate the alleged abstract idea into a practical application, these exemplary considerations include claims wherein:

> an additional element reflects an improvement in the functioning of a computer, or an improvement to other technology or technical field;
>
> an additional element that applies or uses a judicial exception to effect a particular treatment or prophylaxis for a disease or medical condition;

> **an additional element implements a judicial exception with, or uses a judicial exception in conjunction with, a particular machine or manufacture that is integral to the claim**;
>
> an additional element effects a transformation or reduction of a particular article to a different state or thing; and
>
> an additional element applies or uses the judicial exception in some other meaningful way beyond generally linking the use of the judicial exception to a particular technological environment, such that the claim as a whole is more than a drafting effort designed to monopolize the exception.

See Fed. Reg. Vol. 84, No. 4 at 54-55 (emphasis added).

Manufacture

A Manufactured, Pre-printed, Random Draw Lottery Ticket

Applicant's independent claim 1 is reproduced below:

> 1. A method for providing **a manufactured, pre-printed, random draw lottery ticket** comprising:
> (a) receiving, by a transaction processor, a transaction request from a retailer point of sale (POS) to activate **the manufactured, pre-printed, random draw lottery ticket**;
> (b) providing, via a first secured communication, by a transaction processor or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and
> (c) receiving, via a second secured communication, by the transaction processor or retailer, from the lottery administration system, indication that draw information has been associated with **the manufactured, pre-printed, random lottery ticket**.

See claim 1, *supra* (emphasis added).

The instantly claimed "manufactured, pre-printed, random draw lottery ticket" is integral to the claim because the claim is eviscerated without the "manufactured, pre-printed, random draw lottery ticket." The claimed "manufactured, pre-printed, random draw lottery ticket is unquestionably a "manufacture." *See* MPEP § 2106.03 (I) ("As the courts have explained,

manufactures are articles that result from the process of manufacturing, i.e., they were produced 'from raw or prepared materials by giving to these materials new forms, qualities, properties, or combinations, whether by hand-labor or by machinery.' *Samsung Electronics Co. v. Apple Inc.*, 580 U.S. __, 137 S. Ct. 429, 435, 120 USPQ2d 1749, 1752-3 (2016) (quoting *Diamond v. Chakrabarty*, 447 U. S. 303, 308, 206 USPQ 193, 196-97 (1980)).").

As such, the Office Action's identified abstract idea, "engaging in lawful wagering," *see* Office Action at 10, is integrated into a practical application via the requirement that the "abstract idea" be performed by "**an additional element implements a judicial exception with**, or uses a judicial exception in conjunction with, **a . . . manufacture that is integral to the claim**." *See* Fed. Reg. Vol. 84, No. 4 at 55 (emphasis added).

Transaction Processor

Applicant's independent claim 1 is reproduced below:

> 1. A method for providing a manufactured, pre-printed, random draw lottery ticket comprising:
>
> (a) **receiving, by a transaction processor**, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed, random draw lottery ticket;
>
> (b) **providing, via a first secured communication, by a transaction processor** or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and
>
> (c) **receiving, via a second secured communication, by the transaction processor** or retailer, from the lottery administration system, indication that draw information has been associated with the manufactured, pre-printed, random draw lottery ticket.

See claim 1, *supra* (emphasis added).

As can be seen above, independent claim 1 recites a "transaction processor" to effectuate the claim language. *See supra*. As detailed in the Specification:

> **The transaction processor** system 630 may **include a central processing unit (CPU) 604**, memory unit 616 and 1/0 interface(s)

> 608 for communicating with devices external to the transaction processor system630. Instructions 604 stored in the memory unit 616, when executed by the processing unit 604 provide transaction processing and data exchange functionality 602. The functionality 602 may process transactions and exchange data from a plurality of different retailers to a single lottery system. Instructions 602 may include any functionality necessary for the successful exchange of data and the activation or cancellation of the pre-printed ticket.

Application at ¶ [0046] (emphasis added).

The instantly claimed "transaction processor" is integral to the claim because the "manufactured, pre-printed, random draw lottery ticket" cannot be provided without the "transaction processor."

Moreover, as shown above, the transaction processor comprises a "central processing unit (CPU)." *See id.* One of ordinary skill in the art would understand that a "CPU" would comprise a microprocessor. "The component of a computer system that performs the basic operations (such as processing data) of the system, that exchanges data with the systems memory or peripherals, and that manages the systems other components — called also *processor*." *See* Merriam-Webster at https://www.merriam-webster.com/dictionary/cpu.

The MPEP provides, "because a microprocessor is generally understood to be a manufacture, **a product claim to the microprocessor or a system comprising the microprocessor satisfies Step 1** regardless of whether the claim falls within any other statutory category (such as a machine)." *See* MPEP § 2106.03 (emphasis added).

As such, the Office Action's alleged identified abstract idea is integrated in to a practical application via the requirement that the "abstract idea" be performed by "**an additional element [which] implements a judicial exception with**, or uses a judicial exception in conjunction with, **a . . . manufacture that is integral to the claim**." *See* Fed. Reg. Vol. 84, No. 4 at 55 (emphasis added); *see also* MPEP § 2106.03 ("a microprocessor is generally understood to be a manufacture.").

Particular Machine

Transaction Processor

Applicant's independent claim 1 is reproduced below:

> 1. A method for providing a manufactured, pre-printed, random draw lottery ticket comprising:
>
> (a) **receiving, by a transaction processor**, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed, random draw lottery ticket;
>
> (b) **providing, via a first secured communication, by a transaction processor** or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and
>
> (c) **receiving, via a second secured communication, by the transaction processor** or retailer, from the lottery administration system, indication that draw information has been associated with the manufactured, pre-printed, random draw lottery ticket.

See claim 1, *supra* (emphasis added).

As can be seen, the claims require the claimed method steps be performed by a "transaction processor" to effectuate the claim language. *See id.* As detailed in the Specification:

> **The transaction processor system 630** may include a central processing unit (CPU) 604, memory unit 616 and 1/0 interface(s) 608 for communicating with devices external to the transaction processor system630. **Instructions 604 stored in the memory unit 616, when executed by the processing unit 604 provide transaction processing and data exchange functionality 602**. The functionality 602 may process transactions and exchange data from a plurality of different retailers to a single lottery system. Instructions 602 may include any functionality necessary for the successful exchange of data and the activation or cancellation of the pre-printed ticket.

Application at ¶ [0046] (emphasis added).

As noted by the Supreme Court, "[a] claimed process is surely patent-eligible under § 101 if: (1) it is tied to a particular machine or apparatus . . . ." *See, e.g., In re Bilski,* 545 F.3d 943, 954, (Fed. Cir. 2009). In *In re Alappat* the Federal Circuit held, "programming creates a new machine because a general purpose computer, in effect, becomes a special purpose computer once it is

programmed to perform particular functions pursuant to instructions from program software." *See In re Alappat*, 33 F.3d 1526, 1545 (Fed. Cir. 1994). Following the *In re Alappat* precedent, in *Finisar Corp. v. DirecTV Grp., Inc.*, the Federal Circuit held, "a computer programmed to implement an algorithm . . . is not the general purpose computer, but rather the special purpose computer programmed to perform the disclosed algorithm." *See Finisar Corp. v. DirecTV Grp., Inc.*, 523 F.3d 1323, 1340 (Fed. Cir. 2008).

Based on the foregoing, Applicant contends the instant claims' "transaction processor" comprises specifically programmed computer processors performing particular, recited functions, which inarguably amount to the claims being performed by "an additional element [which] implements a judicial exception with, or uses a judicial exception in conjunction with, a particular machine or manufacture that is integral to the claim." *See* Fed. Reg. Vol. 84, No. 4 at 55. *See* Interim Examination Instructions For Evaluating Subject Matter Eligibility Under 35 U.S.C. § 101, Aug. 24, 2009 at 6 ("For computer implemented processes, the 'machine' is often disclosed as a general purpose computer. In these cases, the general purpose computer may be sufficiently 'particular' when programmed to perform the process steps. Such programming creates a new machine because a general purpose computer, in effect, becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software. To qualify as a particular machine under the test, the claim must clearly convey that the computer is programmed to perform the steps of the method because such programming, in effect, creates a special purpose computer limited to the use of the particularly claimed combination of elements (i.e., the programmed instructions) performing the particularly claimed combination of functions.").

As such, the Office Action's identified abstract idea, "engaging in lawful wagering," is integrated into a practical application via the requirement that the "abstract idea" be performed by

"**an additional element implements a judicial exception with**, or uses a judicial exception in conjunction with, **a particular machine** . . . **that is integral to the claim**." *See* Fed. Reg. Vol. 84, No. 4 at 55 (emphasis added).

B. Step 2B of the Subject Matter Eligibility Guidelines

Assuming, *arguendo*, that the instant claims comprise an abstract idea, which Applicant does not concede, the U.S.P.T.O. has published considerations of what constitutes "significantly more" than an alleged abstract idea within the context of patent eligibility:

> i. Improvements to the functioning of a computer, *e.g.,* a modification of conventional Internet hyperlink protocol to dynamically produce a dual-source hybrid webpage, as discussed in *DDR Holdings, LLC v. Hotels.com, L.P.,* 773 F.3d 1245, 1258-59, 113 USPQ2d 1097, 1106-07 (Fed. Cir. 2014) (see **MPEP § 2106.05(a)**);
>
> ii. Improvements to any other technology or technical field, *e.g.,* a modification of conventional rubber-molding processes to utilize a thermocouple inside the mold to constantly monitor the temperature and thus reduce under- and over-curing problems common in the art, as discussed in *Diamond v. Diehr,* 450 U.S. 175, 191-92, 209 USPQ 1, 10 (1981) (see **MPEP § 2106.05(a)**);
>
> iii. Applying the judicial exception with, or by use of, a particular machine, *e.g.,* a Fourdrinier machine (which is understood in the art to have a specific structure comprising a headbox, a paper-making wire, and a series of rolls) that is arranged in a particular way to optimize the speed of the machine while maintaining quality of the formed paper web, as discussed in *Eibel Process Co. v. Minn. & Ont. Paper Co.,* 261 U.S. 45, 64-65 (1923) (see **MPEP § 2106.05(b)**);
>
> iv. Effecting a transformation or reduction of a particular article to a different state or thing, *e.g.,* a process that transforms raw, uncured synthetic rubber into precision-molded synthetic rubber products, as discussed in *Diehr,* 450 U.S. at 184, 209 USPQ at 21 (see **MPEP § 2106.05(c)**);
>
> v. Adding a specific limitation other than what is well-understood, routine, conventional activity in the field, or adding unconventional steps that confine the claim to a particular useful application, *e.g.,* a non-conventional and non-generic arrangement of various computer components for filtering Internet content, as discussed in *BASCOM*

> *Global Internet v. AT&T Mobility LLC,* 827 F.3d 1341, 1350-51, 119 USPQ2d 1236, 1243 (Fed. Cir. 2016) (see **MPEP § 2106.05(d)**); or
>
> vi. Other meaningful limitations beyond generally linking the use of the judicial exception to a particular technological environment, *e.g.,* an immunization step that integrates an abstract idea of data comparison into a specific process of immunizing that lowers the risk that immunized patients will later develop chronic immune-mediated diseases, as discussed in *Classen Immunotherapies Inc. v. Biogen IDEC,* 659 F.3d 1057, 1066-68, 100 USPQ2d 1492, 1499-1502 (Fed. Cir. 2011) (see **MPEP § 2106.05(e)**).

MPEP § 2106.05.A. As can be seen, an "inventive concept" (and thus subject matter eligibility) can be demonstrated by showing any one of the MPEP's enumerated "significantly more" considerations. *See id.*

1. "Adding a Specific Limitation other than What is Well-Understood, Routine and Conventional in the Field"

The Federal Circuit has explained that, "an inventive concept can be found in the non-conventional and non-generic arrangement of known conventional pieces." *See Bascom Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1349 (Fed. Cir. 2016). Thus, as detailed above, because claims 1-19 are patentable over the prior art, claims 1-19 must comprise elements which are not "well-understood, routine, and conventional in the field" and recite "significantly more" than any alleged abstract idea – so as to patent eligible. *See* MPEP § 2106.05(d) (Claims that add a "specific limitation other than what is well-understood, routine and conventional in the field" comprise "significantly more" than an abstract idea and are patent eligible.).

Additionally, the Federal Circuit has stated:

> The question of whether a claim element or combination of elements is well-understood, routine and conventional to a skilled artisan in the relevant field is a question of fact. Any fact . . . pertinent to the invalidity conclusion must be proven by clear and convincing evidence . . . And the Supreme Court recognized that in making the § 101 determination, the inquiry "might sometimes overlap" with other fact-intensive inquiries like [patentability determinations, e.g., novelty and obviousness].

See Berkheimer v. HP Inc., 881 F.3d 1360, 1368 (Fed. Cir. 2018).

Moreover, the Federal Circuit has also opined, that if an applicant's specification does not describe a claimed element as "conventional," and there being no other evidence of conventionality, the claim element is presumed to not be "well understood" or "routine." *See Aatrix Software, Inc. v. Green Shades Software, Inc.*, 882 F.3d 1121, 1128 (Fed. Cir. 2018). Thus, because there is nothing in the Specification describing the instant claim elements as "conventional" and because the prior art fails to disclose all the elements of the instant claims, the instant claims must comprise elements "other than what is well-understood, routine, and conventional in the field" and recite "significantly more" than any alleged abstract idea -- so as to patent eligible. *See, e.g.,* MPEP § 2103 V. (Claims which are novel and non-obvious, i.e., not rejected in view of the prior art, are patentable); and MPEP § 2106.05(d). (Claims that add a "specific limitation other than what is well-understood, routine and conventional in the field" comprise "significantly more" than an abstract idea and are patent eligible.); *see also Bascom Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1349; *Berkheimer v. HP Inc.*, 881 F.3d 1360, 1368 (whether a claim is invalid under Section 101 must be proven by clear and convincing evidence and a determination of patentability is evidence of patent eligibility);[1] and *Aatrix Software, Inc. v. Green Shades Software, Inc.*, 882 F.3d 1121, 1128 (absent evidence to the contrary, claim elements are presumed to be not "well-understood, routine, and conventional in the field").

[1] Applicants appreciate that the Office is not bound by the "clear and convincing" evidentiary standard but submits that it is patently unjust that a claim (e.g., claims 1-18) which would be deemed patent eligible by a court based on the incapability of "clear and convincing" evidentiary burden being met due to the "patentability" of a claim, may never get such an opportunity because of the Office's ignoring of *Diamond v Diehr*, *Bascom*, and *Berkheimer*.

Based on the foregoing, Applicant respectfully submits that claims 1-19 recite "significantly more" than the alleged abstract idea of "engaging in lawful wagering" and therefore, are patent eligible.

2. The Machine or Transformation Test

Applicant contends that claims which satisfy the "machine or transformation" test comprise patent eligible subject matter. MPEP § 2106.05.A referenced above expressly incorporates the machine or transformation" test into its "considerations for determining whether a claim with additional elements amounts to significantly more than the judicial exception itself." *See* MPEP § 2106.05.A.

a) "Applying the Judicial Exception with, or by Use of, a Particular Machine"

Specifically, MPEP § 2106.05.A provides that "[a]pplying the judicial exception with, or by use of, a particular machine"[2] is a limitation which "qualif[ies] as 'significantly more' when recited in a claim with a judicial exception." *See id.*

Independent claim 1is reproduced below:

> 1. A method for providing a manufactured, pre-printed, random draw lottery ticket comprising:
>
> (a) **receiving, by a transaction processor**, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed, random draw lottery ticket;
>
> (b) **providing, via a first secured communication, by a transaction processor** or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and
>
> (c) **receiving, via a second secured communication, by the transaction processor** or retailer, from the lottery administration system, indication that draw information has been associated with the manufactured, pre-printed, random draw lottery ticket.

[2] *Bilski v Kappos,* 130 S. Ct. 3218, 3227 (2010) (''The Court's precedents establish that the machine-or-transformation test is a useful and important clue, an investigative tool, for determining whether some claimed inventions are processes under § 101.'').

See claim 1, *supra* (emphasis added).

As can be seen, the claims require the claimed method steps be performed by a "transaction processor" to effectuate the claim language. *See id.* As detailed in the Specification:

> The transaction processor system 630 may include a central processing unit (CPU) 604, memory unit 616 and 1/0 interface(s) 608 for communicating with devices external to the transaction processor system630. **Instructions 604 stored in the memory unit 616, when executed by the processing unit 604 provide transaction processing and data exchange functionality 602**. The functionality 602 may process transactions and exchange data from a plurality of different retailers to a single lottery system. Instructions 602 may include any functionality necessary for the successful exchange of data and the activation or cancellation of the pre-printed ticket.

Application at ¶ [0046] (emphasis added).

Based on the foregoing, Applicant contends the instant claims' "transaction processor" results in the instant claims' methods comprising specifically programmed computer processors performing particular, recited functions, even if directed to an abstract idea, is patent-eligible subject matter. As noted by the Supreme Court, "[a] claimed process is surely patent-eligible under § 101 if: (1) it is tied to a particular machine or apparatus . . . ." *See, e.g., In re Bilski,* 545 F.3d 943, 954, (Fed. Cir. 2009); *Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709, 716 (Fed. Cir. 2014) ("[t]he machine-or-transformation test . . . can provide a "useful clue" in the second step of the *Alice* framework . . . ."); *Bancorp Servs., L.L.C. v. Sun Life Assurance Co. of Can.*, 687 F.3d 1266, 1278 (Fed. Cir. 2012) (holding that the machine-or-transformation test remains an important clue in determining whether inventions are processes under § 101); *see also In re Alappat*, 33 F.3d 1526, 1545 (Fed. Cir. 1994) ("[P]rogramming creates a new machine because a general purpose computer, in effect, becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software."); *Finisar Corp. v. DirecTV Grp., Inc.*, 523 F.3d 1323, 1340 (Fed. Cir. 2008) ("[A] computer programmed to implement an algorithm . . . is not the

general purpose computer, but rather the special purpose computer programmed to perform the disclosed algorithm."); *Typhoon Touch Techs., Inc. v. Dell, Inc.*, 659 F.3d 1376, 1385 (Fed. Cir. 2011) ("[T]he term 'algorithm' as a term of art in its broad sense, i.e., to identify a step-by-step procedure for accomplishing a given result . . . ."); and MPEP § 2106.05.A ("apply[] the judicial exception with, or by the use of, a particular machine.").

Thus, Applicant contends the instant claims' devices comprising specifically programmed computer processors performing particular, recited functions, inarguably amount to "significantly more" than the alleged abstract idea of "engaging in lawful wagering" (or any other identified abstract idea), *see* MPEP § 2106.05.A, because under the Federal Circuit's decisions in *In re Bilski*, *In re Alappat*, *Finisar Corp.*, and *Typhoon Touch Techs., Inc.*, the instantly claimed methods and devices comprising specifically programmed computer processors performing particular, recited functions require that any implicated abstract idea is "tied to" or "applied by" "special purpose computers performing particular functions," *see In re Alappat*, 33 F.3d at 1545, i.e., "particular machines." *See, e.g., In re Bilski*, 545 F.3d at 954; MPEP § 2106.05.A; and Interim Examination Instructions For Evaluating Subject matter Eligibility Under 35 U.S.C. § 101, Aug. 24, 2009 at 6 ("For computer implemented processes, the 'machine' is often disclosed as a general purpose computer. In these cases, the general purpose computer may be sufficiently 'particular' when programmed to perform the process steps. Such programming creates a new machine because a general purpose computer, in effect, becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software. To qualify as a particular machine under the test, the claim must clearly convey that the computer is programmed to perform the steps of the method because such programming, in effect, creates a special purpose computer limited to the use of the particularly claimed combination of elements

(i.e., the programmed instructions) performing the particularly claimed combination of functions.").

Accordingly, the recitation in claims 1-19 of a "particular machine/special purpose computer" provides the "inventive concept" discussed by the Supreme Court in *Alice*, because the claims recite particular machines/special purpose computers which perform particular functions (e.g., facilitating and managing consumer accounts with associated providers and physical gift cards). *See Alice*, 134 S. Ct. at 2355 ("We have described step two of this analysis as a search for an 'inventive concept' -- i.e., an element or combination of elements that is "sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the [ineligible concept] itself.").

3. "Improvements to Another Technology or Technical Field"

The Federal Circuit has opined, **"inventions with specific applications or improvements to technologies in the marketplace** are not likely to be so abstract that they override the statutory language and framework of the Patent Act." *See Bascom Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1350 (citing *Research Corp. Techs. v. Microsoft Corp.*, 627 F.3d 859, 869 (Fed. Cir. 2010).

Accordingly, the Specification details:

> **Tickets for draw based lotteries are typically printed at the time of purchase on special ticket paper by a printing device approved by the lottery administering body**. The ticket will typically have the draw details such as the date, the numbers that have been selected by the customer or generated on behalf of the customer and a control number that uniquely identifies that ticket. Special ticket paper typically meets critical longevity and stress requirements to ensure the ticket will not deteriorate within a certain period of time and that the control number and selected numbers remain legible. **Typically, the printing device is attached to a single lottery terminal operated by the lottery organization. Although the model of a single terminal and printer is effective for single checkout lane environments such as convenience stores and gas stations, it is not**

ideal for multi-lane environments such as grocery stores, discount and big box retailers. Here, the majority of customers complete their shopping and pay through any one of many checkout lanes. A second stop and purchase is required at the lottery terminal location in order to purchase the lottery draw ticket. **This is extremely inconvenient for most customers who simply bypass the lottery counter**. **Installing an approved printer or any other piece of specialized hardware at every point of payment within a retail environment is cost prohibitive and not an effective use of capital as not all points of payment are open at all times. This is one of the barriers to lottery organizations expanding their sales within multi-lane retail environments**. Other barriers to installing specialized hardware in lane include the lack of available space and the added responsibility and training for the cashier who must operate the hardware. **Using the retailers POS to print the ticket on standard receipt paper is ineffective** since receipt paper is typically of the lowest quality and the ticket can deteriorate prematurely if left if sunlight or comes in contact with water. **It would be desirable to enable customers to include a lottery draw ticket in their basket along with other goods and pay for that basket at any point of payment in a retail location**. **The inclusion of such a lottery draw ticket should not require any additional hardware in lane and should be fully serviced by the existing point of sale equipment. Itis also desirable to merchandise draw based tickets in such a way that the customer experience is enhanced with the purchase convenience while increasing product awareness and impulse lottery purchases**. Currently, online lottery products are produced by a lottery terminal or similar hardware. When an online lottery ticket, such as a ticket to a draw taking place at a later time, is purchased, a ticket is generated and printed by the lottery terminal and printer. **A system is described further herein that provides the ability to include online lottery tickets that can be placed in a customer's shopping cart and paid for during the normal checkout process without the use of specialized hardware such as lottery terminals, ticket printers or customized devices at the point of purchase for the purpose of producing the lottery ticke**t. Since no specialized hardware is required, it is possible to pay for the online lottery tickets at any point of purchase. For example, at a grocery store, the online lottery tickets may be purchased at each check-out lane without requiring lottery terminals or hardware at each lane and as such, **the incorporation of the purchasing at multiple lanes may be cost effective. In addition to the ability to purchase online lottery tickets at a point of sale without additional specialized lottery hardware, the systems and methods allow the online lottery ticket to be displayed and purchased as a common in-store product making the purchase of an online ticket common practice for the customer and the retailer**.

See Application at ¶¶ [0004]-[0019] (emphasis added). As can be seen from the above-recited portion of the Specification, the instant claims are directed to a specific improvement to technologies in the marketplace, e.g., addressing business challenges of meeting customers' growing demands for random draw based lottery tickets while simultaneously allowing lottery ticket retailers to configure their legacy technologies and systems to sell random draw based lottery tickets at any point of sale register. *See id.* Such technological improvements are patent eligible. *See Bascom Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1350 ("[I]nventions with specific applications or improvements to technologies in the marketplace are not likely to be so abstract that they override the statutory language and framework of the Patent Act."); *see also Zak v. Facebook*, Civ. No. 15-13437 at 20-22 (ED Mich. Sept. 12, 2016) ("[I]n the present case, the claim does not merely permit a known business practice to be performed on the Internet. Instead, **the claim here specifies how a solution will be implemented that addresses a business challenge** particular to the Internet, **namely allowing ordinary users to maintain dynamic websites by managing the content of websites and controlling users' interactions with web pages** . . . the claim contains enough inventive elements to be aimed at **more than a patent on the abstract idea itself**.") (emphasis added).

Based on the foregoing, the evidence of record weighs against a finding of patent ineligibility at least because Applicant's claims recite "significantly more" than the alleged abstract idea. *See* MPEP § 2106.05.A. Based on the foregoing, withdrawal of the rejection of claims 1-19 under 35 U.S.C. Section 101 is respectfully requested.

CONCLUSION

Consideration of the foregoing remarks, reconsideration of the application, and withdrawal of the rejections are respectfully requested by Applicant. No new matter is introduced by way of amendment. It is believed that each ground of rejection raised in the Office Action dated January 19, 2021 has been fully addressed. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account Number 100435 of Barnes & Thornburg LLP. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,
BARNES & THORNBURG LLP

Date: April 19, 2021

/Jerry C. Harris, Jr./
Jerry C. Harris, Jr.
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ATTORNEY FOR APPLICANT

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Electronic Patent Application Fee Transmittal

Application Number:	16280629
Filing Date:	20-Feb-2019
Title of Invention:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS
First Named Inventor/Applicant Name:	Gino Giunti
Filer:	Jerry Harris/Michelle Horvath
Attorney Docket Number:	4556.23103

Filed as Large Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
CLAIMS IN EXCESS OF 20	1202	1	100	100
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	**100**

Electronic Acknowledgement Receipt

EFS ID:	42487753
Application Number:	16280629
International Application Number:	
Confirmation Number:	5484
Title of Invention:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS
First Named Inventor/Applicant Name:	Gino Giunti
Customer Number:	15608
Filer:	Jerry Harris/Michelle Horvath
Filer Authorized By:	Jerry Harris
Attorney Docket Number:	4556.23103
Receipt Date:	19-APR-2021
Filing Date:	20-FEB-2019
Time Stamp:	15:02:36
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$100
RAM confirmation Number	E20214IF03090686
Deposit Account	100435
Authorized User	Michelle Horvath

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37 CFR 1.16 (National application filing, search, and examination fees)

37 CFR 1.17 (Patent application and reexamination processing fees)

37 CFR 1.19 (Document supply fees)

37 CFR 1.20 (Post Issuance fees)

37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		16280629_ResponseToOA.pdf	422300 73051bcfb7f82e486a7ea782c43017edcc4363ab	yes	28

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
	Claims	2	5
	Applicant Arguments/Remarks Made in an Amendment	6	28

Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30412 c16aeec67f996d0c81298d25d17eddef9001d6f4	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	452712		

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New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

PTO/SB/06 (09-11)
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 16/280,629	Filing Date 02/20/2019	☐ To be Mailed

ENTITY: ☑ LARGE ☐ SMALL ☐ MICRO

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED		(Column 2) NUMBER EXTRA		RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A		N/A		N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A		N/A		N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A		N/A		N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =		*		x $100 =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =		*		x $460 =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).					
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))						
* If the difference in column 1 is less than zero, enter "0" in column 2.					TOTAL	

APPLICATION AS AMENDED - PART II

		(Column 1)		(Column 2)	(Column 3)			
AMENDMENT	04/19/2021	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 21	Minus	** 20	= 1		x $100 =	100
	Independent (37 CFR 1.16(h))	* 2	Minus	*** 3	= 0		x $480 =	0
	☐ Application Size Fee (37 CFR 1.16(s))							
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							
							TOTAL ADD'L FEE	100

		(Column 1)		(Column 2)	(Column 3)			
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	*	Minus	**	=		x $0 =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=		x $0 =	
	☐ Application Size Fee (37 CFR 1.16(s))							
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							
							TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.	LIE
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".	/MARGARET R BYARS/
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".	
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.	

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/280,629	02/20/2019	Gino Giunti	4556.23103	5484

15608 7590 01/19/2021

Barnes & Thornburg LLP (Blackhawk)
11 S. Meridian Street
Indianapolis, IN 46204

EXAMINER	
PANDYA, SUNIT	

ART UNIT	PAPER NUMBER
3649	

NOTIFICATION DATE	DELIVERY MODE
01/19/2021	ELECTRONIC

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

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

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

INDocket@btlaw.com
jerry.harris@btlaw.com
michelle.horvath@btlaw.com

Office Action Summary	Application No. 16/280,629	Applicant(s) Giunti, Gino	
	Examiner SUNIT PANDYA	Art Unit 3649	AIA (FITF) Status Yes

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

1)☑ Responsive to communication(s) filed on 11/4/20.

☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2a)☐ This action is **FINAL.** 2b) ☑ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

5) ☑ Claim(s) 1-19 is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6) ☐ Claim(s) _____ is/are allowed.

7) ☑ Claim(s) 1-19 is/are rejected.

8) ☐ Claim(s) _____ is/are objected to.

9) ☐ Claim(s) _____ are subject to restriction and/or election requirement

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to **PPHfeedback@uspto.gov.**

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

1) ☑ Notice of References Cited (PTO-892)

2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) Paper No(s)/Mail Date _____.

3) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

4) ☐ Other: _____.

DETAILED ACTION

Notice of Pre-AIA or AIA Status

The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on nonstatutory double patenting provided the reference application or patent either is shown to be commonly owned with the examined application, or claims an invention made as a

result of activities undertaken within the scope of a joint research agreement. See MPEP § 717.02 for applications subject to examination under the first inventor to file provisions of the AIA as explained in MPEP § 2159. See MPEP §§ 706.02(l)(1) - 706.02(l)(3) for applications not subject to examination under the first inventor to file provisions of the AIA. A terminal disclaimer must be signed in compliance with 37 CFR 1.321(b).

The USPTO Internet website contains terminal disclaimer forms which may be used. Please visit www.uspto.gov/patent/patents-forms. The filing date of the application in which the form is filed determines what form (e.g., PTO/SB/25, PTO/SB/26, PTO/AIA/25, or PTO/AIA/26) should be used. A web-based eTerminal Disclaimer may be filled out completely online using web-screens. An eTerminal Disclaimer that meets all requirements is auto-processed and approved immediately upon submission. For more information about eTerminal Disclaimers, refer to www.uspto.gov/patents/process/file/efs/guidance/eTD-info-I.jsp.

Claims 1-19 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 9,865,135. Although the claims at issue are not identical, they are not patentably distinct from each other because the current application substantially claims the same limitations as the patent, except for one missing limitation. The current application fails to claim “scanning at a point of sale terminal a pre-printed lottery ticket”. It would have been obvious for one with ordinary skill in the art, at the time of applicant’s invention to have included a scanner to scan the information related to the pre-printed lottery ticket, thus streamlining the upload system to the lottery administrator.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The claimed invention is directed to a judicial exception (i.e., a law of nature, a natural phenomenon, or an abstract idea) without significantly more.

Subject matter eligibility determinations under 35 U.S.C. § 101 follow the procedure explained in the Federal Register notice titled **2014 Interim Guidance on Patent Subject Matter Eligibility** (79 FR 74618), which is found at: http://www.gpo.gov/fdsys/pkg/FR-2014-12-16/pdf/2014-29414.pdf.

Based upon consideration of all the relevant factors with respect to the claims as a whole, claims 1-19 are rejected under 35 U.S.C. 101 as being directed to ineligible subject matter.

Although the claim(s) are drawn to at least one of the four statutory categories of invention (i.e. process, machine, manufacture, or composition satisfying Step I of an eligibility analysis), which would normally be considered within an appropriate statutory category, as has been noted in the recent Supreme Court decisions *Bilski v. Kappos*, 130 S. Ct. 3218, 3227 (2010), *Alice Corp. Pty. Ltd. v. CLS Bank International, 134 S.Ct. 2347(2014)), (*Case No. 13-298 (Supr. Ct., June 19, 2014), and the Court of Appeals for the Federal Circuit in *CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366 (Fed. Cir. 2011), *Bancorp Services, L. L. C v Sun Life Assur. Co. of Canada (U.S.)*, -- F.3d ---, 2012, (Fed. Circ. 2012), one must then look beyond whether the claim falls within a statutory category and determine whether or not the claim is an attempt to patent

ineligible subject matter which the courts have proclaimed judicially excepted, specifically, laws of nature, physical phenomena, and abstract ideas (constituting Steps 2A and 2B of the eligibility analysis). The Supreme Court noted that said decisions are instructive on how to investigate issues of subject matter eligibility and that the question underlying such an investigation is whether or not the claim is an attempt to claim subject matter which has been judicially excepted.

The 2014 Interim Guidance outlines Steps 2A and 2B equivalent to Parts I and II of the Mayo test) which must be undertaken as they pertain to the concept of abstract ideas.

Step 2A - A determination of whether the claim(s) is/are directed to a law of nature, a natural phenomenon, or an abstract idea must be performed. Examples of abstract ideas include:

a. Fundamental economic practices;

b. Certain methods of organizing human activities;

c. An idea “of itself”; and

d. Mathematical relationships/formulas.

Types of concepts the courts have found to be abstract ideas include: mitigating settlement risk; hedging; creating a contractual relationship; using advertising as an exchange or currency; processing information through a clearinghouse; comparing new and stored information and using rules to identify options; using categories to organize, store, and transmit information; organizing information through mathematical correlations; managing a game of bingo; the Arrhenius equation for calculating the cure time of rubber, a formula for updating alarm limits, a mathematical formula relating to

standing wave phenomena, and a mathematical procedure for converting one form of numerical representation to another.

Step 2B - A determination of whether the claim(s) amounts to significantly more than the abstract idea itself.

Non-limiting or non-exclusive examples of limitations which qualify as "significantly more" include:

e. Improvements in another technology or technical field;

f. Improvements in the functioning of the computer itself;

g. Applying the judicial exception with, or by use of, a particular machine;

h. Effecting a transformation or reduction of a particular article to a different state or thing;

i. Adding a specific limitation other than what is well-understood, routine and conventional in the field, or adding unconventional steps that confine the claim to a particular useful application;

j. Other meaningful limitations beyond generally linking the use of an abstract idea to a particular technological environment.

Non-limiting or non-exclusive examples of limitations which fail to qualify as "significantly more" include:

k. Adding the words "apply it" (or equivalent) with an abstract idea, or mere instructions to implement an abstract idea on a computer;

l. Simply appending well-understood, routine and conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception, e.g., a claim to an abstract idea requiring no more than a generic

computer to perform generic computer functions that are well-understood, routine, and conventional activities previously known in the art;

m. Adding insignificant extrasolution activity to the judicial exception, e.g., mere data gathering in conjunction with a law of nature or abstract idea;

n. Generally linking the use of the judicial exception to a particular technological environment or field of use.

A patent may be obtained for "any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof." 35 U.S.C. § 101. The Supreme Court has "long held that this provision contains an important implicit exception[:] Laws of nature, natural phenomena, and abstract ideas are not patentable." Ass'n for Molecular Pathology v. Myriad Genetics, Inc., 133 S. Ct. 2107, 2116 (2013) (quoting Mayo Collaborative Servs. v. Prometheus Labs., Inc., 132 S. Ct. 1289, 1293 (2012)). Under the now familiar two-part test described by the Supreme Court in Alice, "[w]e must first determine whether the claims at issue are directed to a patent-ineligible concept," such as an abstract idea. Alice Corp. Pty. Ltd. v. CLS Bank Int'l, 134 S. Ct. 2347, 2355 (2014). If so, we must then "consider the elements of each claim both individually and 'as an ordered combination' to determine whether the additional elements 'transform the nature of the claim' into a patent-eligible application." Id. (quoting Mayo, 132 S. Ct. at 1298, 1297).

In the instant application, the claims, when analyzed as a whole, are held to be non-statutory because they are considered to be drawn to an abstract idea without any limitations which qualify as "significantly more" than the abstract idea itself.

Under Step 2A, and based on Supreme Court decision for similar subject matter {*OIP Techs., Inc. v. Amazon.com, Inc., 788 F.3d 1359, 1362 (Fed. Cir. 2015)*}, the current application has been rejected as the claims are directed to the abstract idea of lottery game over a computing network. See United States Court of Appeals for the Federal Circuit decision *TLI Communications LLC v. A. V Automotive, LLC.*

In the instant application, the claims, when analyzed as a whole, are held to be non-statutory because they are considered to be drawn to an abstract idea (i.e., Certain methods of organizing human activities, engaging in lawful wagering) without any limitation(s) which qualify as "significantly more" than the abstract idea itself, but which are merely implemented/applied on a computer.

Under Step 2A, the claims are directed towards statutory categories of invention. The claimed invention relates to remote lottery game. The claims are directed towards implementing a lottery game implemented over a network. Remote users are permitted to purchase lottery tickets and determine, remotely if said ticket is a winning ticket, after a drawing. All independent claims recite this principle.

Additionally, this concept is considered a method of organizing human activity by providing a network based game, based on the information provided by a user. Organizing human activity is used to describe concepts relating to interpersonal and intrapersonal activities, such as managing transactions between people and sales activities (i.e. web based POS and verification related to sale, and in this case lottery sales), advertising, marketing, pricing, resource management, and sales activities or behaviors (see July 2015 Update: Section III (B)). Several precedential cases have found concepts relating to advertising, marketing, pricing, and sales

activities or behaviors abstract. One such example is the use of advertising as an exchange or currency (Ultramercial v. Hulu 772 F.3d 709, 112 U.S.P.Q.2d 1750 (Fed. Cir. 2014)). Additional precedential courts have found abstract examples of organizing human activity to include structuring a sales force or marketing company (in re Ferguson 558 F.3d 1359, 90 U.S.P.Q.2d 1035 (Fed. Cir. 2009)), automatic optimization of pricing in an ecommerce environment or pricing products in organization groups (OIP Technologies, Inc. v. Amazon.com, Inc. 788 F.3d 1359 (Fed. Cir. 2015) and Versata Development Group v. SAP America, Inc. 793 F.3d. 1306 (Fed. Cir. 2015)) and managing tasks and sales force activities and resources (Accenture Global Services, GmbH v. Guidewire Software 728 F.3d 1336 (Fed. Cir. 2013)).

Finally, the concept of identifying and transmitting lottery information to a user further represents 'an idea itself' (see July 2015 Update: Section III (C)) inasmuch as it is related to processes of identifying, comparing, processing, and presenting data. Several precedential cases have found concepts relating to processes of identifying, comparing, processing, and presenting data to be mere ideas in themselves. One example includes selecting/identifying displayed data, manipulating the data through encoding and decoding processes, and generating new outputs/displays (Recognicorp, LLC, v. Nintendo Co., Ltd., Nintendo of America, Inc., No. 2:12-cv-01873-RAJ (2017)). The courts have addressed other computerized processes for of identifying, comparing, processing, and presenting data including data collecting and comparing known information (Classen Immunotherapies Inc. v. Biogen IDEC 659 F.3d 1057(Fed. Cir. 2011)), collecting information, analyzing it, and displaying certain results of the collection and analysis (,Electric Power Group, LLC v. Alstom 830 F.3d 1350, 119

U.S.P.Q.2d 1739 (Fed. Cir. 2016))] extracting, organizing, storing and transmitting data (Content Extraction and Transmission LLC v. Wells Fargo Bank, National Ass'n. 776 F.3d 1343 (Fed. Cir. 2014)) and obtaining and comparing intangible data (Cybersource Corp v. Retail Decisions, Inc. 654 F.3d 1366, 99 U.S.P.Q.2d 1690 (Fed. Cir. 2011)) (see July 2015 Update: Section III (C)).

The Examiner deems that the claimed invention therefore is directed to the abstract idea of "engaging in lawful wagering". Further, the breadth of the claim when viewed as a whole clearly seeks to "tie up" the abstract idea.

Therefore, while it is understood that the claims in the current application are not verbatim recitations of the guidelines or case law, the detailed analysis provided above shows how the current claim limitations at issue closely parallel the concepts provided by the guidelines and the precedential case law, and are therefore considered to be directed to an abstract idea (Step 2A: YES).

Under Step 2B, the examiner acknowledges the additional limitations. These limitations however are used for data gathering and presentation and as such merely represents insignificant pre and post solution activity. Even assuming arguendo that the claims are not insignificant pre and post solution activities or mental activities, each of the functions performed by the machinery are well-understood, routine, and conventional (i.e., receiving and processing data, and receiving or transmitting data over a network, e.g., using the Internet to gather data (see July 2015 Update: Section IV)).

Thus, under Step 2B, the Examiner concludes that there are no meaningful limitations in the claim that transform the judicial exception into a patent eligible application such that the claim amounts to significantly more than the judicial

exception itself (Step 2B: NO). Thus, the independent claims are rejected as directed to a judicial exception, and it is, therefore, ineligible to be patented under 35 USC § 101 in view of the test.

Claim Rejections - 35 USC § 102

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

> A person shall be entitled to a patent unless –
>
> (a)(1) the claimed invention was patented, described in a printed publication, or in public use, on sale, or otherwise available to the public before the effective filing date of the claimed invention.

Claims 1-19 are rejected under 35 U.S.C. 102(a)(1) as being anticipated by Gilmore et al.1 (US Patent Pub. 20050233797, referred to hereinafter as Gilmore).

Claims 1, 4: Gilmore disclose a method for providing a manufactured, pre-printed lottery ticket for a random draw (0014-0016) comprising, receiving, by a transaction processor, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed lottery ticket (0039-0043), providing, by a transaction processor or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware (0044-0050) and receiving, by the transaction processor or retailer, from the lottery administration system, indication that draw information has been associated with the manufactured, pre-printed lottery ticket (0050-0084).

Claim 2: Gilmore disclose receiving the transaction request comprises receiving unique product information associated with the manufactured, pre-

printed lottery ticket over a secure communication channel from a point of sale (POS) system (0039-0050).

Claim 3: Gilmore disclose draw information is made available on a printed receipt; by scanning a code on the manufactured, pre-printed lottery ticket; or by entering a unique identifier associated with the manufactured, pre-printed lottery ticket into an online website or mobile application (0039-0050).

Claim 5: Gilmore disclose retrieving unique identification information associated with the manufactured, pre-printed lottery ticket from the received product information (0051-0059).

Claim 6: Gilmore disclose a game type associated with the manufactured, pre-printed lottery ticket; a wager amount associated with the manufactured, pre-printed lottery ticket; and a number of wagers associated with the manufactured, pre-printed lottery ticket (0039-0059).

Claim 7: Gilmore disclose validating the received transaction request (0075-0076).

Claim 8: Gilmore disclose verifying that the product information corresponds to identification information associated with the manufactured, pre-printed lottery ticket (0075-0080).

Claim 9: Gilmore disclose validating the transaction information includes verifying that the product is validly distributed by the retailer (0014-0020).

Claim 10: Gilmore disclose the information provided to the lottery administration system includes one or more randomly determined lottery numbers

generated at the time the manufactured, pre-printed lottery ticket is purchased at the POS (0022 & 0063-0066).

Claim 11: Gilmore disclose information provided to the lottery administration system includes one or more randomly determined lottery numbers associated with the manufactured, pre-printed lottery ticket prior to the time the manufactured, pre-printed lottery ticket is purchased at the POS (0022 & 0063-0070).

Claim 12: Gilmore disclose the retailer POS is online (0014-0022).

Claims 13 & 15: Gilmore disclose the manufactured, pre-printed lottery ticket comprises a barcode, which includes product code and pre-printed lottery ticket information (0040-0075 & 0104).

Claim 14: Gilmore disclose barcode comprises a first party information and a second party information (0050-0070 & 0104).

Claim 16: Gilmore disclose pre-printed lottery ticket contains information used to redeem a winning prize (0040-0070).

Claims 17 & 18: Gilmore disclose lottery administration system generates wagers for the manufactured, pre-printed lottery ticket and a draw date is assigned to the wagers (0039-0055).

Claim 19: Gilmore disclose age validation (0054).

Response to Arguments

Applicant's arguments with respect to claims 1-19 have been considered but are moot because the new ground of rejection does not rely on any reference applied in the

prior rejection of record for any teaching or matter specifically challenged in the argument.

Examiner's Note

The referenced citations made in the rejection(s) above are intended to exemplify areas in the prior art document(s) in which the examiner believed are the most relevant to the claimed subject matter. However, it is incumbent upon the applicant to analyze the prior art document(s) in its/their entirety since other areas of the document(s) may be relied upon at a later time to substantiate examiner's rationale of record. A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). However, "the prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed ...." In re Fulton, 391F.3d 1195, 1201,73 USPQ2d 1141, 1146 (Fed. Cir. 2004).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUNIT PANDYA whose telephone number is (571)272-2823. The examiner can normally be reached on M-F 9:30-6:30PM.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an

interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at http://www.uspto.gov/interviewpractice.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darnell Jayne can be reached on 571-272-7723. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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

/SUNIT PANDYA/
Primary Examiner, Art Unit 3649

Notice of References Cited	Application/Control No. 16/280,629	Applicant(s)/Patent Under Reexamination Giunti, Gino	
	Examiner SUNIT PANDYA	Art Unit 3649	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-8219497-B2	07-2012	Crucs; Kevin M.	G06Q20/0855	705/78
*	B	US-8784180-B2	07-2014	Stanek; Edward J.	G07F17/3232	463/17
*	C	US-20090227320-A1	09-2009	McBride; Scott Melvin	A63F3/065	463/17
*	D	US-20100093421-A1	04-2010	Nyman; Timothy B.	G06Q20/108	463/17
*	E	US-8408986-B2	04-2013	Irwin, Jr.; Kenneth Earl	G06Q20/3224	463/17
*	F	US-5935000-A	08-1999	Sanchez, III; Cayetano	G07F17/32	463/17
*	G	US-6322446-B1	11-2001	Yacenda; Michael W.	G07F17/32	463/16
*	H	US-20020119817-A1	08-2002	Behm, William F.	G07F17/42	463/17
*	I	US-9251663-B1	02-2016	Sandvick; Frederick	G07F17/3258	1/1
*	J	US-20050233797-A1	10-2005	Gilmore, Mark	G07F17/42	463/17
	K					
	L					
	M					

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

NON-PATENT DOCUMENTS

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

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

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	16/280,629	Giunti, Gino
	Examiner	Art Unit
	SUNIT PANDYA	3649

CPC - Searched*		
Symbol	Date	Examiner
A63F	01/13/2021	SP
G07F	01/13/2021	SP

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	Date	Examiner
Conducted text searches in EAST, see attached notes	08/22/2019	SP
Prior searches updated, see attachment	01/28/2020	SP
Updated prior searches in EAST, see search attachment	06/05/2020	SP
UPdated previous searches in EAST, see search notes	01/13/2021	SP

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
		"14679028"	US-PGPUB; USPAT	OR	OFF	2017/09/15 22:33
L1	1	"20050233797"	USPAT	OR	OFF	2021/01/13 16:50
L2	2	"20050233797"	US-PGPUB; USPAT	OR	OFF	2021/01/13 16:50
L3	3	"16280629"	US-PGPUB; USPAT	OR	OFF	2021/01/13 16:58
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S2	0	("2016/0210808").URPN.	USPAT	OR	OFF	2016/12/28 14:55
S3	14	online with lottery with ticket with draw	USPAT	OR	OFF	2016/12/28 14:55
S4	28	online with lottery with ticket with draw$4	USPAT	OR	OFF	2016/12/28 14:55
S5	211	online with lottery with ticket with draw$4	US-PGPUB; USPAT	OR	ON	2016/12/28 14:55
S6	1	online with lottery with ticket with draw$4 with unique with identif$7	US-PGPUB; USPAT	OR	ON	2016/12/28 14:56
S7	3	online with lottery with ticket with draw$4 same (unique with identif$7)	US-PGPUB; USPAT	OR	ON	2016/12/28 14:56
S9	22	"5241487"	US-PGPUB; USPAT	OR	ON	2016/12/28 18:28
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S11	10	("2009/0227320").URPN.	USPAT	OR	OFF	2016/12/29 18:12
S12	8	("2010/0093421").URPN.	USPAT	OR	OFF	2016/12/29 18:15

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S18	29	S16 AND ((G06Q50/34 OR G06Q30/02 OR G06Q30/0209 OR G06Q30/0212 OR G06Q30/0213 OR G06Q30/0222 OR G06Q30/0225 OR G06Q30/0226 OR G06Q30/0234 OR G06Q30/0236 OR G06Q30/0238 OR G06Q30/0239 OR G06Q20/108 OR G06Q20/045 OR G06Q10/06 OR G06Q20/00 OR G06Q20/202 OR G06Q20/209).CPC.)	US-PGPUB; USPAT	OR	ON	2016/12/29 19:10
S19	18	S16 AND ((A63F13/00 OR A63F3/0645 OR A63F3/065 OR A63F2003/086 OR A63F3/06 OR A63F3/08 OR A63F9/24).CPC.)	US-PGPUB; USPAT	OR	ON	2016/12/29 19:10
S20	3	S16 AND ((G06F17/303 OR G06F17/30569 OR G07C15/006 OR G07G5/00).CPC.)	US-PGPUB; USPAT	OR	ON	2016/12/29 19:11
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S30	492	online same lottery same ticket same draw$4	US-PGPUB; USPAT	OR	ON	2017/09/15 16:38
S31	929	(online same lottery same ticket)and draw$4	US-PGPUB; USPAT	OR	ON	2017/09/15 16:39
S32	929	(online same lottery same ticket) and draw$4	US-PGPUB; USPAT	OR	ON	2017/09/15 16:39
S33	929	(online same lottery same ticket) and draw$4	US-PGPUB; USPAT	OR	ON	2017/09/16 15:10
S34	498	(online same lottery same ticket) and verif$5	US-PGPUB; USPAT	OR	ON	2017/09/16 15:10

S35	1,098	(online same lottery) and verif$5	US-PGPUB; USPAT	OR	ON	2017/09/16 17:07
S36	234	online with lottery with ticket with draw$4	US-PGPUB; USPAT	OR	ON	2017/09/17 23:32
S37	228	S36 AND ((G07F17/34 OR G07F17/3244 OR G07F17/3213 OR G07F17/3258 OR G07F17/3267 OR G07F17/329 OR G07F17/326 OR G07F17/3225 OR G07F17/3248 OR G07F17/3255 OR G07F17/3211 OR G07F17/3246 OR G07F17/3276 OR G07F17/3209 OR G07F17/323 OR G07F17/3239 OR G07F17/3262 OR G07F17/3288 OR G07F17/32 OR G07F17/3293 OR G07F17/3227 OR G07F17/3251 OR G07F17/3269 OR G07F17/3204 OR G07F17/3223 OR G07F17/3218 OR G07F17/3237 OR G07F17/3272 OR G07F17/3295 OR G07F17/3241 OR G07F17/42 OR G07F17/3253 OR G07F17/3265 OR G07F17/3274 OR G07F17/3281 OR G07F17/3283).CPC.)	US-PGPUB; USPAT	OR	ON	2017/09/17 23:32
S38	44	S36 AND ((G06Q50/34 OR G06Q30/02 OR G06Q30/0209 OR G06Q30/0212 OR G06Q30/0213 OR G06Q30/0222 OR G06Q30/0225 OR G06Q30/0226 OR G06Q30/0234 OR G06Q30/0236 OR G06Q30/0238 OR G06Q30/0239 OR G06Q10/02 OR G06Q20/108 OR G06Q20/3224 OR G06Q30/0605 OR G06Q20/045 OR G06Q10/06 OR G06Q20/00 OR G06Q20/065 OR G06Q10/0635 OR G06Q20/0453 OR G06Q20/123 OR G06Q20/202 OR G06Q20/209 OR G06Q20/325 OR G06Q20/36 OR G06Q20/387 OR G06Q30/0229 OR G06Q30/0267 OR G06Q30/0273 OR G06Q30/06 OR G06Q30/0601 OR G06Q30/0641 OR G06Q50/01).CPC.)	US-PGPUB; USPAT	OR	ON	2017/09/17 23:34
S39	32	S36 AND ((A63F13/00 OR A63F3/0645 OR A63F2250/64 OR A63F3/0605 OR A63F13/30 OR A63F3/065 OR A63F13/12 OR A63F13/45 OR A63F13/77 OR A63F2003/086 OR A63F3/06 OR A63F3/08 OR A63F3/081 OR A63F9/10 OR A63F9/24).CPC.)	US-PGPUB; USPAT	OR	ON	2017/09/17 23:35
S44	216	(pre adj print$3) with lottery with ticket	US-PGPUB; USPAT	OR	OFF	2019/04/01 16:37

S45	303	(pre adj print$3) with lottery with ticket	US-PGPUB; USPAT	OR	ON	2019/04/01 16:37
S46	15	((pre adj print$3) with lottery with ticket) with POS	US-PGPUB; USPAT	OR	ON	2019/04/01 16:40
S47	17	(lottery with ticket) with (pre adj print$3) with (identif$7 with (number$4 or informat$4))	US-PGPUB; USPAT	OR	OFF	2019/08/21 14:19
S48	19	(lottery with ticket) with (pre adj print$3) with (identif$7 with (number$4 or informat$4))	US-PGPUB; USPAT	OR	ON	2019/08/21 14:56
S49	46	("4815741" | "5007641" | "5216595" | "5239165" | "5451052" | "5560610" | "5588649" | "5772511" | "5871398" | "5897625" | "6119099" | "6267670").PN. OR ("6899621").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2019/08/21 16:04
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S54	218	"6,241,606"	US-PGPUB; USPAT	OR	ON	2019/08/21 16:44
S55	2	"15833566"	US-PGPUB; USPAT	OR	OFF	2019/08/27 18:19

S56	862	human with body with organ with function$4	US-PGPUB; USPAT	OR	OFF	2019/08/28 12:32
S57	1,780	human with body with organ with function$4	US-PGPUB; USPAT	OR	ON	2019/08/28 12:32
S58	16	human with body with organ with function$4 with observ$4	US-PGPUB; USPAT	OR	ON	2019/08/28 12:33
S59	319	human with body with organ with function$4	USPAT	OR	OFF	2019/08/28 12:34
S60	665	human with body with organ with function$4	USPAT	OR	ON	2019/08/28 12:34
S61	1	human with body with organ with function$4 with visual	USPAT	OR	ON	2019/08/28 12:35
S62	14	human with body with organ with function$4 with (view$4 or visual)	US-PGPUB; USPAT	OR	ON	2019/08/28 12:35
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EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S40	0	online with lottery with ticket with draw$4 with unique with identif$7	USPAT	OR	ON	2017/09/17 23:43
S41	0	"15070954"	USPAT	OR	ON	2017/09/18 11:42
S42	1	"15070954"	US-PGPUB; USPAT	OR	ON	2017/09/18 11:42
S43	12	"11353920"	US-PGPUB; USPAT	OR	ON	2017/09/18 12:31

1/13/2021 5:43:24 PM
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PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 16/280,629	Filing Date 02/20/2019	☐ To be Mailed

ENTITY: ☑ LARGE ☐ SMALL ☐ MICRO

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA		RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A		N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A		N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A		N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*		x $100 =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*		x $460 =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).				
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))					
* If the difference in column 1 is less than zero, enter "0" in column 2.				TOTAL	

APPLICATION AS AMENDED - PART II

		(Column 1)		(Column 2)	(Column 3)			
AMENDMENT	11/12/2020	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 20	Minus	** 20	= 0		x $100 =	0
	Independent (37 CFR 1.16(h))	* 2	Minus	*** 3	= 0		x $480 =	0
	☐ Application Size Fee (37 CFR 1.16(s))							
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							
							TOTAL ADD'L FEE	0

		(Column 1)		(Column 2)	(Column 3)			
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	*	Minus	**	=		x $0 =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=		x $0 =	
	☐ Application Size Fee (37 CFR 1.16(s))							
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							
							TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.	LIE
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".	/VENICE M WILLIAMS/
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".	
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.	

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Gino Giunti	§	
		§	Group Art Unit: 3649
Serial No.	16/280,629	§	
		§	Examiner: Sunit Pandya
Filed:	February 20, 2019	§	
		§	Confirmation No.: 5484
For:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS	§	

Mail Stop: Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF EFS-WEB FILING

Pursuant to 37 CFR § 1.8, I hereby certify that this correspondence is being electronically submitted to the U.S. Patent and Trademark Office website, www.uspto.gov, on

11/04/2020
(Date submitted)

/Jerry C. Harris, Jr./
Jerry C. Harris, Jr.

RESPONSE TO
OFFICE ACTION DATED JUNE 10, 2020

Dear Sir:

In response to the Office Action dated June 10, 2020 (the "Office Action), Applicant respectfully requests consideration of the following.

The Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Gino Giunti	§		
		§	Group Art Unit:	3649
Serial No.	16/280,629	§		
		§	Examiner:	Sunit Pandya
Filed:	February 20, 2019	§		
		§	Confirmation No.:	5484
For:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS	§		

Mail Stop: Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF EFS-WEB FILING

Pursuant to 37 CFR § 1.8, I hereby certify that this correspondence is being electronically submitted to the U.S. Patent and Trademark Office website, www.uspto.gov, on

11/04/2020 .
(Date submitted)

/Jerry C. Harris, Jr./
Jerry C. Harris, Jr.

RESPONSE TO
NOTICE OF NON-COMPLIANT AMENDMENT DATED OCTOBER 14, 2020

Dear Examiner Pandya:

Please find the following corrected Response to Office Action dated June 10, 2020. The original response mislabeled claim 20 as "(Withdrawn – Amended)" when claim 20 should have been labeled as simply "(Withdrawn)." The instant response (as well as the original response) does not contain any claim amendments. Thank you for your understanding.

Electronic Acknowledgement Receipt

EFS ID:	41029290
Application Number:	16280629
International Application Number:	
Confirmation Number:	5484
Title of Invention:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS
First Named Inventor/Applicant Name:	Gino Giunti
Customer Number:	15608
Filer:	Jerry Harris/Michelle Horvath
Filer Authorized By:	Jerry Harris
Attorney Docket Number:	4556.23103
Receipt Date:	04-NOV-2020
Filing Date:	20-FEB-2019
Time Stamp:	09:16:48
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		16280629_CompliantAmendment.pdf	169455 96175455e1cf5dd94f5e4eb70556997a5c25eb08	yes	25

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Applicant Arguments/Remarks Made in an Amendment	7	25
	Claims	3	6
	Amendment/Req. Reconsideration-After Non-Final Reject	2	2
	Supplemental Response or Supplemental Amendment	1	1
Warnings:			
Information:			
	Total Files Size (in bytes):	169455	

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

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.
National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.
New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

REMARKS/ARGUMENTS

Status of Claims

Claims 1-6, 8, 10, 11, 13, 16, and 17 were previously presented.

Claims 7, 9, 12, 14, 15, and 18-19 are original.

Claim 20 is withdrawn.

Claims 1-20 are currently pending in this application.

Applicant hereby requests further examination and reconsideration of the presently claimed application.

Withdrawal of 35 U.S.C. §§ 102 and 103 Rejections

Applicant thanks the Examiner for withdrawing all prior art rejections.

Double Patenting

Claims 1-19 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 9,865,135. Applicant submits that the instant double-patenting rejections will be addressed as soon as the 35 U.S.C. § 101 rejections have been overcome.

Claim Rejections – 35 U.S.C. § 101

A. The Rejections under 35 U.S.C. § 101

Claims 1-19 stand rejected under 35 U.S.C. 101 as being directed to ineligible subject matter. The claimed invention is directed to a judicial exception without significantly more.

1. Step 2A of the *Mayo* Test

a) The January 2019 Guidance

On January 7, 2019, the USPTO issued The Computer-Implemented Functional Claims Limitations Guidance (the "January 2019 Guidance") wherein the USPTO revised Step 2A of the *Mayo* Test to now comprise two separate prongs. Under Prong One of Step 2A, "examiners should evaluate whether the claim recites a judicial exception, i.e., an abstract idea, a law of nature, or a natural phenomenon." *See* Fed. Reg. Vol. 84, No. 4 at 54 (Jan. 7, 2019). The January 2019 Guidance explained Step 2A was changed compared to prior guidance:

> To determine whether a claim recites an abstract idea in Prong One, examiners are now to: (a) Identify the specific limitation(s) in the claim under examination (individually or in combination) that the examiner believes recites an abstract idea; and (b) determine whether the identified limitation(s) falls within the subject matter groupings of abstract ideas enumerated in Section I of the 2019 Revised Patent Subject Matter Eligibility Guidance. If the identified limitation(s) falls within the subject matter groupings of abstract ideas enumerated in Section I, **analysis should proceed to Prong Two in order to evaluate whether the claim integrates the abstract idea into a practical application**. When evaluating Prong One, examiners are no longer to use the USPTO's ''Eligibility Quick Reference Sheet Identifying Abstract Ideas,'' which has been superseded by this document.

See id. (emphasis added).

The January 2019 Guidance explains Step 2A's new Prong Two as follows:

> In Prong Two, **examiners should evaluate whether the claim as a whole integrates the recited judicial exception into a practical application of the exception**. A claim that integrates a judicial exception into a practical application will apply, rely on, or use the judicial exception in a manner that **imposes a meaningful limit on the judicial exception**, such that the claim is more than a drafting effort designed to monopolize the judicial exception. **When the exception is so integrated, then the claim is not directed to a judicial exception (Step 2A: NO) and is eligible**. This concludes the eligibility analysis . . . Examiners evaluate integration into a practical application by: (a) Identifying whether there are any additional elements recited in the claim beyond the judicial exception(s); and (b)

evaluating those additional elements individually and in combination to determine whether they integrate the exception into a practical application, using one or more of the considerations laid out by the Supreme Court and the Federal Circuit, for example those listed below. While some of the considerations listed below were discussed in prior guidance in the context of Step 2B, evaluating them in revised Step 2A promotes early and efficient resolution of patent eligibility, and increases certainty and reliability. **Examiners should note, however, that revised Step 2A specifically excludes consideration of whether the additional elements represent well-understood, routine, conventional activity**. Instead, analysis of well-understood, routine, conventional activity is done in Step 2B. Accordingly, in revised Step 2A examiners should ensure that they give weight to all additional elements, whether or not they are conventional, when evaluating whether a judicial exception has been integrated into a practical application In the context of revised Step 2A, the following exemplary considerations are indicative that an additional element (or combination of elements) may have integrated the exception into a practical application:

- An additional element reflects an improvement in the functioning of a computer, or an improvement to other technology or technical field;

- an additional element that applies or uses a judicial exception to effect a particular treatment or prophylaxis for a disease or medical condition;

- an additional element implements a judicial exception with, or uses a judicial exception in conjunction with, a particular machine or manufacture that is integral to the claim;

- an additional element effects a transformation or reduction of a particular article to a different state or thing; and

- an additional element applies or uses the judicial exception in some other meaningful way beyond generally linking the use of the judicial exception to a particular technological environment, such that the claim as a whole is more than a drafting effort designed to monopolize the exception.

This is not an exclusive list, and there may be other examples of integrating the exception into a practical application . . . Because revised Step 2A does not evaluate whether an additional element is

> well-understood, routine, conventional activity, **examiners are reminded that a claim that includes conventional elements may still integrate an exception into a practical application, thereby satisfying the subject matter eligibility requirement of Section 101**.

See Fed. Reg. Vol. 84, No. 4 at 54-55 (emphasis added).

The January 2019 Guidance specifically states, "[t]he 2019 Revised Patent Subject Matter Eligibility Guidance is effective on January 7, 2019. The 2019 Revised Patent Subject Matter Eligibility Guidance applies to all applications, and to all patents resulting from applications, filed before, on, or after January 7, 2019." *See* Fed. Reg. Vol. 84, No. 4 at 50. As the instant application was filed before January 7, 2019, the January 2019 Guidance applies to the instant application.

b) Step 2A, Prong 2 -- The Claims Integrate the Alleged Abstract Idea into a Practical Application

As noted above, The January 2019 Guidance identifies several considerations which are indicative that an additional element (or combination of elements) integrate the alleged abstract idea into a practical application, these exemplary considerations include claims wherein:

> an additional element reflects an improvement in the functioning of a computer, or an improvement to other technology or technical field;
>
> an additional element that applies or uses a judicial exception to effect a particular treatment or prophylaxis for a disease or medical condition;
>
> **an additional element implements a judicial exception with, or uses a judicial exception in conjunction with, a particular machine or manufacture that is integral to the claim**;
>
> an additional element effects a transformation or reduction of a particular article to a different state or thing; and
>
> an additional element applies or uses the judicial exception in some other meaningful way beyond generally linking the use of the judicial exception to a particular technological environment, such that the claim as a whole is more than a drafting effort designed to monopolize the exception.

See Fed. Reg. Vol. 84, No. 4 at 54-55 (emphasis added).

Manufacture

A Manufactured, Pre-printed Lottery Ticket

Applicant's independent claim 1 is reproduced below:

> 1. A method for providing **a manufactured, pre-printed lottery ticket** for a random draw comprising:
> (a) receiving, by a transaction processor, a transaction request from a retailer point of sale (POS) to activate **the manufactured, pre-printed lottery ticket**;
> (b) providing, by a transaction processor or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and
> (c) receiving, by the transaction processor or retailer, from the lottery administration system, indication that draw information has been associated with **the manufactured, pre-printed lottery ticket**.

See claim 1, *supra* (emphasis added).

The instantly claimed "manufactured, pre-printed lottery ticket" is integral to the claim because the claim is eviscerated without the "manufactured, pre-printed lottery ticket." The claimed "manufactured, pre-printed lottery ticket is unquestionably a "manufacture." *See* MPEP § 2106.03 (I) ("As the courts have explained, manufactures are articles that result from the process of manufacturing, i.e., they were produced 'from raw or prepared materials by giving to these materials new forms, qualities, properties, or combinations, whether by hand-labor or by machinery.' *Samsung Electronics Co. v. Apple Inc.*, 580 U.S. __, 137 S. Ct. 429, 435, 120 USPQ2d 1749, 1752-3 (2016) (quoting *Diamond v. Chakrabarty*, 447 U. S. 303, 308, 206 USPQ 193, 196-97 (1980)).").

As such, the Office Action's identified abstract idea, "engaging in lawful wagering," is integrated into a practical application via the requirement that the "abstract idea" be performed by "**an additional element implements a judicial exception with**, or uses a judicial exception in

conjunction with, **a . . . manufacture that is integral to the claim**." *See* Fed. Reg. Vol. 84, No. 4 at 55 (emphasis added).

Transaction Processor

Applicant's independent claim 1 is reproduced below:

> 1. A method for providing a manufactured, pre-printed lottery ticket for a random draw comprising:
>
> (a) **receiving, by a transaction processor**, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed lottery ticket;
>
> (b) **providing, by a transaction processor** or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and
>
> (c) **receiving, by the transaction processor** or retailer, from the lottery administration system, indication that draw information has been associated with the manufactured, pre-printed lottery ticket.

See claim 1, *supra* (emphasis added).

As can be seen above, independent claim 1 recites a "transaction processor" to effectuate the claim language. *See supra*. As detailed in the Specification:

> **The transaction processor** system 630 may **include a central processing unit (CPU) 604**, memory unit 616 and 1/0 interface(s) 608 for communicating with devices external to the transaction processor system630. Instructions 604 stored in the memory unit 616, when executed by the processing unit 604 provide transaction processing and data exchange functionality 602. The functionality 602 may process transactions and exchange data from a plurality of different retailers to a single lottery system. Instructions 602 may include any functionality necessary for the successful exchange of data and the activation or cancellation of the pre-printed ticket.

Application at ¶ [0046] (emphasis added).

The instantly claimed "transaction processor" is integral to the claim because the "manufactured, pre-printed lottery ticket" cannot be provide for a random draw without the "transaction processor."

Moreover, as shown above, the transaction processor comprises a "central processing unit (CPU)." *See id.* One of ordinary skill in the art would understand that a "CPU" would comprise a microprocessor. "The component of a computer system that performs the basic operations (such as processing data) of the system, that exchanges data with the systems memory or peripherals, and that manages the systems other components — called also *processor*." *See* Merriam-Webster at https://www.merriam-webster.com/dictionary/cpu.

The MPEP provides, "because a microprocessor is generally understood to be a manufacture, **a product claim to the microprocessor or a system comprising the microprocessor satisfies Step 1** regardless of whether the claim falls within any other statutory category (such as a machine)." *See* MPEP § 2106.03 (emphasis added).

As such, the Office Action's alleged identified abstract idea is integrated in to a practical application via the requirement that the "abstract idea" be performed by "**an additional element [which] implements a judicial exception with**, or uses a judicial exception in conjunction with, **a . . . manufacture that is integral to the claim**." *See* Fed. Reg. Vol. 84, No. 4 at 55 (emphasis added); *see also* MPEP § 2106.03 ("a microprocessor is generally understood to be a manufacture.").

Particular Machine

Transaction Processor

Applicant's independent claim 1 is reproduced below:

> 1. A method for providing a manufactured, pre-printed lottery ticket for a random draw comprising:
>
> (a) **receiving, by a transaction processor**, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed lottery ticket;
>
> (b) **providing, by a transaction processor** or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and

> (c) **receiving, by the transaction processor** or retailer, from the lottery administration system, indication that draw information has been associated with the manufactured, pre-printed lottery ticket.

See claim 1, *supra* (emphasis added).

As can be seen, the claims require the claimed method steps be performed by a "transaction processor" to effectuate the claim language. *See id*. As detailed in the Specification:

> **The transaction processor system 630** may include a central processing unit (CPU) 604, memory unit 616 and 1/0 interface(s) 608 for communicating with devices external to the transaction processor system630. **Instructions 604 stored in the memory unit 616, when executed by the processing unit 604 provide transaction processing and data exchange functionality 602**. The functionality 602 may process transactions and exchange data from a plurality of different retailers to a single lottery system. Instructions 602 may include any functionality necessary for the successful exchange of data and the activation or cancellation of the pre-printed ticket.

Application at ¶ [0046] (emphasis added).

As noted by the Supreme Court, "[a] claimed process is surely patent-eligible under § 101 if: (1) it is tied to a particular machine or apparatus . . . ." *See, e.g., In re Bilski,* 545 F.3d 943, 954, (Fed. Cir. 2009). In *In re Alappat* the Federal Circuit held, "programming creates a new machine because a general purpose computer, in effect, becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software." *See In re Alappat*, 33 F.3d 1526, 1545 (Fed. Cir. 1994). Following the *In re Alappat* precedent, in *Finisar Corp. v. DirecTV Grp., Inc.*, the Federal Circuit held, "a computer programmed to implement an algorithm . . . is not the general purpose computer, but rather the special purpose computer programmed to perform the disclosed algorithm." *See Finisar Corp. v. DirecTV Grp., Inc.*, 523 F.3d 1323, 1340 (Fed. Cir. 2008).

Based on the foregoing, Applicant contends the instant claims' "transaction processor" comprises specifically programmed computer processors performing particular, recited functions,

which inarguably amount to the claims being performed by "an additional element [which] implements a judicial exception with, or uses a judicial exception in conjunction with, a particular machine or manufacture that is integral to the claim." *See* Fed. Reg. Vol. 84, No. 4 at 55. *See* Interim Examination Instructions For Evaluating Subject Matter Eligibility Under 35 U.S.C. § 101, Aug. 24, 2009 at 6 ("For computer implemented processes, the 'machine' is often disclosed as a general purpose computer. In these cases, the general purpose computer may be sufficiently 'particular' when programmed to perform the process steps. Such programming creates a new machine because a general purpose computer, in effect, becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software. To qualify as a particular machine under the test, the claim must clearly convey that the computer is programmed to perform the steps of the method because such programming, in effect, creates a special purpose computer limited to the use of the particularly claimed combination of elements (i.e., the programmed instructions) performing the particularly claimed combination of functions.").

As such, the Office Action's identified abstract idea, "engaging in lawful wagering," is integrated into a practical application via the requirement that the "abstract idea" be performed by "**an additional element implements a judicial exception with**, or uses a judicial exception in conjunction with, **a particular machine** . . . **that is integral to the claim**." *See* Fed. Reg. Vol. 84, No. 4 at 55 (emphasis added).

B. Step 2B of the Subject Matter Eligibility Guidelines

Assuming, *arguendo*, that the instant claims comprise an abstract idea, which Applicant does not concede, the U.S.P.T.O. has published considerations of what constitutes "significantly more" than an alleged abstract idea within the context of patent eligibility:

i. Improvements to the functioning of a computer, *e.g.,* a modification of conventional Internet hyperlink protocol to dynamically produce a dual-source hybrid webpage, as discussed in *DDR Holdings, LLC v. Hotels.com, L.P.,* 773 F.3d 1245, 1258-59, 113 USPQ2d 1097, 1106-07 (Fed. Cir. 2014) (see **MPEP § 2106.05(a)**);

ii. Improvements to any other technology or technical field, *e.g.,* a modification of conventional rubber-molding processes to utilize a thermocouple inside the mold to constantly monitor the temperature and thus reduce under- and over-curing problems common in the art, as discussed in *Diamond v. Diehr,* 450 U.S. 175, 191-92, 209 USPQ 1, 10 (1981) (see **MPEP § 2106.05(a)**);

iii. Applying the judicial exception with, or by use of, a particular machine, *e.g.,* a Fourdrinier machine (which is understood in the art to have a specific structure comprising a headbox, a paper-making wire, and a series of rolls) that is arranged in a particular way to optimize the speed of the machine while maintaining quality of the formed paper web, as discussed in *Eibel Process Co. v. Minn. & Ont. Paper Co.,* 261 U.S. 45, 64-65 (1923) (see **MPEP § 2106.05(b)**);

iv. Effecting a transformation or reduction of a particular article to a different state or thing, *e.g.,* a process that transforms raw, uncured synthetic rubber into precision-molded synthetic rubber products, as discussed in *Diehr,* 450 U.S. at 184, 209 USPQ at 21 (see **MPEP § 2106.05(c)**);

v. Adding a specific limitation other than what is well-understood, routine, conventional activity in the field, or adding unconventional steps that confine the claim to a particular useful application, *e.g.,* a non-conventional and non-generic arrangement of various computer components for filtering Internet content, as discussed in *BASCOM Global Internet v. AT&T Mobility LLC,* 827 F.3d 1341, 1350-51, 119 USPQ2d 1236, 1243 (Fed. Cir. 2016) (see **MPEP § 2106.05(d)**); or

vi. Other meaningful limitations beyond generally linking the use of the judicial exception to a particular technological environment, *e.g.,* an immunization step that integrates an abstract idea of data comparison into a specific process of immunizing that lowers the risk that immunized patients will later develop chronic immune-mediated diseases, as discussed in *Classen Immunotherapies Inc. v. Biogen IDEC,* 659 F.3d 1057, 1066-68, 100 USPQ2d 1492, 1499-1502 (Fed. Cir. 2011) (see **MPEP § 2106.05(e)**).

MPEP § 2106.05.A. As can be seen, an "inventive concept" (and thus subject matter eligibility) can be demonstrated by showing any one of the MPEP's enumerated "significantly more" considerations. *See id.*

1. "Adding a Specific Limitation other than What is Well-Understood, Routine and Conventional in the Field"

The Federal Circuit has explained that, "an inventive concept can be found in the non-conventional and non-generic arrangement of known conventional pieces." *See Bascom Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1349 (Fed. Cir. 2016). Thus, because claims 1-8 are patentable over the prior art, claims 1-8 must comprise elements which are not "well-understood, routine, and conventional in the field" and recite "significantly more" than any alleged abstract idea – so as to patent eligible. *See* MPEP § 2106.05(d) (Claims that add a "specific limitation other than what is well-understood, routine and conventional in the field" comprise "significantly more" than an abstract idea and are patent eligible.).

As noted above, all 35 U.S.C. Section 102 and 103 rejections have been withdrawn. Thus, claims 1-19 must comprise elements which are not "well-understood, routine, and conventional in the field" and recite "significantly more" than any alleged abstract idea – so as to patent eligible. *See* MPEP § 2106.05.A. (Claims that add a "specific limitation other than what is well-understood, routine and conventional in the field" comprise "significantly more" than an abstract idea and are patent eligible.).

Additionally, the Federal Circuit has stated:

> The question of whether a claim element or combination of elements is well-understood, routine and conventional to a skilled artisan in the relevant field is a question of fact. Any fact . . . pertinent to the invalidity conclusion must be proven by clear and convincing evidence . . . And the Supreme Court recognized that in making the § 101 determination, the inquiry "might sometimes overlap" with other fact-intensive inquiries like [patentability determinations, e.g., novelty and obviousness].

See Berkheimer v. HP Inc., No. 2017-1437, 2018 WL 774096, at *5 (Fed. Cir. Feb. 8, 2018).

Moreover, the Federal Circuit has also opined, that if an applicant's specification does not describe a claimed element as "conventional," and there being no other evidence of conventionality, the claim element is presumed to not be "well understood" or "routine." *See Aatrix Software, Inc. v. Green Shades Software, Inc.*, 882 F.3d 1121, 1128 (Fed. Cir. 2018). Thus, because there is nothing in the Specification describing the instant claim elements as "conventional" and because the prior art fails to disclose all the elements of the instant claims, the instant claims must comprise elements "other than what is well-understood, routine, and conventional in the field" and recite "significantly more" than any alleged abstract idea -- so as to patent eligible. *See, e.g.,* MPEP § 2103 V. (Claims which are novel and non-obvious, i.e., not rejected in view of the prior art, are patentable); and MPEP § 2106.05(d). (Claims that add a "specific limitation other than what is well-understood, routine and conventional in the field" comprise "significantly more" than an abstract idea and are patent eligible.); *see also Bascom Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1349; *Berkheimer v. HP Inc.*, 881 F.3d 1360, 1368 (whether a claim is invalid under Section 101 must be proven by clear and convincing evidence and a determination of patentability is evidence of patent eligibility);[1] and *Aatrix Software, Inc. v. Green Shades Software, Inc.*, 882 F.3d 1121, 1128 (absent evidence to the contrary, claim elements are presumed to be not "well-understood, routine, and conventional in the field").

[1] Applicants appreciate that the Office is not bound by the "clear and convincing" evidentiary standard but submits that it is patently unjust that a claim (e.g., claims 1-18) which would be deemed patent eligible by a court based on the incapability of "clear and convincing" evidentiary burden being met due to the "patentability" of a claim, may never get such an opportunity because of the Office's ignoring of *Diamond v Diehr*, *Bascom*, and *Berkheimer*.

Based on the foregoing, Applicant respectfully submits that claims 1-19 recite "significantly more" than the alleged abstract idea of "engaging in lawful wagering" and therefore, are patent eligible.

2. The Machine or Transformation Test

Applicant contends that claims which satisfy the "machine or transformation" test comprise patent eligible subject matter. MPEP § 2106.05.A referenced above expressly incorporates the machine or transformation" test into its "considerations for determining whether a claim with additional elements amounts to significantly more than the judicial exception itself." *See* MPEP § 2106.05.A.

a) "Applying the Judicial Exception with, or by Use of, a Particular Machine"

Specifically, MPEP § 2106.05.A provides that "[a]pplying the judicial exception with, or by use of, a particular machine"[2] is a limitation which "qualif[ies] as 'significantly more' when recited in a claim with a judicial exception." *See id.*

> Independent claim 1is reproduced below:
>
> 1. A method for providing a manufactured, pre-printed lottery ticket for a random draw comprising:
> (a) **receiving, by a transaction processor**, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed lottery ticket;
> (b) **providing, by a transaction processor** or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and
> (c) **receiving, by the transaction processor** or retailer, from the lottery administration system, indication that draw information has been associated with the manufactured, pre-printed lottery ticket.

See claim 1, *supra* (emphasis added).

[2] *Bilski v Kappos,* 130 S. Ct. 3218, 3227 (2010) (''The Court's precedents establish that the machine-or-transformation test is a useful and important clue, an investigative tool, for determining whether some claimed inventions are processes under § 101.'').

As can be seen, the claims require the claimed method steps be performed by a "transaction processor" to effectuate the claim language. *See id.* As detailed in the Specification:

> The transaction processor system 630 may include a central processing unit (CPU) 604, memory unit 616 and 1/0 interface(s) 608 for communicating with devices external to the transaction processor system630. **Instructions 604 stored in the memory unit 616, when executed by the processing unit 604 provide transaction processing and data exchange functionality 602**. The functionality 602 may process transactions and exchange data from a plurality of different retailers to a single lottery system. Instructions 602 may include any functionality necessary for the successful exchange of data and the activation or cancellation of the pre-printed ticket.

Application at ¶ [0046] (emphasis added).

Based on the foregoing, Applicant contends the instant claims' "transaction processor" results in the instant claims' methods comprising specifically programmed computer processors performing particular, recited functions, even if directed to an abstract idea, is patent-eligible subject matter. As noted by the Supreme Court, "[a] claimed process is surely patent-eligible under § 101 if: (1) it is tied to a particular machine or apparatus . . . ." *See, e.g., In re Bilski,* 545 F.3d 943, 954, (Fed. Cir. 2009); *Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709, 716 (Fed. Cir. 2014) ("[t]he machine-or-transformation test . . . can provide a "useful clue" in the second step of the *Alice* framework . . . ."); *Bancorp Servs., L.L.C. v. Sun Life Assurance Co. of Can.*, 687 F.3d 1266, 1278 (Fed. Cir. 2012) (holding that the machine-or-transformation test remains an important clue in determining whether inventions are processes under § 101); *see also In re Alappat*, 33 F.3d 1526, 1545 (Fed. Cir. 1994) ("[P]rogramming creates a new machine because a general purpose computer, in effect, becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software."); *Finisar Corp. v. DirecTV Grp., Inc.*, 523 F.3d 1323, 1340 (Fed. Cir. 2008) ("[A] computer programmed to implement an algorithm . . . is not the general purpose computer, but rather the special purpose computer programmed to perform the

disclosed algorithm."); *Typhoon Touch Techs., Inc. v. Dell, Inc.*, 659 F.3d 1376, 1385 (Fed. Cir. 2011) ("[T]he term 'algorithm' as a term of art in its broad sense, i.e., to identify a step-by-step procedure for accomplishing a given result . . . ."); and MPEP § 2106.05.A ("apply[] the judicial exception with, or by the use of, a particular machine.").

Thus, Applicant contends the instant claims' devices comprising specifically programmed computer processors performing particular, recited functions, inarguably amount to "significantly more" than the alleged abstract idea of "engaging in lawful wagering" (or any other identified abstract idea), *see* MPEP § 2106.05.A, because under the Federal Circuit's decisions in *In re Bilski*, *In re Alappat*, *Finisar Corp.*, and *Typhoon Touch Techs., Inc.*, the instantly claimed methods and devices comprising specifically programmed computer processors performing particular, recited functions require that any implicated abstract idea is "tied to" or "applied by" "special purpose computers performing particular functions," *see In re Alappat*, 33 F.3d at 1545, i.e., "particular machines." *See, e.g., In re Bilski*, 545 F.3d at 954; MPEP § 2106.05.A; and Interim Examination Instructions For Evaluating Subject matter Eligibility Under 35 U.S.C. § 101, Aug. 24, 2009 at 6 ("For computer implemented processes, the 'machine' is often disclosed as a general purpose computer. In these cases, the general purpose computer may be sufficiently 'particular' when programmed to perform the process steps. Such programming creates a new machine because a general purpose computer, in effect, becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software. To qualify as a particular machine under the test, the claim must clearly convey that the computer is programmed to perform the steps of the method because such programming, in effect, creates a special purpose computer limited to the use of the particularly claimed combination of elements (i.e., the programmed instructions) performing the particularly claimed combination of functions.").

Accordingly, the recitation in claims 1-19 of a "particular machine/special purpose computer" provides the "inventive concept" discussed by the Supreme Court in *Alice*, because the claims recite particular machines/special purpose computers which perform particular functions (e.g., facilitating and managing consumer accounts with associated providers and physical gift cards). *See Alice*, 134 S. Ct. at 2355 ("We have described step two of this analysis as a search for an 'inventive concept' -- i.e., an element or combination of elements that is "sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the [ineligible concept] itself.").

3. "Improvements to Another Technology or Technical Field"

The Federal Circuit has opined, **"inventions with specific applications or improvements to technologies in the marketplace** are not likely to be so abstract that they override the statutory language and framework of the Patent Act." *See Bascom Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1350 (citing *Research Corp. Techs. v. Microsoft Corp.*, 627 F.3d 859, 869 (Fed. Cir. 2010).

Accordingly, the Specification details:

> **Tickets for draw based lotteries are typically printed at the time of purchase on special ticket paper by a printing device approved by the lottery administering body**. The ticket will typically have the draw details such as the date, the numbers that have been selected by the customer or generated on behalf of the customer and a control number that uniquely identifies that ticket. Special ticket paper typically meets critical longevity and stress requirements to ensure the ticket will not deteriorate within a certain period of time and that the control number and selected numbers remain legible. **Typically, the printing device is attached to a single lottery terminal operated by the lottery organization. Although the model of a single terminal and printer is effective for single checkout lane environments such as convenience stores and gas stations, it is not ideal for multi-lane environments such as grocery stores, discount and big box retailers**. Here, the majority of customers complete their shopping and pay through any one of many checkout lanes. A second stop and purchase is required at the lottery terminal location in order

to purchase the lottery draw ticket. **This is extremely inconvenient for most customers who simply bypass the lottery counter**. **Installing an approved printer or any other piece of specialized hardware at every point of payment within a retail environment is cost prohibitive and not an effective use of capital as not all points of payment are open at all times. This is one of the barriers to lottery organizations expanding their sales within multi-lane retail environments**. Other barriers to installing specialized hardware in lane include the lack of available space and the added responsibility and training for the cashier who must operate the hardware. **Using the retailers POS to print the ticket on standard receipt paper is ineffective** since receipt paper is typically of the lowest quality and the ticket can deteriorate prematurely if left if sunlight or comes in contact with water. **It would be desirable to enable customers to include a lottery draw ticket in their basket along with other goods and pay for that basket at any point of payment in a retail location**. **The inclusion of such a lottery draw ticket should not require any additional hardware in lane and should be fully serviced by the existing point of sale equipment. Itis also desirable to merchandise draw based tickets in such a way that the customer experience is enhanced with the purchase convenience while increasing product awareness and impulse lottery purchases**. Currently, online lottery products are produced by a lottery terminal or similar hardware. When an online lottery ticket, such as a ticket to a draw taking place at a later time, is purchased, a ticket is generated and printed by the lottery terminal and printer. **A system is described further herein that provides the ability to include online lottery tickets that can be placed in a customer's shopping cart and paid for during the normal checkout process without the use of specialized hardware such as lottery terminals, ticket printers or customized devices at the point of purchase for the purpose of producing the lottery ticke**t. Since no specialized hardware is required, it is possible to pay for the online lottery tickets at any point of purchase. For example, at a grocery store, the online lottery tickets may be purchased at each check-out lane without requiring lottery terminals or hardware at each lane and as such, **the incorporation of the purchasing at multiple lanes may be cost effective. In addition to the ability to purchase online lottery tickets at a point of sale without additional specialized lottery hardware, the systems and methods allow the online lottery ticket to be displayed and purchased as a common in-store product making the purchase of an online ticket common practice for the customer and the retailer**.

See Application at ¶¶ [0004]-[0019] (emphasis added). As can be seen from the above-recited portion of the Specification, the instant claims are directed to a specific improvement to technologies

in the marketplace, e.g., addressing business challenges of meeting customers' growing demands for random draw based lottery tickets while simultaneously allowing lottery ticket retailers to configure their legacy technologies and systems to sell random draw based lottery tickets at any point of sale register. *See id.* Such technological improvements are patent eligible. *See Bascom Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1350 ("[I]nventions with specific applications or improvements to technologies in the marketplace are not likely to be so abstract that they override the statutory language and framework of the Patent Act."); *see also Zak v. Facebook*, Civ. No. 15-13437 at 20-22 (ED Mich. Sept. 12, 2016) ("[I]n the present case, the claim does not merely permit a known business practice to be performed on the Internet. Instead, **the claim here specifies how a solution will be implemented that addresses a business challenge** particular to the Internet, **namely allowing ordinary users to maintain dynamic websites by managing the content of websites and controlling users' interactions with web pages** . . . the claim contains enough inventive elements to be aimed at **more than a patent on the abstract idea itself**.") (emphasis added).

Based on the foregoing, the evidence of record weighs against a finding of patent ineligibility at least because Applicant's claims recite "significantly more" than the alleged abstract idea. *See* MPEP § 2106.05.A. Based on the foregoing, withdrawal of the rejection of claims 1-19 under 35 U.S.C. 101 is respectfully requested.

CONCLUSION

Consideration of the foregoing remarks, reconsideration of the application, and withdrawal of the rejections are respectfully requested by Applicant. No new matter is introduced by way of amendment. It is believed that each ground of rejection raised in the Office Action dated June 10, 2020 has been fully addressed. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,
BARNES & THORNBURG LLP

Date: November 4, 2020

/Jerry C. Harris, Jr./
Jerry C. Harris, Jr.
Reg. No. 66,822

ATTORNEY FOR APPLICANT

2121 North Pearl Street, Suite 700
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(214) 258-4200 (Telephone)
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THE CLAIMS

Listing of claims:

1. (Previously Presented) A method for providing a manufactured, pre-printed lottery ticket for a random draw comprising:

(a) receiving, by a transaction processor, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed lottery ticket;

(b) providing, by a transaction processor or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and

(c) receiving, by the transaction processor or retailer, from the lottery administration system, indication that draw information has been associated with the manufactured, pre-printed lottery ticket.

2. (Previously Presented) The method of claim 1, wherein receiving the transaction request comprises receiving unique product information associated with the manufactured, pre-printed lottery ticket over a secure communication channel from a point of sale (POS) system.

3. (Previously Presented) The method of claim 1, wherein draw information is made available on a printed receipt; by scanning a code on the manufactured, pre-printed lottery ticket; or by entering a unique identifier associated with the manufactured, pre-printed lottery ticket into an online website or mobile application.

4. (Previously Presented) The method of claim 1, further comprising receiving unique product information associated with the manufactured, pre-printed lottery ticket.

5. (Previously Presented) The method of claim 1, further comprising retrieving unique identification information associated with the manufactured, pre-printed lottery ticket from the received product information.

6. (Previously Presented) The method of claim 4, wherein the product information is sufficient to determine one or more of:

a game type associated with the manufactured, pre-printed lottery ticket;

a wager amount associated with the manufactured, pre-printed lottery ticket; and

a number of wagers associated with the manufactured, pre-printed lottery ticket.

7. (Original) The method of claim 1, further comprising validating the received transaction request.

8. (Previously Presented) The method of claim 7, wherein validating the received identification information comprises verifying that the product information corresponds to identification information associated with the manufactured, pre-printed lottery ticket.

9. (Original) The method of claim 8, wherein validating the transaction information includes verifying that the product is validly distributed by the retailer.

10. (Previously Presented) The method of claim 1, wherein the information provided to the lottery administration system includes one or more randomly determined lottery numbers generated at the time the manufactured, pre-printed lottery ticket is purchased at the POS.

11. (Previously Presented) The method of claim 1, wherein the information provided to the lottery administration system includes one or more randomly determined lottery numbers associated with the manufactured, pre-printed lottery ticket prior to the time the manufactured, pre-printed lottery ticket is purchased at the POS.

12. (Original) The method of claim 1, wherein the retailer POS is online.

13. (Previously Presented) The method of claim 1, wherein the manufactured, pre-printed lottery ticket comprises a barcode.

14. (Original) The method of claim 13, wherein the barcode comprises a first party information and a second party information.

15. (Original) The method of claim 13, wherein the barcode comprises a universal product code and pre-printed lottery ticket information.

16. (Previously Presented) The method of claim 1, wherein the manufactured, pre-printed lottery ticket contains information used to redeem a winning prize.

17. (Previously Presented) The method of claim 1, wherein the lottery administration system generates wagers for the manufactured, pre-printed lottery ticket and a draw date is assigned to the wagers.

18. (Original) The method of claim 1, wherein lottery numbers are entered in a draw.

19. (Original) The method of claim 7, wherein the validation comprises age validation.

20. (Withdrawn) A method for providing a product for a draw comprising:

(a) providing, by a transaction processor or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and

(b) receiving, by the transaction processor or retailer, from the lottery administration system, indication that draw information has been associated with a manufactured, pre-printed lottery ticket.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/280,629	02/20/2019	Gino Giunti	4556.23103	5484

15608 7590 10/14/2020

Barnes & Thornburg LLP (Blackhawk)
11 S. Meridian Street
Indianapolis, IN 46204

EXAMINER	
PANDYA, SUNIT	

ART UNIT	PAPER NUMBER
3649	

NOTIFICATION DATE	DELIVERY MODE
10/14/2020	ELECTRONIC

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

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

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

INDocket@btlaw.com
jerry.harris@btlaw.com
michelle.horvath@btlaw.com

Notice of Non-Compliant Amendment (37 CFR 1.121)	Application No. 16/280,629	Applicant(s) Giunti, Gino	
	Examiner SUNIT PANDYA	Art Unit 3649	AIA (FITF) Status Yes

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

The amendment document filed on 09/10/2020 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other _____ .
- ☐ 2. Abstract:
  - ☐ A.Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B.Other _____ .
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet", "New Sheet", or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other _____ .
- ☑ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☑ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☑ E. Other: Amended claims do not include markings .
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

_____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period if the non-compliant amendment is an** after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.

2. Applicant is given **two months** from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

   Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

   Failure to timely respond to this notice will result in:
   Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or
   Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/SUNIT PANDYA/
Primary Examiner, Art Unit 3649

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Gino Giunti	§	
		§	Group Art Unit: 3649
Serial No.	16/280,629	§	
		§	Examiner: Sunit Pandya
Filed:	February 20, 2019	§	
		§	Confirmation No.: 5484
For:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS	§	

Mail Stop: Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF EFS-WEB FILING

Pursuant to 37 CFR § 1.8, I hereby certify that this correspondence is being electronically submitted to the U.S. Patent and Trademark Office website, www.uspto.gov, on

09/10/2020 .
(Date submitted)

/Jerry C. Harris, Jr./
Jerry C. Harris, Jr.

RESPONSE TO
OFFICE ACTION DATED JUNE 10, 2020

Dear Sir:

In response to the Office Action dated June 10, 2020 (the "Office Action), Applicant respectfully requests consideration of the following.

The Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

Electronic Acknowledgement Receipt

EFS ID:	40523753
Application Number:	16280629
International Application Number:	
Confirmation Number:	5484
Title of Invention:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS
First Named Inventor/Applicant Name:	Gino Giunti
Customer Number:	15608
Filer:	Jerry Harris
Filer Authorized By:	
Attorney Docket Number:	4556.23103
Receipt Date:	10-SEP-2020
Filing Date:	20-FEB-2019
Time Stamp:	17:00:31
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		23103_Response_to_OA_dated_06102020.pdf	708910 0d57021e9a0f1cac7287395804d7d610ed44a062	yes	24

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Applicant Arguments/Remarks Made in an Amendment	6	24
	Claims	2	5
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
Warnings:			
Information:			
	Total Files Size (in bytes):	708910	

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

REMARKS/ARGUMENTS

Status of Claims

Claims 1-6, 8, 10, 11, 13, 16, and 17 were previously presented.

Claims 7, 9, 12, 14, 15, and 18-19 are original.

Claim 20 is withdrawn – amended.

Claims 1-20 are currently pending in this application.

Applicant hereby requests further examination and reconsideration of the presently claimed application.

Withdrawal of 35 U.S.C. §§ 102 and 103 Rejections

Applicant thanks the Examiner for withdrawing all prior art rejections.

Double Patenting

Claims 1-19 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 9,865,135. Applicant submits that the instant double-patenting rejections will be addressed as soon as the 35 U.S.C. § 101 rejections have been overcome.

Claim Rejections – 35 U.S.C. § 101

A. The Rejections under 35 U.S.C. § 101

Claims 1-19 stand rejected under 35 U.S.C. 101 as being directed to ineligible subject matter. The claimed invention is directed to a judicial exception without significantly more.

1. Step 2A of the *Mayo* Test

a) The January 2019 Guidance

On January 7, 2019, the USPTO issued The Computer-Implemented Functional Claims Limitations Guidance (the "January 2019 Guidance") wherein the USPTO revised Step 2A of the *Mayo* Test to now comprise two separate prongs. Under Prong One of Step 2A, "examiners should evaluate whether the claim recites a judicial exception, i.e., an abstract idea, a law of nature, or a natural phenomenon." *See* Fed. Reg. Vol. 84, No. 4 at 54 (Jan. 7, 2019). The January 2019 Guidance explained Step 2A was changed compared to prior guidance:

> To determine whether a claim recites an abstract idea in Prong One, examiners are now to: (a) Identify the specific limitation(s) in the claim under examination (individually or in combination) that the examiner believes recites an abstract idea; and (b) determine whether the identified limitation(s) falls within the subject matter groupings of abstract ideas enumerated in Section I of the 2019 Revised Patent Subject Matter Eligibility Guidance. If the identified limitation(s) falls within the subject matter groupings of abstract ideas enumerated in Section I, **analysis should proceed to Prong Two in order to evaluate whether the claim integrates the abstract idea into a practical application**. When evaluating Prong One, examiners are no longer to use the USPTO's ''Eligibility Quick Reference Sheet Identifying Abstract Ideas,'' which has been superseded by this document.

See id. (emphasis added).

The January 2019 Guidance explains Step 2A's new Prong Two as follows:

> In Prong Two, **examiners should evaluate whether the claim as a whole integrates the recited judicial exception into a practical application of the exception**. A claim that integrates a judicial exception into a practical application will apply, rely on, or use the judicial exception in a manner that **imposes a meaningful limit on the judicial exception**, such that the claim is more than a drafting effort designed to monopolize the judicial exception. **When the exception is so integrated, then the claim is not directed to a judicial exception (Step 2A: NO) and is eligible**. This concludes the eligibility analysis . . . Examiners evaluate integration into a practical application by: (a) Identifying whether there are any additional elements recited in the claim beyond the judicial exception(s); and (b)

evaluating those additional elements individually and in combination to determine whether they integrate the exception into a practical application, using one or more of the considerations laid out by the Supreme Court and the Federal Circuit, for example those listed below. While some of the considerations listed below were discussed in prior guidance in the context of Step 2B, evaluating them in revised Step 2A promotes early and efficient resolution of patent eligibility, and increases certainty and reliability. **Examiners should note, however, that revised Step 2A specifically excludes consideration of whether the additional elements represent well-understood, routine, conventional activity**. Instead, analysis of well-understood, routine, conventional activity is done in Step 2B. Accordingly, in revised Step 2A examiners should ensure that they give weight to all additional elements, whether or not they are conventional, when evaluating whether a judicial exception has been integrated into a practical application In the context of revised Step 2A, the following exemplary considerations are indicative that an additional element (or combination of elements) may have integrated the exception into a practical application:

- An additional element reflects an improvement in the functioning of a computer, or an improvement to other technology or technical field;

- an additional element that applies or uses a judicial exception to effect a particular treatment or prophylaxis for a disease or medical condition;

- an additional element implements a judicial exception with, or uses a judicial exception in conjunction with, a particular machine or manufacture that is integral to the claim;

- an additional element effects a transformation or reduction of a particular article to a different state or thing; and

- an additional element applies or uses the judicial exception in some other meaningful way beyond generally linking the use of the judicial exception to a particular technological environment, such that the claim as a whole is more than a drafting effort designed to monopolize the exception.

This is not an exclusive list, and there may be other examples of integrating the exception into a practical application . . . Because revised Step 2A does not evaluate whether an additional element is

> well-understood, routine, conventional activity, **examiners are reminded that a claim that includes conventional elements may still integrate an exception into a practical application, thereby satisfying the subject matter eligibility requirement of Section 101**.

See Fed. Reg. Vol. 84, No. 4 at 54-55 (emphasis added).

The January 2019 Guidance specifically states, "[t]he 2019 Revised Patent Subject Matter Eligibility Guidance is effective on January 7, 2019. The 2019 Revised Patent Subject Matter Eligibility Guidance applies to all applications, and to all patents resulting from applications, filed before, on, or after January 7, 2019." *See* Fed. Reg. Vol. 84, No. 4 at 50. As the instant application was filed before January 7, 2019, the January 2019 Guidance applies to the instant application.

b) Step 2A, Prong 2 -- The Claims Integrate the Alleged Abstract Idea into a Practical Application

As noted above, The January 2019 Guidance identifies several considerations which are indicative that an additional element (or combination of elements) integrate the alleged abstract idea into a practical application, these exemplary considerations include claims wherein:

> an additional element reflects an improvement in the functioning of a computer, or an improvement to other technology or technical field;
>
> an additional element that applies or uses a judicial exception to effect a particular treatment or prophylaxis for a disease or medical condition;
>
> **an additional element implements a judicial exception with, or uses a judicial exception in conjunction with, a particular machine or manufacture that is integral to the claim**;
>
> an additional element effects a transformation or reduction of a particular article to a different state or thing; and
>
> an additional element applies or uses the judicial exception in some other meaningful way beyond generally linking the use of the judicial exception to a particular technological environment, such that the claim as a whole is more than a drafting effort designed to monopolize the exception.

See Fed. Reg. Vol. 84, No. 4 at 54-55 (emphasis added).

Manufacture

A Manufactured, Pre-printed Lottery Ticket

Applicant's independent claim 1 is reproduced below:

> 1. A method for providing **a manufactured, pre-printed lottery ticket** for a random draw comprising:
> (a) receiving, by a transaction processor, a transaction request from a retailer point of sale (POS) to activate **the manufactured, pre-printed lottery ticket**;
> (b) providing, by a transaction processor or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and
> (c) receiving, by the transaction processor or retailer, from the lottery administration system, indication that draw information has been associated with **the manufactured, pre-printed lottery ticket**.

See claim 1, *supra* (emphasis added).

The instantly claimed "manufactured, pre-printed lottery ticket" is integral to the claim because the claim is eviscerated without the "manufactured, pre-printed lottery ticket." The claimed "manufactured, pre-printed lottery ticket is unquestionably a "manufacture." *See* MPEP § 2106.03 (I) ("As the courts have explained, manufactures are articles that result from the process of manufacturing, i.e., they were produced 'from raw or prepared materials by giving to these materials new forms, qualities, properties, or combinations, whether by hand-labor or by machinery.' *Samsung Electronics Co. v. Apple Inc.*, 580 U.S. __, 137 S. Ct. 429, 435, 120 USPQ2d 1749, 1752-3 (2016) (quoting *Diamond v. Chakrabarty*, 447 U. S. 303, 308, 206 USPQ 193, 196-97 (1980)).").

As such, the Office Action's identified abstract idea, "engaging in lawful wagering," is integrated into a practical application via the requirement that the "abstract idea" be performed by "**an additional element implements a judicial exception with**, or uses a judicial exception in

conjunction with, **a . . . manufacture that is integral to the claim**." *See* Fed. Reg. Vol. 84, No. 4 at 55 (emphasis added).

Transaction Processor

Applicant's independent claim 1 is reproduced below:

> 1. A method for providing a manufactured, pre-printed lottery ticket for a random draw comprising:
> (a) **receiving, by a transaction processor**, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed lottery ticket;
> (b) **providing, by a transaction processor** or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and
> (c) **receiving, by the transaction processor** or retailer, from the lottery administration system, indication that draw information has been associated with the manufactured, pre-printed lottery ticket.

See claim 1, *supra* (emphasis added).

As can be seen above, independent claim 1 recites a "transaction processor" to effectuate the claim language. *See supra*. As detailed in the Specification:

> **The transaction processor** system 630 may **include a central processing unit (CPU) 604**, memory unit 616 and 1/0 interface(s) 608 for communicating with devices external to the transaction processor system630. Instructions 604 stored in the memory unit 616, when executed by the processing unit 604 provide transaction processing and data exchange functionality 602. The functionality 602 may process transactions and exchange data from a plurality of different retailers to a single lottery system. Instructions 602 may include any functionality necessary for the successful exchange of data and the activation or cancellation of the pre-printed ticket.

Application at ¶ [0046] (emphasis added).

The instantly claimed "transaction processor" is integral to the claim because the "manufactured, pre-printed lottery ticket" cannot be provide for a random draw without the "transaction processor."

Moreover, as shown above, the transaction processor comprises a "central processing unit (CPU)." *See id.* One of ordinary skill in the art would understand that a "CPU" would comprise a microprocessor. "The component of a computer system that performs the basic operations (such as processing data) of the system, that exchanges data with the systems memory or peripherals, and that manages the systems other components — called also *processor*." *See* Merriam-Webster at https://www.merriam-webster.com/dictionary/cpu.

The MPEP provides, "because a microprocessor is generally understood to be a manufacture, **a product claim to the microprocessor or a system comprising the microprocessor satisfies Step 1** regardless of whether the claim falls within any other statutory category (such as a machine)." *See* MPEP § 2106.03 (emphasis added).

As such, the Office Action's alleged identified abstract idea is integrated in to a practical application via the requirement that the "abstract idea" be performed by "**an additional element [which] implements a judicial exception with**, or uses a judicial exception in conjunction with, **a . . . manufacture that is integral to the claim**." *See* Fed. Reg. Vol. 84, No. 4 at 55 (emphasis added); *see also* MPEP § 2106.03 ("a microprocessor is generally understood to be a manufacture.").

Particular Machine

Transaction Processor

Applicant's independent claim 1 is reproduced below:

> 1. A method for providing a manufactured, pre-printed lottery ticket for a random draw comprising:
>
> (a) **receiving, by a transaction processor**, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed lottery ticket;
>
> (b) **providing, by a transaction processor** or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and

> (c) **receiving, by the transaction processor** or retailer, from the lottery administration system, indication that draw information has been associated with the manufactured, pre-printed lottery ticket.

See claim 1, *supra* (emphasis added).

As can be seen, the claims require the claimed method steps be performed by a "transaction processor" to effectuate the claim language. *See id.* As detailed in the Specification:

> **The transaction processor system 630** may include a central processing unit (CPU) 604, memory unit 616 and 1/0 interface(s) 608 for communicating with devices external to the transaction processor system630. **Instructions 604 stored in the memory unit 616, when executed by the processing unit 604 provide transaction processing and data exchange functionality 602**. The functionality 602 may process transactions and exchange data from a plurality of different retailers to a single lottery system. Instructions 602 may include any functionality necessary for the successful exchange of data and the activation or cancellation of the pre-printed ticket.

Application at ¶ [0046] (emphasis added).

As noted by the Supreme Court, "[a] claimed process is surely patent-eligible under § 101 if: (1) it is tied to a particular machine or apparatus . . . ." *See, e.g., In re Bilski,* 545 F.3d 943, 954, (Fed. Cir. 2009). In *In re Alappat* the Federal Circuit held, "programming creates a new machine because a general purpose computer, in effect, becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software." *See In re Alappat*, 33 F.3d 1526, 1545 (Fed. Cir. 1994). Following the *In re Alappat* precedent, in *Finisar Corp. v. DirecTV Grp., Inc.*, the Federal Circuit held, "a computer programmed to implement an algorithm . . . is not the general purpose computer, but rather the special purpose computer programmed to perform the disclosed algorithm." *See Finisar Corp. v. DirecTV Grp., Inc.*, 523 F.3d 1323, 1340 (Fed. Cir. 2008).

Based on the foregoing, Applicant contends the instant claims' "transaction processor" comprises specifically programmed computer processors performing particular, recited functions,

which inarguably amount to the claims being performed by "an additional element [which] implements a judicial exception with, or uses a judicial exception in conjunction with, a particular machine or manufacture that is integral to the claim." *See* Fed. Reg. Vol. 84, No. 4 at 55. *See* Interim Examination Instructions For Evaluating Subject Matter Eligibility Under 35 U.S.C. § 101, Aug. 24, 2009 at 6 ("For computer implemented processes, the 'machine' is often disclosed as a general purpose computer. In these cases, the general purpose computer may be sufficiently 'particular' when programmed to perform the process steps. Such programming creates a new machine because a general purpose computer, in effect, becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software. To qualify as a particular machine under the test, the claim must clearly convey that the computer is programmed to perform the steps of the method because such programming, in effect, creates a special purpose computer limited to the use of the particularly claimed combination of elements (i.e., the programmed instructions) performing the particularly claimed combination of functions.").

As such, the Office Action's identified abstract idea, "engaging in lawful wagering," is integrated into a practical application via the requirement that the "abstract idea" be performed by "**an additional element implements a judicial exception with**, or uses a judicial exception in conjunction with, **a particular machine** . . . **that is integral to the claim**." *See* Fed. Reg. Vol. 84, No. 4 at 55 (emphasis added).

B. Step 2B of the Subject Matter Eligibility Guidelines

Assuming, *arguendo*, that the instant claims comprise an abstract idea, which Applicant does not concede, the U.S.P.T.O. has published considerations of what constitutes "significantly more" than an alleged abstract idea within the context of patent eligibility:

i. Improvements to the functioning of a computer, *e.g.,* a modification of conventional Internet hyperlink protocol to dynamically produce a dual-source hybrid webpage, as discussed in *DDR Holdings, LLC v. Hotels.com, L.P.,* 773 F.3d 1245, 1258-59, 113 USPQ2d 1097, 1106-07 (Fed. Cir. 2014) (see **MPEP § 2106.05(a)**);

ii. Improvements to any other technology or technical field, *e.g.,* a modification of conventional rubber-molding processes to utilize a thermocouple inside the mold to constantly monitor the temperature and thus reduce under- and over-curing problems common in the art, as discussed in *Diamond v. Diehr,* 450 U.S. 175, 191-92, 209 USPQ 1, 10 (1981) (see **MPEP § 2106.05(a)**);

iii. Applying the judicial exception with, or by use of, a particular machine, *e.g.,* a Fourdrinier machine (which is understood in the art to have a specific structure comprising a headbox, a paper-making wire, and a series of rolls) that is arranged in a particular way to optimize the speed of the machine while maintaining quality of the formed paper web, as discussed in *Eibel Process Co. v. Minn. & Ont. Paper Co.,* 261 U.S. 45, 64-65 (1923) (see **MPEP § 2106.05(b)**);

iv. Effecting a transformation or reduction of a particular article to a different state or thing, *e.g.,* a process that transforms raw, uncured synthetic rubber into precision-molded synthetic rubber products, as discussed in *Diehr,* 450 U.S. at 184, 209 USPQ at 21 (see **MPEP § 2106.05(c)**);

v. Adding a specific limitation other than what is well-understood, routine, conventional activity in the field, or adding unconventional steps that confine the claim to a particular useful application, *e.g.,* a non-conventional and non-generic arrangement of various computer components for filtering Internet content, as discussed in *BASCOM Global Internet v. AT&T Mobility LLC,* 827 F.3d 1341, 1350-51, 119 USPQ2d 1236, 1243 (Fed. Cir. 2016) (see **MPEP § 2106.05(d)**); or

vi. Other meaningful limitations beyond generally linking the use of the judicial exception to a particular technological environment, *e.g.,* an immunization step that integrates an abstract idea of data comparison into a specific process of immunizing that lowers the risk that immunized patients will later develop chronic immune-mediated diseases, as discussed in *Classen Immunotherapies Inc. v. Biogen IDEC,* 659 F.3d 1057, 1066-68, 100 USPQ2d 1492, 1499-1502 (Fed. Cir. 2011) (see **MPEP § 2106.05(e)**).

MPEP § 2106.05.A. As can be seen, an "inventive concept" (and thus subject matter eligibility) can be demonstrated by showing any one of the MPEP's enumerated "significantly more" considerations. *See id.*

1. "Adding a Specific Limitation other than What is Well-Understood, Routine and Conventional in the Field"

The Federal Circuit has explained that, "an inventive concept can be found in the non-conventional and non-generic arrangement of known conventional pieces." *See Bascom Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1349 (Fed. Cir. 2016). Thus, because claims 1-8 are patentable over the prior art, claims 1-8 must comprise elements which are not "well-understood, routine, and conventional in the field" and recite "significantly more" than any alleged abstract idea – so as to patent eligible. *See* MPEP § 2106.05(d) (Claims that add a "specific limitation other than what is well-understood, routine and conventional in the field" comprise "significantly more" than an abstract idea and are patent eligible.).

As noted above, all 35 U.S.C. Section 102 and 103 rejections have been withdrawn. Thus, claims 1-19 must comprise elements which are not "well-understood, routine, and conventional in the field" and recite "significantly more" than any alleged abstract idea – so as to patent eligible. *See* MPEP § 2106.05.A. (Claims that add a "specific limitation other than what is well-understood, routine and conventional in the field" comprise "significantly more" than an abstract idea and are patent eligible.).

Additionally, the Federal Circuit has stated:

> The question of whether a claim element or combination of elements is well-understood, routine and conventional to a skilled artisan in the relevant field is a question of fact. Any fact . . . pertinent to the invalidity conclusion must be proven by clear and convincing evidence . . . And the Supreme Court recognized that in making the § 101 determination, the inquiry "might sometimes overlap" with other fact-intensive inquiries like [patentability determinations, e.g., novelty and obviousness].

See Berkheimer v. HP Inc., No. 2017-1437, 2018 WL 774096, at *5 (Fed. Cir. Feb. 8, 2018).

Moreover, the Federal Circuit has also opined, that if an applicant's specification does not describe a claimed element as "conventional," and there being no other evidence of conventionality, the claim element is presumed to not be "well understood" or "routine." *See Aatrix Software, Inc. v. Green Shades Software, Inc.*, 882 F.3d 1121, 1128 (Fed. Cir. 2018). Thus, because there is nothing in the Specification describing the instant claim elements as "conventional" and because the prior art fails to disclose all the elements of the instant claims, the instant claims must comprise elements "other than what is well-understood, routine, and conventional in the field" and recite "significantly more" than any alleged abstract idea -- so as to patent eligible. *See, e.g.,* MPEP § 2103 V. (Claims which are novel and non-obvious, i.e., not rejected in view of the prior art, are patentable); and MPEP § 2106.05(d). (Claims that add a "specific limitation other than what is well-understood, routine and conventional in the field" comprise "significantly more" than an abstract idea and are patent eligible.); *see also Bascom Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1349; *Berkheimer v. HP Inc.*, 881 F.3d 1360, 1368 (whether a claim is invalid under Section 101 must be proven by clear and convincing evidence and a determination of patentability is evidence of patent eligibility);[1] and *Aatrix Software, Inc. v. Green Shades Software, Inc.*, 882 F.3d 1121, 1128 (absent evidence to the contrary, claim elements are presumed to be not "well-understood, routine, and conventional in the field").

[1] Applicants appreciate that the Office is not bound by the "clear and convincing" evidentiary standard but submits that it is patently unjust that a claim (e.g., claims 1-18) which would be deemed patent eligible by a court based on the incapability of "clear and convincing" evidentiary burden being met due to the "patentability" of a claim, may never get such an opportunity because of the Office's ignoring of *Diamond v Diehr*, *Bascom*, and *Berkheimer*.

Based on the foregoing, Applicant respectfully submits that claims 1-19 recite "significantly more" than the alleged abstract idea of "engaging in lawful wagering" and therefore, are patent eligible.

2. The Machine or Transformation Test

Applicant contends that claims which satisfy the "machine or transformation" test comprise patent eligible subject matter. MPEP § 2106.05.A referenced above expressly incorporates the machine or transformation" test into its "considerations for determining whether a claim with additional elements amounts to significantly more than the judicial exception itself." *See* MPEP § 2106.05.A.

a) "Applying the Judicial Exception with, or by Use of, a Particular Machine"

Specifically, MPEP § 2106.05.A provides that "[a]pplying the judicial exception with, or by use of, a particular machine"[2] is a limitation which "qualif[ies] as 'significantly more' when recited in a claim with a judicial exception." *See id.*

> Independent claim 1is reproduced below:
>
> 1. A method for providing a manufactured, pre-printed lottery ticket for a random draw comprising:
> (a) **receiving, by a transaction processor**, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed lottery ticket;
> (b) **providing, by a transaction processor** or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and
> (c) **receiving, by the transaction processor** or retailer, from the lottery administration system, indication that draw information has been associated with the manufactured, pre-printed lottery ticket.

See claim 1, *supra* (emphasis added).

[2] *Bilski v Kappos,* 130 S. Ct. 3218, 3227 (2010) (''The Court's precedents establish that the machine-or-transformation test is a useful and important clue, an investigative tool, for determining whether some claimed inventions are processes under § 101.'').

As can be seen, the claims require the claimed method steps be performed by a "transaction processor" to effectuate the claim language. *See id.* As detailed in the Specification:

> The transaction processor system 630 may include a central processing unit (CPU) 604, memory unit 616 and 1/0 interface(s) 608 for communicating with devices external to the transaction processor system630. **Instructions 604 stored in the memory unit 616, when executed by the processing unit 604 provide transaction processing and data exchange functionality 602**. The functionality 602 may process transactions and exchange data from a plurality of different retailers to a single lottery system. Instructions 602 may include any functionality necessary for the successful exchange of data and the activation or cancellation of the pre-printed ticket.

Application at ¶ [0046] (emphasis added).

Based on the foregoing, Applicant contends the instant claims' "transaction processor" results in the instant claims' methods comprising specifically programmed computer processors performing particular, recited functions, even if directed to an abstract idea, is patent-eligible subject matter. As noted by the Supreme Court, "[a] claimed process is surely patent-eligible under § 101 if: (1) it is tied to a particular machine or apparatus . . . ." *See, e.g., In re Bilski,* 545 F.3d 943, 954, (Fed. Cir. 2009); *Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709, 716 (Fed. Cir. 2014) ("[t]he machine-or-transformation test . . . can provide a "useful clue" in the second step of the *Alice* framework . . . ."); *Bancorp Servs., L.L.C. v. Sun Life Assurance Co. of Can.*, 687 F.3d 1266, 1278 (Fed. Cir. 2012) (holding that the machine-or-transformation test remains an important clue in determining whether inventions are processes under § 101); *see also In re Alappat*, 33 F.3d 1526, 1545 (Fed. Cir. 1994) ("[P]rogramming creates a new machine because a general purpose computer, in effect, becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software."); *Finisar Corp. v. DirecTV Grp., Inc.*, 523 F.3d 1323, 1340 (Fed. Cir. 2008) ("[A] computer programmed to implement an algorithm . . . is not the general purpose computer, but rather the special purpose computer programmed to perform the

disclosed algorithm."); *Typhoon Touch Techs., Inc. v. Dell, Inc.*, 659 F.3d 1376, 1385 (Fed. Cir. 2011) ("[T]he term 'algorithm' as a term of art in its broad sense, i.e., to identify a step-by-step procedure for accomplishing a given result . . . ."); and MPEP § 2106.05.A ("apply[] the judicial exception with, or by the use of, a particular machine.").

Thus, Applicant contends the instant claims' devices comprising specifically programmed computer processors performing particular, recited functions, inarguably amount to "significantly more" than the alleged abstract idea of "engaging in lawful wagering" (or any other identified abstract idea), *see* MPEP § 2106.05.A, because under the Federal Circuit's decisions in *In re Bilski*, *In re Alappat*, *Finisar Corp.*, and *Typhoon Touch Techs., Inc.*, the instantly claimed methods and devices comprising specifically programmed computer processors performing particular, recited functions require that any implicated abstract idea is "tied to" or "applied by" "special purpose computers performing particular functions," *see In re Alappat*, 33 F.3d at 1545, i.e., "particular machines." *See, e.g., In re Bilski*, 545 F.3d at 954; MPEP § 2106.05.A; and Interim Examination Instructions For Evaluating Subject matter Eligibility Under 35 U.S.C. § 101, Aug. 24, 2009 at 6 ("For computer implemented processes, the 'machine' is often disclosed as a general purpose computer. In these cases, the general purpose computer may be sufficiently 'particular' when programmed to perform the process steps. Such programming creates a new machine because a general purpose computer, in effect, becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software. To qualify as a particular machine under the test, the claim must clearly convey that the computer is programmed to perform the steps of the method because such programming, in effect, creates a special purpose computer limited to the use of the particularly claimed combination of elements (i.e., the programmed instructions) performing the particularly claimed combination of functions.").

Accordingly, the recitation in claims 1-19 of a "particular machine/special purpose computer" provides the "inventive concept" discussed by the Supreme Court in *Alice*, because the claims recite particular machines/special purpose computers which perform particular functions (e.g., facilitating and managing consumer accounts with associated providers and physical gift cards). *See Alice*, 134 S. Ct. at 2355 ("We have described step two of this analysis as a search for an 'inventive concept' -- i.e., an element or combination of elements that is "sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the [ineligible concept] itself.").

3. "Improvements to Another Technology or Technical Field"

The Federal Circuit has opined, **"inventions with specific applications or improvements to technologies in the marketplace** are not likely to be so abstract that they override the statutory language and framework of the Patent Act." *See Bascom Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1350 (citing *Research Corp. Techs. v. Microsoft Corp.*, 627 F.3d 859, 869 (Fed. Cir. 2010).

Accordingly, the Specification details:

> **Tickets for draw based lotteries are typically printed at the time of purchase on special ticket paper by a printing device approved by the lottery administering body**. The ticket will typically have the draw details such as the date, the numbers that have been selected by the customer or generated on behalf of the customer and a control number that uniquely identifies that ticket. Special ticket paper typically meets critical longevity and stress requirements to ensure the ticket will not deteriorate within a certain period of time and that the control number and selected numbers remain legible. **Typically, the printing device is attached to a single lottery terminal operated by the lottery organization. Although the model of a single terminal and printer is effective for single checkout lane environments such as convenience stores and gas stations, it is not ideal for multi-lane environments such as grocery stores, discount and big box retailers**. Here, the majority of customers complete their shopping and pay through any one of many checkout lanes. A second stop and purchase is required at the lottery terminal location in order

to purchase the lottery draw ticket. **This is extremely inconvenient for most customers who simply bypass the lottery counter**. **Installing an approved printer or any other piece of specialized hardware at every point of payment within a retail environment is cost prohibitive and not an effective use of capital as not all points of payment are open at all times. This is one of the barriers to lottery organizations expanding their sales within multi-lane retail environments**. Other barriers to installing specialized hardware in lane include the lack of available space and the added responsibility and training for the cashier who must operate the hardware. **Using the retailers POS to print the ticket on standard receipt paper is ineffective** since receipt paper is typically of the lowest quality and the ticket can deteriorate prematurely if left if sunlight or comes in contact with water. **It would be desirable to enable customers to include a lottery draw ticket in their basket along with other goods and pay for that basket at any point of payment in a retail location**. **The inclusion of such a lottery draw ticket should not require any additional hardware in lane and should be fully serviced by the existing point of sale equipment. Itis also desirable to merchandise draw based tickets in such a way that the customer experience is enhanced with the purchase convenience while increasing product awareness and impulse lottery purchases**. Currently, online lottery products are produced by a lottery terminal or similar hardware. When an online lottery ticket, such as a ticket to a draw taking place at a later time, is purchased, a ticket is generated and printed by the lottery terminal and printer. **A system is described further herein that provides the ability to include online lottery tickets that can be placed in a customer's shopping cart and paid for during the normal checkout process without the use of specialized hardware such as lottery terminals, ticket printers or customized devices at the point of purchase for the purpose of producing the lottery ticke**t. Since no specialized hardware is required, it is possible to pay for the online lottery tickets at any point of purchase. For example, at a grocery store, the online lottery tickets may be purchased at each check-out lane without requiring lottery terminals or hardware at each lane and as such, **the incorporation of the purchasing at multiple lanes may be cost effective. In addition to the ability to purchase online lottery tickets at a point of sale without additional specialized lottery hardware, the systems and methods allow the online lottery ticket to be displayed and purchased as a common in-store product making the purchase of an online ticket common practice for the customer and the retailer**.

See Application at ¶¶ [0004]-[0019] (emphasis added). As can be seen from the above-recited portion of the Specification, the instant claims are directed to a specific improvement to technologies

in the marketplace, e.g., addressing business challenges of meeting customers' growing demands for random draw based lottery tickets while simultaneously allowing lottery ticket retailers to configure their legacy technologies and systems to sell random draw based lottery tickets at any point of sale register. *See id.* Such technological improvements are patent eligible. *See Bascom Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1350 ("[I]nventions with specific applications or improvements to technologies in the marketplace are not likely to be so abstract that they override the statutory language and framework of the Patent Act."); *see also Zak v. Facebook*, Civ. No. 15-13437 at 20-22 (ED Mich. Sept. 12, 2016) ("[I]n the present case, the claim does not merely permit a known business practice to be performed on the Internet. Instead, **the claim here specifies how a solution will be implemented that addresses a business challenge** particular to the Internet, **namely allowing ordinary users to maintain dynamic websites by managing the content of websites and controlling users' interactions with web pages** . . . the claim contains enough inventive elements to be aimed at **more than a patent on the abstract idea itself**.") (emphasis added).

Based on the foregoing, the evidence of record weighs against a finding of patent ineligibility at least because Applicant's claims recite "significantly more" than the alleged abstract idea. *See* MPEP § 2106.05.A. Based on the foregoing, withdrawal of the rejection of claims 1-19 under 35 U.S.C. 101 is respectfully requested.

CONCLUSION

Consideration of the foregoing remarks, reconsideration of the application, and withdrawal of the rejections are respectfully requested by Applicant. No new matter is introduced by way of amendment. It is believed that each ground of rejection raised in the Office Action dated June 10, 2020 has been fully addressed. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,
BARNES & THORNBURG LLP

Date: September 10, 2020

/Jerry C. Harris, Jr./
Jerry C. Harris, Jr.
Reg. No. 66,822

ATTORNEY FOR APPLICANT

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THE CLAIMS

Listing of claims:

1. (Previously Presented) A method for providing a manufactured, pre-printed lottery ticket for a random draw comprising:

(a) receiving, by a transaction processor, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed lottery ticket;

(b) providing, by a transaction processor or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and

(c) receiving, by the transaction processor or retailer, from the lottery administration system, indication that draw information has been associated with the manufactured, pre-printed lottery ticket.

2. (Previously Presented) The method of claim 1, wherein receiving the transaction request comprises receiving unique product information associated with the manufactured, pre-printed lottery ticket over a secure communication channel from a point of sale (POS) system.

3. (Previously Presented) The method of claim 1, wherein draw information is made available on a printed receipt; by scanning a code on the manufactured, pre-printed lottery ticket; or by entering a unique identifier associated with the manufactured, pre-printed lottery ticket into an online website or mobile application.

4. (Previously Presented) The method of claim 1, further comprising receiving unique product information associated with the manufactured, pre-printed lottery ticket.

5. (Previously Presented) The method of claim 1, further comprising retrieving unique identification information associated with the manufactured, pre-printed lottery ticket from the received product information.

6. (Previously Presented) The method of claim 4, wherein the product information is sufficient to determine one or more of:

a game type associated with the manufactured, pre-printed lottery ticket;

a wager amount associated with the manufactured, pre-printed lottery ticket; and

a number of wagers associated with the manufactured, pre-printed lottery ticket.

7. (Original) The method of claim 1, further comprising validating the received transaction request.

8. (Previously Presented) The method of claim 7, wherein validating the received identification information comprises verifying that the product information corresponds to identification information associated with the manufactured, pre-printed lottery ticket.

9. (Original) The method of claim 8, wherein validating the transaction information includes verifying that the product is validly distributed by the retailer.

10. (Previously Presented) The method of claim 1, wherein the information provided to the lottery administration system includes one or more randomly determined lottery numbers generated at the time the manufactured, pre-printed lottery ticket is purchased at the POS.

11. (Previously Presented) The method of claim 1, wherein the information provided to the lottery administration system includes one or more randomly determined lottery numbers associated with the manufactured, pre-printed lottery ticket prior to the time the manufactured, pre-printed lottery ticket is purchased at the POS.

12. (Original) The method of claim 1, wherein the retailer POS is online.

13. (Previously Presented) The method of claim 1, wherein the manufactured, pre-printed lottery ticket comprises a barcode.

14. (Original) The method of claim 13, wherein the barcode comprises a first party information and a second party information.

15. (Original) The method of claim 13, wherein the barcode comprises a universal product code and pre-printed lottery ticket information.

16. (Previously Presented) The method of claim 1, wherein the manufactured, pre-printed lottery ticket contains information used to redeem a winning prize.

17. (Previously Presented) The method of claim 1, wherein the lottery administration system generates wagers for the manufactured, pre-printed lottery ticket and a draw date is assigned to the wagers.

18. (Original) The method of claim 1, wherein lottery numbers are entered in a draw.

19. (Original) The method of claim 7, wherein the validation comprises age validation.

20. (Withdrawn -- Amended) A method for providing a product for a draw comprising:

(a) providing, by a transaction processor or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and

(b) receiving, by the transaction processor or retailer, from the lottery administration system, indication that draw information has been associated with a manufactured, pre-printed lottery ticket.

PTO/SB/06 (09-11)
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 16/280,629	Filing Date 02/20/2019	☐ To be Mailed

ENTITY: ☑ LARGE ☐ SMALL ☐ MICRO

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA		RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A		N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A		N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A		N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*		x $100 =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*		x $460 =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).				
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))					
* If the difference in column 1 is less than zero, enter "0" in column 2.				TOTAL	

APPLICATION AS AMENDED - PART II

		(Column 1)		(Column 2)	(Column 3)			
AMENDMENT	09/10/2020	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 20	Minus	** 20	= 0		x $100 =	0
	Independent (37 CFR 1.16(h))	* 1	Minus	*** 3	= 0		x $460 =	0
	☐ Application Size Fee (37 CFR 1.16(s))							
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							
							TOTAL ADD'L FEE	0

		(Column 1)		(Column 2)	(Column 3)			
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	*	Minus	**	=		x $0 =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=		x $0 =	
	☐ Application Size Fee (37 CFR 1.16(s))							
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							
							TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.	SLIE
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".	/Theresa OKON/
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".	
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.	

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/280,629	02/20/2019	Gino Giunti	4556.23103	5484

15608 7590 06/10/2020

Blackhawk Network, Inc.
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EXAMINER	
PANDYA, SUNIT	

ART UNIT	PAPER NUMBER
3649	

NOTIFICATION DATE	DELIVERY MODE
06/10/2020	ELECTRONIC

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

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

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

wppatents@wickphillips.com

Office Action Summary	Application No. 16/280,629	Applicant(s) Giunti, Gino	
	Examiner SUNIT PANDYA	Art Unit 3649	AIA (FITF) Status Yes

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

1)☑ Responsive to communication(s) filed on 4/27/20.

☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2a)☐ This action is **FINAL.** 2b) ☑ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

5) ☑ Claim(s) 1-19 is/are pending in the application.

5a) Of the above claim(s) 20 is/are withdrawn from consideration.

6) ☐ Claim(s) _____ is/are allowed.

7) ☑ Claim(s) 1-19 is/are rejected.

8) ☐ Claim(s) _____ is/are objected to.

9) ☐ Claim(s) _____ are subject to restriction and/or election requirement

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to **PPHfeedback@uspto.gov.**

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

1) ☑ Notice of References Cited (PTO-892)

2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) Paper No(s)/Mail Date _____.

3) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

4) ☐ Other: _____.

DETAILED ACTION

Notice of Pre-AIA or AIA Status

The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

Continued Examination

This action is in response to the Request for Continued Examination filed on 4/27/20 wherein the examiner acknowledges that claims 1-6, 8, 10-11, 13 & 16-17 have been amended, no additional claims have been added and claim 20 remains withdrawn. Consequently, claims 1-19 are currently pending.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*,

686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on nonstatutory double patenting provided the reference application or patent either is shown to be commonly owned with the examined application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. See MPEP § 717.02 for applications subject to examination under the first inventor to file provisions of the AIA as explained in MPEP § 2159. See MPEP §§ 706.02(l)(1) - 706.02(l)(3) for applications not subject to examination under the first inventor to file provisions of the AIA. A terminal disclaimer must be signed in compliance with 37 CFR 1.321(b).

The USPTO Internet website contains terminal disclaimer forms which may be used. Please visit www.uspto.gov/patent/patents-forms. The filing date of the application in which the form is filed determines what form (e.g., PTO/SB/25, PTO/SB/26, PTO/AIA/25, or PTO/AIA/26) should be used. A web-based eTerminal Disclaimer may be filled out completely online using web-screens. An eTerminal Disclaimer that meets all requirements is auto-processed and approved immediately upon submission. For more information about eTerminal Disclaimers, refer to www.uspto.gov/patents/process/file/efs/guidance/eTD-info-I.jsp.

Claims 1-19 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 9,865,135. Although the claims at issue are not identical, they are not patentably distinct from each other because the

current application substantially claims the same limitations as the patent, except for one missing limitation. The current application fails to claim "scanning at a point of sale terminal a pre-printed lottery ticket". It would have been obvious for one with ordinary skill in the art, at the time of applicant's invention to have included a scanner to scan the information related to the pre-printed lottery ticket, thus streamlining the upload system to the lottery administrator.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The claimed invention is directed to a judicial exception (i.e., a law of nature, a natural phenomenon, or an abstract idea) without significantly more.

Subject matter eligibility determinations under 35 U.S.C. § 101 follow the procedure explained in the Federal Register notice titled **2014 Interim Guidance on Patent Subject Matter Eligibility** (79 FR 74618), which is found at: http://www.gpo.gov/fdsys/pkg/FR-2014-12-16/pdf/2014-29414.pdf.

Based upon consideration of all the relevant factors with respect to the claims as a whole, claims 1-19 are rejected under 35 U.S.C. 101 as being directed to ineligible subject matter.

Although the claim(s) are drawn to at least one of the four statutory categories of invention (i.e. process, machine, manufacture, or composition satisfying Step I of an eligibility analysis), which would normally be considered within an appropriate statutory category, as has been noted in the recent Supreme Court decisions *Bilski v. Kappos*,

130 S. Ct. 3218, 3227 (2010), *Alice Corp. Pty. Ltd. v. CLS Bank International, 134 S.Ct. 2347(2014)), (*Case No. 13-298 (Supr. Ct., June 19, 2014), and the Court of Appeals for the Federal Circuit in *CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366 (Fed. Cir. 2011), *Bancorp Services, L. L. C v Sun Life Assur. Co. of Canada (U.S.)*, -- F.3d ---, 2012, (Fed. Circ. 2012), one must then look beyond whether the claim falls within a statutory category and determine whether or not the claim is an attempt to patent ineligible subject matter which the courts have proclaimed judicially excepted, specifically, laws of nature, physical phenomena, and abstract ideas (constituting Steps 2A and 2B of the eligibility analysis). The Supreme Court noted that said decisions are instructive on how to investigate issues of subject matter eligibility and that the question underlying such an investigation is whether or not the claim is an attempt to claim subject matter which has been judicially excepted.

The 2014 Interim Guidance outlines Steps 2A and 2B equivalent to Parts I and II of the Mayo test) which must be undertaken as they pertain to the concept of abstract ideas.

Step 2A - A determination of whether the claim(s) is/are directed to a law of nature, a natural phenomenon, or an abstract idea must be performed. Examples of abstract ideas include:

a. Fundamental economic practices;

b. Certain methods of organizing human activities;

c. An idea “of itself”; and

d. Mathematical relationships/formulas.

Types of concepts the courts have found to be abstract ideas include: mitigating settlement risk; hedging; creating a contractual relationship; using advertising as an exchange or currency; processing information through a clearinghouse; comparing new and stored information and using rules to identify options; using categories to organize, store, and transmit information; organizing information through mathematical correlations; managing a game of bingo; the Arrhenius equation for calculating the cure time of rubber, a formula for updating alarm limits, a mathematical formula relating to standing wave phenomena, and a mathematical procedure for converting one form of numerical representation to another.

Step 2B - A determination of whether the claim(s) amounts to significantly more than the abstract idea itself.

Non-limiting or non-exclusive examples of limitations which qualify as "significantly more" include:

e. Improvements in another technology or technical field;

f. Improvements in the functioning of the computer itself;

g. Applying the judicial exception with, or by use of, a particular machine;

h. Effecting a transformation or reduction of a particular article to a different state or thing;

i. Adding a specific limitation other than what is well-understood, routine and conventional in the field, or adding unconventional steps that confine the claim to a particular useful application;

j. Other meaningful limitations beyond generally linking the use of an abstract idea to a particular technological environment.

Non-limiting or non-exclusive examples of limitations which fail to qualify as "significantly more" include:

k. Adding the words "apply it" (or equivalent) with an abstract idea, or mere instructions to implement an abstract idea on a computer;

l. Simply appending well-understood, routine and conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception, e.g., a claim to an abstract idea requiring no more than a generic computer to perform generic computer functions that are well-understood, routine, and conventional activities previously known in the art;

m. Adding insignificant extrasolution activity to the judicial exception, e.g., mere data gathering in conjunction with a law of nature or abstract idea;

n. Generally linking the use of the judicial exception to a particular technological environment or field of use.

A patent may be obtained for "any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof." 35 U.S.C. § 101. The Supreme Court has "long held that this provision contains an important implicit exception[:] Laws of nature, natural phenomena, and abstract ideas are not patentable." Ass'n for Molecular Pathology v. Myriad Genetics, Inc., 133 S. Ct. 2107, 2116 (2013) (quoting Mayo Collaborative Servs. v. Prometheus Labs., Inc., 132 S. Ct. 1289, 1293 (2012)). Under the now familiar two-part test described by the Supreme Court in Alice, "[w]e must first determine whether the claims at issue are directed to a patent-ineligible concept," such as an abstract idea. Alice Corp. Pty. Ltd. v.

CLS Bank Int'l, 134 S. Ct. 2347, 2355 (2014). If so, we must then "consider the elements of each claim both individually and 'as an ordered combination' to determine whether the additional elements 'transform the nature of the claim' into a patent-eligible application." Id. (quoting Mayo, 132 S. Ct. at 1298, 1297).

In the instant application, the claims, when analyzed as a whole, are held to be non-statutory because they are considered to be drawn to an abstract idea without any limitations which qualify as "significantly more" than the abstract idea itself.

Under Step 2A, and based on Supreme Court decision for similar subject matter {*OIP Techs., Inc. v. Amazon.com, Inc., 788 F.3d 1359, 1362 (Fed. Cir. 2015)*}, the current application has been rejected as the claims are directed to the abstract idea of lottery game over a computing network. See United States Court of Appeals for the Federal Circuit decision *TLI Communications LLC v. A. V Automotive, LLC.*

In the instant application, the claims, when analyzed as a whole, are held to be non-statutory because they are considered to be drawn to an abstract idea (i.e., Certain methods of organizing human activities, engaging in lawful wagering) without any limitation(s) which qualify as "significantly more" than the abstract idea itself, but which are merely implemented/applied on a computer.

Under Step 2A, the claims are directed towards statutory categories of invention. The claimed invention relates to remote lottery game. The claims are directed towards implementing a lottery game implemented over a network. Remote users are permitted to purchase lottery tickets and determine, remotely if said ticket is a winning ticket, after a drawing. All independent claims recite this principle.

Additionally, this concept is considered a method of organizing human activity by providing a network based game, based on the information provided by a user. Organizing human activity is used to describe concepts relating to interpersonal and intrapersonal activities, such as managing transactions between people and sales activities (i.e. web based POS and verification related to sale, and in this case lottery sales), advertising, marketing, pricing, resource management, and sales activities or behaviors (see July 2015 Update: Section III (B)). Several precedential cases have found concepts relating to advertising, marketing, pricing, and sales activities or behaviors abstract. One such example is the use of advertising as an exchange or currency (Ultramercial v. Hulu 772 F.3d 709, 112 U.S.P.Q.2d 1750 (Fed. Cir. 2014)). Additional precedential courts have found abstract examples of organizing human activity to include structuring a sales force or marketing company (in re Ferguson 558 F.3d 1359, 90 U.S.P.Q.2d 1035 (Fed. Cir. 2009)), automatic optimization of pricing in an ecommerce environment or pricing products in organization groups (OIP Technologies, Inc. v. Amazon.com, Inc. 788 F.3d 1359 (Fed. Cir. 2015) and Versata Development Group v. SAP America, Inc. 793 F.3d. 1306 (Fed. Cir. 2015)) and managing tasks and sales force activities and resources (Accenture Global Services, GmbH v. Guidewire Software 728 F.3d 1336 (Fed. Cir. 2013)).

Finally, the concept of identifying and transmitting lottery information to a user further represents 'an idea itself' (see July 2015 Update: Section III (C)) inasmuch as it is related to processes of identifying, comparing, processing, and presenting data. Several precedential cases have found concepts relating to processes of identifying, comparing, processing, and presenting data to be mere ideas in themselves. One

example includes selecting/identifying displayed data, manipulating the data through encoding and decoding processes, and generating new outputs/displays (Recognicorp, LLC, v. Nintendo Co., Ltd., Nintendo of America, Inc., No. 2:12-cv-01873-RAJ (2017)). The courts have addressed other computerized processes for of identifying, comparing, processing, and presenting data including data collecting and comparing known information (Classen Immunotherapies Inc. v. Biogen IDEC 659 F.3d 1057(Fed. Cir. 2011)), collecting information, analyzing it, and displaying certain results of the collection and analysis (,Electric Power Group, LLC v. Alstom 830 F.3d 1350, 119 U.S.P.Q.2d 1739 (Fed. Cir. 2016))] extracting, organizing, storing and transmitting data (Content Extraction and Transmission LLC v. Wells Fargo Bank, National Ass'n. 776 F.3d 1343 (Fed. Cir. 2014)) and obtaining and comparing intangible data (Cybersource Corp v. Retail Decisions, Inc. 654 F.3d 1366, 99 U.S.P.Q.2d 1690 (Fed. Cir. 2011)) (see July 2015 Update: Section III (C)).

The Examiner deems that the claimed invention therefore is directed to the abstract idea of “engaging in lawful wagering”. Further, the breadth of the claim when viewed as a whole clearly seeks to “tie up” the abstract idea.

Therefore, while it is understood that the claims in the current application are not verbatim recitations of the guidelines or case law, the detailed analysis provided above shows how the current claim limitations at issue closely parallel the concepts provided by the guidelines and the precedential case law, and are therefore considered to be directed to an abstract idea (Step 2A: YES).

Under Step 2B, the examiner acknowledges the additional limitations. These limitations however are used for data gathering and presentation and as such merely

represents insignificant pre and post solution activity. Even assuming arguendo that the claims are not insignificant pre and post solution activities or mental activities, each of the functions performed by the machinery are well-understood, routine, and conventional (i.e., receiving and processing data, and receiving or transmitting data over a network, e.g., using the Internet to gather data (see July 2015 Update: Section IV)).

Thus, under Step 2B, the Examiner concludes that there are no meaningful limitations in the claim that transform the judicial exception into a patent eligible application such that the claim amounts to significantly more than the judicial exception itself (Step 2B: NO). Thus, the independent claims are rejected as directed to a judicial exception, and it is, therefore, ineligible to be patented under 35 USC § 101 in view of the test.

Response to Arguments

Applicant's arguments filed 4/27/20 with respect to 35 USC 101 have been fully considered but they are not persuasive.

Applicant argues that Examiner did not set forth a prime facie case apparently because the Examiner did not provide an in-depth, word-for-word analysis of each and every claim. No such analysis is required to be supplied. While Examiner must conduct such an analysis, there is no requirement that Examiner may not summarize the results thereof. While there has been no guidance from the Office or from the Courts, Examiner cannot agree that abstract ideas become patentable just because the Examiner did not hit upon the proper "incantation".

Regarding the Applicant's arguments that "Each of the pending claims expressly recite a "transaction processor" operating to perform the claimed methods, *see* claim 1, which is undoubtedly a machine under MPEP § 2106.04(a)(2)II. *See id see also* Application at]} [0046] ("The transaction processor system 630 may include a central processing unit (CPU) 604, memory unit 616 and 1/0 interface(s) 608 for communicating with devices external to the transaction processor system630. Instructions 604 stored in the memory unit 616, when executed by the processing unit 604 provide transaction processing and data exchange functionality 602. The functionality 602 may process transactions and exchange data from a plurality of different retailers to a single lottery system. Instructions 602 may include any functionality necessary for the successful exchange of data and the activation or cancellation of the pre-printed ticket.')"; the examiner respectfully disagrees. The physical components disclosed in claim 1 includes a generic processor considered individually and as an ordered combination merely implement the abstract idea at a high level of generality and fail to impose meaningful limitations to impart patent-eligibility. If the additional element (or combination of elements) is a specific limitation other than what is well-understood, routine and conventional in the field, for instance because it is an unconventional step that confines the claim to a particular useful application of the judicial exception, then this consideration favors eligibility. If, however, the additional element (or combination of elements) is no more than well-understood, routine, conventional activities previously known to the industry, which is recited at a high level of generality, then this consideration does not favor eligibility. In the claims, as currently presented, the applicant has failed to provide more than well-understood, routine,

conventional activities previously known to the industry. Thus the claims fail to overcome 35 USC 101.

The examiner would like to reiterate that pre-Alice, it was the Office's position that limiting the claims to a computer-implemented embodiment was enough to overcome this problem and confer patent-eligibility. With the Alice decision, this is no longer the case. Implementing an abstract idea on a generic computer will not confer patent-eligibility. Since Applicant's invention is the implementation of certain methods of organizing human activities, it cannot be patent-eligible.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUNIT PANDYA whose telephone number is (571)272-2823. The examiner can normally be reached on M-F 9:30-6:30PM.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at http://www.uspto.gov/interviewpractice.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darnell Jayne can be reached on 571-272-7723. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see https://ppair-my.uspto.gov/pair/PrivatePair. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SUNIT PANDYA/
Primary Examiner, Art Unit 3649

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	Examiner SUNIT PANDYA	Art Unit 3649	Page 1 of 1

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

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	16/280,629	Giunti, Gino
	Examiner	Art Unit
	SUNIT PANDYA	3649

CPC - Searched*		
Symbol	Date	Examiner

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	Date	Examiner
Conducted text searches in EAST, see attached notes	08/22/2019	SP
Prior searches updated, see attachment	01/28/2020	SP
Updated prior searches in EAST, see search attachment	06/05/2020	SP

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner

EAST Search History

EAST Search History (Prior Art)

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S36	234	online with lottery with ticket with draw$4	US-PGPUB; USPAT	OR	ON	2017/09/17 23:32
S37	228	S36 AND ((G07F17/34 OR G07F17/3244 OR G07F17/3213 OR G07F17/3258 OR G07F17/3267 OR G07F17/329 OR G07F17/326 OR G07F17/3225 OR G07F17/3248 OR G07F17/3255 OR G07F17/3211 OR G07F17/3246 OR G07F17/3276 OR G07F17/3209 OR G07F17/323 OR G07F17/3239 OR G07F17/3262 OR G07F17/3288 OR G07F17/32 OR G07F17/3293 OR G07F17/3227 OR G07F17/3251 OR G07F17/3269 OR G07F17/3204 OR G07F17/3223 OR G07F17/3218 OR G07F17/3237 OR G07F17/3272 OR G07F17/3295 OR G07F17/3241 OR G07F17/42 OR G07F17/3253 OR G07F17/3265 OR G07F17/3274 OR G07F17/3281 OR G07F17/3283).CPC.)	US-PGPUB; USPAT	OR	ON	2017/09/17 23:32

S38	44	S36 AND ((G06Q50/34 OR G06Q30/02 OR G06Q30/0209 OR G06Q30/0212 OR G06Q30/0213 OR G06Q30/0222 OR G06Q30/0225 OR G06Q30/0226 OR G06Q30/0234 OR G06Q30/0236 OR G06Q30/0238 OR G06Q30/0239 OR G06Q10/02 OR G06Q20/108 OR G06Q20/3224 OR G06Q30/0605 OR G06Q20/045 OR G06Q10/06 OR G06Q20/00 OR G06Q20/065 OR G06Q10/0635 OR G06Q20/0453 OR G06Q20/123 OR G06Q20/202 OR G06Q20/209 OR G06Q20/325 OR G06Q20/36 OR G06Q20/387 OR G06Q30/0229 OR G06Q30/0267 OR G06Q30/0273 OR G06Q30/06 OR G06Q30/0601 OR G06Q30/0641 OR G06Q50/01).CPC.)	US-PGPUB; USPAT	OR	ON	2017/09/17 23:34
S39	32	S36 AND ((A63F13/00 OR A63F3/0645 OR A63F2250/64 OR A63F3/0605 OR A63F13/30 OR A63F3/065 OR A63F13/12 OR A63F13/45 OR A63F13/77 OR A63F2003/086 OR A63F3/06 OR A63F3/08 OR A63F3/081 OR A63F9/10 OR A63F9/24).CPC.)	US-PGPUB; USPAT	OR	ON	2017/09/17 23:35
S44	216	(pre adj print$3) with lottery with ticket	US-PGPUB; USPAT	OR	OFF	2019/04/01 16:37
S45	303	(pre adj print$3) with lottery with ticket	US-PGPUB; USPAT	OR	ON	2019/04/01 16:37
S46	15	((pre adj print$3) with lottery with ticket) with POS	US-PGPUB; USPAT	OR	ON	2019/04/01 16:40
S47	17	(lottery with ticket) with (pre adj print$3) with (identif$7 with (number$4 or informat$4))	US-PGPUB; USPAT	OR	OFF	2019/08/21 14:19
S48	19	(lottery with ticket) with (pre adj print$3) with (identif$7 with (number$4 or informat$4))	US-PGPUB; USPAT	OR	ON	2019/08/21 14:56
S49	46	("4815741" | "5007641" | "5216595" | "5239165" | "5451052" | "5560610" | "5588649" | "5772511" | "5871398" | "5897625" | "6119099" | "6267670").PN. OR ("6899621").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2019/08/21 16:04
S50	8	((lottery with ticket) with (pre adj print$3)) and S49	US-PGPUB; USPAT	OR	ON	2019/08/21 16:36
S51	22	("20030045340" | "20050059465" | "20060160602" | "20060258433" | "20120122536" | "20130005431" | "4087092" | "5282620" | "5772510" | "5935000" |	US-PGPUB; USPAT; USOCR	OR	OFF	2019/08/21 16:39

		"6210276" | "7204756" | "7381132" | "7416483" | "7563164" | "7627497" | "7665394" | "7914371" | "8216045" | "8398484" | "8672325").PN. OR ("9443397").URPN.				
S52	22	("20030045340" | "20050059465" | "20060160602" | "20060258433" | "20120122536" | "20130005431" | "4087092" | "5282620" | "5772510" | "5935000" | "6210276" | "7204756" | "7381132" | "7416483" | "7563164" | "7627497" | "7665394" | "7914371" | "8216045" | "8398484" | "8672325").PN. OR ("9443397").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2019/08/21 16:42
S53	7	((lottery with ticket) with (pre adj print$3)) and S52	US-PGPUB; USPAT	OR	ON	2019/08/21 16:42
S54	218	"6,241,606"	US-PGPUB; USPAT	OR	ON	2019/08/21 16:44
S55	2	"15833566"	US-PGPUB; USPAT	OR	OFF	2019/08/27 18:19
S56	862	human with body with organ with function$4	US-PGPUB; USPAT	OR	OFF	2019/08/28 12:32
S57	1,780	human with body with organ with function$4	US-PGPUB; USPAT	OR	ON	2019/08/28 12:32
S58	16	human with body with organ with function$4 with observ$4	US-PGPUB; USPAT	OR	ON	2019/08/28 12:33
S59	319	human with body with organ with function$4	USPAT	OR	OFF	2019/08/28 12:34
S60	665	human with body with organ with function$4	USPAT	OR	ON	2019/08/28 12:34
S61	1	human with body with organ with function$4 with visual	USPAT	OR	ON	2019/08/28 12:35
S62	14	human with body with organ with function$4 with (view$4 or visual)	US-PGPUB; USPAT	OR	ON	2019/08/28 12:35
S63	2	("2008/0233549").URPN.	USPAT	OR	OFF	2019/08/28 12:37
S64	50	("20020119433" | "20020173778" | "20020198516" | "20030197716" | "20040059321" | "20040088650" | "20040213437" | "20040215719" |	US-PGPUB; USPAT; USOCR	OR	OFF	2019/08/28 12:37

		"20060004745" | "20060036619" | "20070196007" | "20080001968" | "20080091780" | "20080233549" | "20090024365" | "20090089154" | "20090287331" | "20100100364" | "20100131283" | "20100131293" | "20100131874" | "20100138231" | "20100153234" | "20100254382" | "20110004110" | "20110025883" | "20110026836" | "20110026839" | "20110029553" | "20110029562" | "20110029635" | "20110029914" | "20110157226" | "20110157227" | "20110157228" | "20110285748" | "20110313934" | "20120173969" | "20120284642" | "20120284644" | "20120284645" | "20120284646" | "5098426" | "6888546" | "6983420" | "7000179" | "7783096" | "7804982" | "8316237").PN. OR ("9164666").URPN.				
S65	7	("20090227320" | "20100093421" | "5935000" | "6322446" | "8219497" | "8408986" | "8784180").PN.	US-PGPUB; USPAT	OR	OFF	2019/08/28 15:01
S66	1	"14679028"	USPAT	OR	OFF	2019/08/28 17:01
S67	0	"16280629"	USPAT	OR	OFF	2020/06/04 17:56
S68	2	"16280629"	US-PGPUB; USPAT	OR	OFF	2020/06/04 17:56
S69	27	("20030045340" | "20050059465" | "20060160602" | "20060258433" | "20120122536" | "20130005431" | "4087092" | "5282620" | "5709603" | "5772510" | "5935000" | "6210276" | "7381132" | "7416483" | "7563164" | "7627497" | "7665394" | "7914371" | "8216045" | "8398484").PN. OR ("9251663").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2020/06/04 18:02

EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S40	0	online with lottery with ticket with draw$4 with unique with identif$7	USPAT	OR	ON	2017/09/17 23:43
S41	0	"15070954"	USPAT	OR	ON	2017/09/18 11:42

S42	1	"15070954"	US-PGPUB; USPAT	OR	ON	2017/09/18 11:42
S43	12	"11353920"	US-PGPUB; USPAT	OR	ON	2017/09/18 12:31

6/5/2020 4:01:23 PM
C:\Users\spandya\Documents\EAST\Workspaces\16280629.wsp

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/280,629	02/20/2019	Gino Giunti	4556.23103	5484

15608 7590 04/28/2020

Blackhawk Network, Inc.
3131 McKinney Avenue
Suite 100
Dallas, TX 75204

EXAMINER	
PANDYA, SUNIT	

ART UNIT	PAPER NUMBER
3649	

NOTIFICATION DATE	DELIVERY MODE
04/28/2020	ELECTRONIC

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

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

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

wppatents@wickphillips.com

Applicant-Initiated Interview Summary	**Application No.** 16/280,629	**Applicant(s)** Giunti, Gino	
	Examiner SUNIT PANDYA	**Art Unit** 3649	**AIA (FITF) Status** Yes

All participants (applicant, applicants representative, PTO personnel):

(1) SUNIT PANDYA. (3) _____.

(2) Jerry Harris. (4) _____.

Date of Interview: 23 April 2020.

Type: ☑ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☐ No.
If Yes, brief description: _____.

Issues Discussed ☑101 ☐112 ☐102 ☐103 ☐Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: 1.

Identification of prior art discussed: NA.

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

The Examiner and the applicant discussed the claims as presented. The Examiner and Mr. Harris discussed 35 USC 101 rejection because of the Supreme Court decision in Alice Corp. v. CLS Bank International; as the claims, currently presented, are rejected under 35 USC 101. The applicant discussed possible claim amendments to overcome the 101 rejection, however no agreement has been reached..

Applicant recordation instructions: The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview.

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/SUNIT PANDYA/ Primary Examiner, Art Unit 3649	

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) 1.133 Interviews
Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.
All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiners responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicants correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:
- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:
1) A brief description of the nature of any exhibit shown or any demonstration conducted,-
2) an identification of the claims discussed,
3) an identification of the specific prior art discussed,
4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
6) a general indication of any other pertinent matters discussed, and
7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicants record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiners version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, Interview Record OK on the paper recording the substance of the interview along with the date and the examiners initials.

PTO/SB/30EFS (02-18)
Approved for use through 11/30/2020. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

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

Application Number	16280629	Filing Date	2019-02-20	Docket Number (if applicable)	4556.23103	Art Unit	3649
First Named Inventor	Gino Giunti			Examiner Name	Sunit Pandya		

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

SUBMISSION REQUIRED UNDER 37 CFR 1.114

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

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

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

☒ Enclosed

- ☒ Amendment/Reply
- ☐ Information Disclosure Statement (IDS)
- ☐ Affidavit(s)/ Declaration(s)
- ☐ Other _____

MISCELLANEOUS

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

☐ Other _____

FEES

☐ **The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.**
The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No _____

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

Applicant Signature

PTO/SB/30EFS (02-18)
Approved for use through 11/30/2020. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Signature of Registered U.S. Patent Practitioner			
Signature	/Jerry C. Harris, Jr./	Date (YYYY-MM-DD)	2020-04-27
Name	Jerry C. Harris, Jr.	Registration Number	66822

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

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

Privacy Act Statement

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

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Gino Giunti	§	
		§	Group Art Unit: 3649
Serial No.	16/280,629	§	
		§	Examiner: Sunit Pandya
Filed:	February 20, 2019	§	
		§	Confirmation No.: 5484
For:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS	§	

Mail Stop: RCE
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF EFS-WEB FILING

Pursuant to 37 CFR § 1.8, I hereby certify that this correspondence is being electronically submitted to the U.S. Patent and Trademark Office website, www.uspto.gov, on

04/27/2020 .
(Date submitted)

/Kathleen Weese./
Kathleen Weese

AMENDMENTS AND RESPONSE TO
FINAL OFFICE ACTION DATED JANUARY 31, 2020
AND ADVISORY ACTION DATED APRIL 13, 2020

Dear Sir:

In response to the Final Office Action dated January 31, 2020 (the "Final Office Action) and the Advisory Action dated April 13, 2020 (the "Advisory Action"), Applicant respectfully requests the following amendments to the above-identified application as follows. The changes made are shown by underlining the added text and striking through the deleted text.

The Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

THE CLAIMS

Listing of claims:

1. (Currently Amended) A method for providing a manufactured, pre-printed lottery ticket for a random draw comprising:

(a) receiving, by a transaction processor, a transaction request from a retailer point of sale (POS) to activate ~~a~~ the manufactured, pre-printed lottery ticket;

(b) providing, by a transaction processor or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and

(c) receiving, by the transaction processor or retailer, from the lottery administration system, indication that draw information has been associated with the manufactured, pre-printed lottery ticket;

~~wherein said pre-printed lottery ticket comprises two or more codes~~.

2. (Currently Amended) The method of claim 1, wherein receiving the transaction request comprises receiving unique product information associated with the manufactured, pre-printed lottery ticket over a secure communication channel from a point of sale (POS) system.

3. (Currently Amended) The method of claim 1, wherein draw information is made available on a printed receipt; by scanning a code on the manufactured, pre-printed lottery ticket; or by entering a unique identifier associated with the manufactured, pre-printed lottery ticket into an online website or mobile application.

4. (Currently Amended) The method of claim 1, further comprising receiving unique product information associated with the manufactured, pre-printed lottery ticket.

5. (Currently Amended) The method of claim 1, further comprising retrieving unique identification information associated with the manufactured, pre-printed lottery ticket from the received product information.

6. (Currently Amended) The method of claim 4, wherein the product information is sufficient to determine one or more of:

a game type associated with the manufactured, pre-printed lottery ticket;

a wager amount associated with the manufactured, pre-printed lottery ticket; and

a number of wagers associated with the manufactured, pre-printed lottery ticket.

7. (Original) The method of claim 1, further comprising validating the received transaction request.

8. (Currently Amended) The method of claim 7, wherein validating the received identification information comprises verifying that the product information corresponds to identification information associated with the manufactured, ~~a~~ pre-printed lottery ticket.

9. (Original) The method of claim 8, wherein validating the transaction information includes verifying that the product is validly distributed by the retailer.

10. (Currently Amended) The method of claim 1, wherein the information provided to the lottery administration system includes one or more randomly determined lottery numbers generated at the time the manufactured, pre-printed lottery ticket is purchased at the POS.

11. (Currently Amended) The method of claim 1, wherein the information provided to the lottery administration system includes one or more randomly determined lottery numbers associated with the manufactured, pre-printed lottery ticket prior to the time the manufactured, pre-printed lottery ticket is purchased at the POS.

12. (Original) The method of claim 1, wherein the retailer POS is online.

13. (Currently Amended) The method of claim 1, wherein the manufactured, pre-printed lottery ticket ~~at least one of the two or more codes~~ comprises a barcode.

14. (Original) The method of claim 13, wherein the barcode comprises a first party information and a second party information.

15. (Original) The method of claim 13, wherein the barcode comprises a universal product code and pre-printed lottery ticket information.

16. (Currently Amended) The method of claim 1, wherein the manufactured, pre-printed lottery ticket contains information used to redeem a winning prize.

17. (Currently Amended) The method of claim 1, wherein the lottery administration system generates wagers for the manufactured, pre-printed lottery ticket and a draw date is assigned to the wagers.

18. (Original) The method of claim 1, wherein lottery numbers are entered in a draw.

19. (Original) The method of claim 7, wherein the validation comprises age validation.

20. (Withdrawn – Currently Amended) A method for providing a product for a draw comprising:

(a) providing, by a transaction processor or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and

(b) receiving, by the transaction processor or retailer, from the lottery administration system, indication that draw information has been associated with ~~the~~ a manufactured, pre-printed lottery ticket~~;~~

~~wherein said pre-printed lottery ticket comprises one or more codes~~.

REMARKS/ARGUMENTS

Status of Claims

Claims 1-6, 8, 10, 11, 13, 16, and 17 are currently amended.

Claims 7, 9, 12, 14, 15, and 18-19 are original.

Claim 20 is withdrawn – currently amended.

Claims 1-20 are currently pending in this application.

Applicant hereby requests further examination and reconsideration of the presently claimed application.

Withdrawal of 35 U.S.C. §§ 102 and 103 Rejections

Applicant thanks the Examiner for withdrawing all prior art rejections.

Claim Amendments

Independent claims 1 and 20 have been amended to recite:

> 1. A method for providing a **manufactured, pre-printed** lottery ticket for a random draw comprising:
>
> (a) receiving, by a transaction processor, a transaction request from a retailer point of sale (POS) to activate **the manufactured,** pre-printed lottery ticket;
>
> (b) providing, by a transaction processor or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and
>
> (c) receiving, by the transaction processor or retailer, from the lottery administration system, indication that draw information has been associated with the **manufactured,** pre-printed lottery ticket.

See claim 1, *supra* (emphasis added).

> 20. A method for providing a product for a draw comprising:
>
> (a) providing, by a transaction processor or retailer, to a lottery administration system unique identification information

> associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and
>
> (b) receiving, by the transaction processor or retailer, from the lottery administration system, indication that draw information has been associated with **a manufactured,** pre-printed lottery ticket.

See claim 1, *supra* (emphasis added).

Dependent claims 2-6, 8, 10, 11, 13, 16, and 17 have been similarly amended. Support for the amending language is found in the Specification. *See* Application at ¶ [0020] ("The online lottery ticket is manufactured and distributed as pre-printed lottery tickets that do not have a draw date or wager (i.e. lottery numbers) assigned or associated to the pre-printed ticket.").

Claim Rejections – 35 U.S.C. § 101

A. The Rejections under 35 U.S.C. § 101

Claims 1-19 stand rejected under 35 U.S.C. 101 as being directed to ineligible subject matter. The claimed invention is directed to a judicial exception without significantly more.

1. Step 2A of the *Mayo* Test

a) The January 2019 Guidance

On January 7, 2019, the USPTO issued The Computer-Implemented Functional Claims Limitations Guidance (the "January 2019 Guidance") wherein the USPTO revised Step 2A of the *Mayo* Test to now comprise two separate prongs. Under Prong One of Step 2A, "examiners should evaluate whether the claim recites a judicial exception, i.e., an abstract idea, a law of nature, or a natural phenomenon." *See* Fed. Reg. Vol. 84, No. 4 at 54 (Jan. 7, 2019). The January 2019 Guidance explained Step 2A was changed compared to prior guidance:

> To determine whether a claim recites an abstract idea in Prong One, examiners are now to: (a) Identify the specific limitation(s) in the claim under examination (individually or in combination) that the examiner believes recites an abstract idea; and (b) determine whether the identified limitation(s) falls within the subject matter

> groupings of abstract ideas enumerated in Section I of the 2019 Revised Patent Subject Matter Eligibility Guidance. If the identified limitation(s) falls within the subject matter groupings of abstract ideas enumerated in Section I, **analysis should proceed to Prong Two in order to evaluate whether the claim integrates the abstract idea into a practical application**. When evaluating Prong One, examiners are no longer to use the USPTO's ''Eligibility Quick Reference Sheet Identifying Abstract Ideas,'' which has been superseded by this document.

See id. (emphasis added).

The January 2019 Guidance explains Step 2A's new Prong Two as follows:

> In Prong Two, **examiners should evaluate whether the claim as a whole integrates the recited judicial exception into a practical application of the exception**. A claim that integrates a judicial exception into a practical application will apply, rely on, or use the judicial exception in a manner that **imposes a meaningful limit on the judicial exception**, such that the claim is more than a drafting effort designed to monopolize the judicial exception. **When the exception is so integrated, then the claim is not directed to a judicial exception (Step 2A: NO) and is eligible**. This concludes the eligibility analysis . . . Examiners evaluate integration into a practical application by: (a) Identifying whether there are any additional elements recited in the claim beyond the judicial exception(s); and (b) evaluating those additional elements individually and in combination to determine whether they integrate the exception into a practical application, using one or more of the considerations laid out by the Supreme Court and the Federal Circuit, for example those listed below. While some of the considerations listed below were discussed in prior guidance in the context of Step 2B, evaluating them in revised Step 2A promotes early and efficient resolution of patent eligibility, and increases certainty and reliability. **Examiners should note, however, that revised Step 2A specifically excludes consideration of whether the additional elements represent well-understood, routine, conventional activity**. Instead, analysis of well-understood, routine, conventional activity is done in Step 2B. Accordingly, in revised Step 2A examiners should ensure that they give weight to all additional elements, whether or not they are conventional, when evaluating whether a judicial exception has been integrated into a practical application In the context of revised Step 2A, the following exemplary considerations are indicative that an additional element (or combination of elements) may have integrated the exception into a practical application:

> ■ An additional element reflects an improvement in the functioning of a computer, or an improvement to other technology or technical field;
>
> ■ an additional element that applies or uses a judicial exception to effect a particular treatment or prophylaxis for a disease or medical condition;
>
> ■ an additional element implements a judicial exception with, or uses a judicial exception in conjunction with, a particular machine or manufacture that is integral to the claim;
>
> ■ an additional element effects a transformation or reduction of a particular article to a different state or thing; and
>
> ■ an additional element applies or uses the judicial exception in some other meaningful way beyond generally linking the use of the judicial exception to a particular technological environment, such that the claim as a whole is more than a drafting effort designed to monopolize the exception.
>
> This is not an exclusive list, and there may be other examples of integrating the exception into a practical application.. . . Because revised Step 2A does not evaluate whether an additional element is well-understood, routine, conventional activity, **examiners are reminded that a claim that includes conventional elements may still integrate an exception into a practical application, thereby satisfying the subject matter eligibility requirement of Section 101**.

See Fed. Reg. Vol. 84, No. 4 at 54-55 (emphasis added).

The January 2019 Guidance specifically states, "[t]he 2019 Revised Patent Subject Matter Eligibility Guidance is effective on January 7, 2019. The 2019 Revised Patent Subject Matter Eligibility Guidance applies to all applications, and to all patents resulting from applications, filed before, on, or after January 7, 2019." *See* Fed. Reg. Vol. 84, No. 4 at 50. As the instant application was filed before January 7, 2019, the January 2019 Guidance applies to the instant application.

b) Step 2A, Prong 2 -- The Claims Integrate the Alleged Abstract Idea into a Practical Application

As noted above, The January 2019 Guidance identifies several considerations which are indicative that an additional element (or combination of elements integrate the alleged abstract idea into a practical application, these exemplary considerations include claims wherein:

> an additional element reflects an improvement in the functioning of a computer, or an improvement to other technology or technical field;
>
> an additional element that applies or uses a judicial exception to effect a particular treatment or prophylaxis for a disease or medical condition;
>
> **an additional element implements a judicial exception with, or uses a judicial exception in conjunction with, a particular machine or manufacture that is integral to the claim**;
>
> an additional element effects a transformation or reduction of a particular article to a different state or thing; and
>
> an additional element applies or uses the judicial exception in some other meaningful way beyond generally linking the use of the judicial exception to a particular technological environment, such that the claim as a whole is more than a drafting effort designed to monopolize the exception.

See Fed. Reg. Vol. 84, No. 4 at 54-55 (emphasis added).

Manufacture

A Manufactured, Pre-printed Lottery Ticket

Applicant's independent claim 1 is reproduced below:

> 1. A method for providing **a manufactured, pre-printed lottery ticket** for a random draw comprising:
> (a) receiving, by a transaction processor, a transaction request from a retailer point of sale (POS) to activate **the manufactured, pre-printed lottery ticket**;
> (b) providing, by a transaction processor or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and

> (c) receiving, by the transaction processor or retailer, from the lottery administration system, indication that draw information has been associated with **the manufactured, pre-printed lottery ticket**.

See claim 1, *supra* (emphasis added).

The instantly claimed "manufactured, pre-printed lottery ticket" is integral to the claim because the claim is eviscerated without the "manufactured, pre-printed lottery ticket." The claimed "manufactured, pre-printed lottery ticket is unquestionably a "manufacture." *See* MPEP § 2106.03 (I) ("As the courts have explained, manufactures are articles that result from the process of manufacturing, i.e., they were produced 'from raw or prepared materials by giving to these materials new forms, qualities, properties, or combinations, whether by hand-labor or by machinery.' *Samsung Electronics Co. v. Apple Inc.*, 580 U.S. __, 137 S. Ct. 429, 435, 120 USPQ2d 1749, 1752-3 (2016) (quoting *Diamond v. Chakrabarty*, 447 U. S. 303, 308, 206 USPQ 193, 196-97 (1980)).").

As such, the Final Office Action's identified abstract idea, "engaging in lawful wagering," is integrated into a practical application via the requirement that the "abstract idea" be performed by "**an additional element implements a judicial exception with**, or uses a judicial exception in conjunction with, **a . . . manufacture that is integral to the claim**." *See* Fed. Reg. Vol. 84, No. 4 at 55 (emphasis added).

Transaction Processor

Applicant's independent claim 1 is reproduced below:

> 1. A method for providing a manufactured, pre-printed lottery ticket for a random draw comprising:
>
> (a) **receiving, by a transaction processor**, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed lottery ticket;
>
> (b) **providing, by a transaction processor** or retailer, to a lottery administration system unique identification information

> associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and
>
> (c) **receiving, by the transaction processor** or retailer, from the lottery administration system, indication that draw information has been associated with the manufactured, pre-printed lottery ticket.

See claim 1, *supra* (emphasis added).

As can be seen above, independent claim 1 recites a "transaction processor" to effectuate the claim language. *See supra*. As detailed in the Specification:

> **The transaction processor** system 630 may **include a central processing unit (CPU) 604**, memory unit 616 and 1/0 interface(s) 608 for communicating with devices external to the transaction processor system630. Instructions 604 stored in the memory unit 616, when executed by the processing unit 604 provide transaction processing and data exchange functionality 602. The functionality 602 may process transactions and exchange data from a plurality of different retailers to a single lottery system. Instructions 602 may include any functionality necessary for the successful exchange of data and the activation or cancellation of the pre-printed ticket.

Application at ¶ [0046] (emphasis added).

The instantly claimed "transaction processor" is integral to the claim because the "manufactured, pre-printed lottery ticket" cannot be provide for a random draw without the "transaction processor."

Moreover, as shown above, the transaction processor comprises a "central processing unit (CPU)." *See id*. One of ordinary skill in the art would understand that a "CPU" would comprise a microprocessor. "The component of a computer system that performs the basic operations (such as processing data) of the system, that exchanges data with the systems memory or peripherals, and that manages the systems other components — called also *processor*." *See* Merriam-Webster at https://www.merriam-webster.com/dictionary/cpu.

The MPEP provides, "because a microprocessor is generally understood to be a manufacture, **a product claim to the microprocessor or a system comprising the**

microprocessor satisfies Step 1 regardless of whether the claim falls within any other statutory category (such as a machine)." *See* MPEP § 2106.03 (emphasis added).

As such, the Final Office Action's alleged identified abstract idea is integrated in to a practical application via the requirement that the "abstract idea" be performed by "**an additional element [which] implements a judicial exception with**, or uses a judicial exception in conjunction with, **a . . . manufacture that is integral to the claim**." *See* Fed. Reg. Vol. 84, No. 4 at 55 (emphasis added); *see also* MPEP § 2106.03 ("a microprocessor is generally understood to be a manufacture.").

Particular Machine

Transaction Processor

Applicant's independent claim 1 is reproduced below:

> 1. A method for providing a manufactured, pre-printed lottery ticket for a random draw comprising:
>
> (a) **receiving, by a transaction processor**, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed lottery ticket;
>
> (b) **providing, by a transaction processor** or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and
>
> (c) **receiving, by the transaction processor** or retailer, from the lottery administration system, indication that draw information has been associated with the manufactured, pre-printed lottery ticket.

See claim 1, *supra* (emphasis added).

As can be seen, the claims require the claimed method steps be performed by a "transaction processor" to effectuate the claim language. *See id.* As detailed in the Specification:

> **The transaction processor system 630** may include a central processing unit (CPU) 604, memory unit 616 and 1/0 interface(s) 608 for communicating with devices external to the transaction processor system630. **Instructions 604 stored in the memory unit 616, when executed by the processing unit 604 provide**

> **transaction processing and data exchange functionality 602**. The functionality 602 may process transactions and exchange data from a plurality of different retailers to a single lottery system. Instructions 602 may include any functionality necessary for the successful exchange of data and the activation or cancellation of the pre-printed ticket.

Application at ¶ [0046] (emphasis added).

As noted by the Supreme Court, "[a] claimed process is surely patent-eligible under § 101 if: (1) it is tied to a particular machine or apparatus . . . ." *See, e.g., In re Bilski,* 545 F.3d 943, 954, (Fed. Cir. 2009). In *In re Alappat* the Federal Circuit held, "programming creates a new machine because a general purpose computer, in effect, becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software." *See In re Alappat*, 33 F.3d 1526, 1545 (Fed. Cir. 1994). Following the *In re Alappat* precedent, in *Finisar Corp. v. DirecTV Grp., Inc.*, the Federal Circuit held, "a computer programmed to implement an algorithm . . . is not the general purpose computer, but rather the special purpose computer programmed to perform the disclosed algorithm." *See Finisar Corp. v. DirecTV Grp., Inc.*, 523 F.3d 1323, 1340 (Fed. Cir. 2008).

Based on the foregoing, Applicant contends the instant claims' "transaction processor" comprises specifically programmed computer processors performing particular, recited functions, which inarguably amount to the claims being performed by "an additional element [which] implements a judicial exception with, or uses a judicial exception in conjunction with, a particular machine or manufacture that is integral to the claim." *See* Fed. Reg. Vol. 84, No. 4 at 55. *See* Interim Examination Instructions For Evaluating Subject Matter Eligibility Under 35 U.S.C. § 101, Aug. 24, 2009 at 6 ("For computer implemented processes, the 'machine' is often disclosed as a general purpose computer. In these cases, the general purpose computer may be sufficiently 'particular' when programmed to perform the process steps. Such programming creates a new

machine because a general purpose computer, in effect, becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software. To qualify as a particular machine under the test, the claim must clearly convey that the computer is programmed to perform the steps of the method because such programming, in effect, creates a special purpose computer limited to the use of the particularly claimed combination of elements (i.e., the programmed instructions) performing the particularly claimed combination of functions.").

As such, the Final Office Action's identified abstract idea, "engaging in lawful wagering," is integrated into a practical application via the requirement that the "abstract idea" be performed by "**an additional element implements a judicial exception with**, or uses a judicial exception in conjunction with, **a particular machine** . . . **that is integral to the claim**." *See* Fed. Reg. Vol. 84, No. 4 at 55 (emphasis added).

B. Step 2B of the Subject Matter Eligibility Guidelines

Assuming, *arguendo*, that the instant claims comprise an abstract idea, which Applicant does not concede, the U.S.P.T.O. has published considerations of what constitutes "significantly more" than an alleged abstract idea within the context of patent eligibility:

> i. Improvements to the functioning of a computer, *e.g.,* a modification of conventional Internet hyperlink protocol to dynamically produce a dual-source hybrid webpage, as discussed in *DDR Holdings, LLC v. Hotels.com, L.P.,* 773 F.3d 1245, 1258-59, 113 USPQ2d 1097, 1106-07 (Fed. Cir. 2014) (see **MPEP § 2106.05(a)**);
>
> ii. Improvements to any other technology or technical field, *e.g.,* a modification of conventional rubber-molding processes to utilize a thermocouple inside the mold to constantly monitor the temperature and thus reduce under- and over-curing problems common in the art, as discussed in *Diamond v. Diehr,* 450 U.S. 175, 191-92, 209 USPQ 1, 10 (1981) (see **MPEP § 2106.05(a)**);

> iii. Applying the judicial exception with, or by use of, a particular machine, *e.g.,* a Fourdrinier machine (which is understood in the art to have a specific structure comprising a headbox, a paper-making wire, and a series of rolls) that is arranged in a particular way to optimize the speed of the machine while maintaining quality of the formed paper web, as discussed in *Eibel Process Co. v. Minn. & Ont. Paper Co.,* 261 U.S. 45, 64-65 (1923) (see **MPEP § 2106.05(b)**);
>
> iv. Effecting a transformation or reduction of a particular article to a different state or thing, *e.g.,* a process that transforms raw, uncured synthetic rubber into precision-molded synthetic rubber products, as discussed in *Diehr,* 450 U.S. at 184, 209 USPQ at 21 (see **MPEP § 2106.05(c)**);
>
> v. Adding a specific limitation other than what is well-understood, routine, conventional activity in the field, or adding unconventional steps that confine the claim to a particular useful application, *e.g.,* a non-conventional and non-generic arrangement of various computer components for filtering Internet content, as discussed in *BASCOM Global Internet v. AT&T Mobility LLC,* 827 F.3d 1341, 1350-51, 119 USPQ2d 1236, 1243 (Fed. Cir. 2016) (see **MPEP § 2106.05(d)**); or
>
> vi. Other meaningful limitations beyond generally linking the use of the judicial exception to a particular technological environment, *e.g.,* an immunization step that integrates an abstract idea of data comparison into a specific process of immunizing that lowers the risk that immunized patients will later develop chronic immune-mediated diseases, as discussed in *Classen Immunotherapies Inc. v. Biogen IDEC,* 659 F.3d 1057, 1066-68, 100 USPQ2d 1492, 1499-1502 (Fed. Cir. 2011) (see **MPEP § 2106.05(e)**).

MPEP § 2106.05.A. As can be seen, an "inventive concept" (and thus subject matter eligibility) can be demonstrated by showing any one of the MPEP's enumerated "significantly more" considerations. *See id.*

1. "Adding a Specific Limitation other than What is Well-Understood, Routine and Conventional in the Field"

The Federal Circuit has explained that, "an inventive concept can be found in the non-conventional and non-generic arrangement of known conventional pieces." *See Bascom Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1349 (Fed. Cir. 2016). Thus, because

claims 1-8 are patentable over the prior art, claims 1-8 must comprise elements which are not "well-understood, routine, and conventional in the field" and recite "significantly more" than any alleged abstract idea – so as to patent eligible. *See* MPEP § 2106.05(d) (Claims that add a "specific limitation other than what is well-understood, routine and conventional in the field" comprise "significantly more" than an abstract idea and are patent eligible.).

As noted above, all 35 U.S.C. Section 102 and 103 rejections have been withdrawn. Thus, claims 1-19 must comprise elements which are not "well-understood, routine, and conventional in the field" and recite "significantly more" than any alleged abstract idea – so as to patent eligible. *See* MPEP § 2106.05.A. (Claims that add a "specific limitation other than what is well-understood, routine and conventional in the field" comprise "significantly more" than an abstract idea and are patent eligible.).

Additionally, the Federal Circuit has stated:

> The question of whether a claim element or combination of elements is well-understood, routine and conventional to a skilled artisan in the relevant field is a question of fact. Any fact . . . pertinent to the invalidity conclusion must be proven by clear and convincing evidence . . . And the Supreme Court recognized that in making the § 101 determination, the inquiry "might sometimes overlap" with other fact-intensive inquiries like [patentability determinations, e.g., novelty and obviousness].

See Berkheimer v. HP Inc., No. 2017-1437, 2018 WL 774096, at *5 (Fed. Cir. Feb. 8, 2018).

Moreover, the Federal Circuit has also opined, that if an applicant's specification does not describe a claimed element as "conventional," and there being no other evidence of conventionality, the claim element is presumed to not be "well understood" or "routine." *See Aatrix Software, Inc. v. Green Shades Software, Inc.*, 882 F.3d 1121, 1128 (Fed. Cir. 2018). Thus, because there is nothing in the Specification describing the instant claim elements as "conventional" and because the prior art fails to disclose all the elements of the instant claims, the instant claims must comprise elements "other than what is well-understood, routine, and

conventional in the field" and recite "significantly more" than any alleged abstract idea -- so as to patent eligible. *See, e.g.,* MPEP § 2103 V. (Claims which are novel and non-obvious, i.e., not rejected in view of the prior art, are patentable); and MPEP § 2106.05(d). (Claims that add a "specific limitation other than what is well-understood, routine and conventional in the field" comprise "significantly more" than an abstract idea and are patent eligible.); *see also Bascom Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1349; *Berkheimer v. HP Inc.*, 881 F.3d 1360, 1368 (whether a claim is invalid under Section 101 must be proven by clear and convincing evidence and a determination of patentability is evidence of patent eligibility);[1] and *Aatrix Software, Inc. v. Green Shades Software, Inc.*, 882 F.3d 1121, 1128 (absent evidence to the contrary, claim elements are presumed to be not "well-understood, routine, and conventional in the field").

Based on the foregoing, Applicant respectfully submits that claims 1-19 recite "significantly more" than the alleged abstract idea of "engaging in lawful wagering" and therefore, are patent eligible.

2. The Machine or Transformation Test

Applicant contends that claims which satisfy the "machine or transformation" test comprise patent eligible subject matter. MPEP § 2106.05.A referenced above expressly incorporates the machine or transformation" test into its "considerations for determining whether a claim with additional elements amounts to significantly more than the judicial exception itself." *See* MPEP § 2106.05.A.

[1] Applicants appreciate that the Office is not bound by the "clear and convincing" evidentiary standard but submits that it is patently unjust that a claim (e.g., claims 1-18) which would be deemed patent eligible by a court based on the incapability of "clear and convincing" evidentiary burden being met due to the "patentability" of a claim, may never get such an opportunity because of the Office's ignoring of *Diamond v Diehr*, *Bascom*, and *Berkheimer*.

a) "Applying the Judicial Exception with, or by Use of, a Particular Machine"

Specifically, MPEP § 2106.05.A provides that "[a]pplying the judicial exception with, or by use of, a particular machine"[2] is a limitation which "qualif[ies] as 'significantly more' when recited in a claim with a judicial exception." *See id.*

> Independent claim 1is reproduced below:
>
> 1. A method for providing a manufactured, pre-printed lottery ticket for a random draw comprising:
> (a) **receiving, by a transaction processor**, a transaction request from a retailer point of sale (POS) to activate the manufactured, pre-printed lottery ticket;
> (b) **providing, by a transaction processor** or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and
> (c) **receiving, by the transaction processor** or retailer, from the lottery administration system, indication that draw information has been associated with the manufactured, pre-printed lottery ticket.

See claim 1, *supra* (emphasis added).

As can be seen, the claims require the claimed method steps be performed by a "transaction processor" to effectuate the claim language. *See id.* As detailed in the Specification:

> The transaction processor system 630 may include a central processing unit (CPU) 604, memory unit 616 and 1/0 interface(s) 608 for communicating with devices external to the transaction processor system630. **Instructions 604 stored in the memory unit 616, when executed by the processing unit 604 provide transaction processing and data exchange functionality 602**. The functionality 602 may process transactions and exchange data from a plurality of different retailers to a single lottery system. Instructions 602 may include any functionality necessary for the successful exchange of data and the activation or cancellation of the pre-printed ticket.

[2] *Bilski v Kappos,* 130 S. Ct. 3218, 3227 (2010) (''The Court's precedents establish that the machine-or-transformation test is a useful and important clue, an investigative tool, for determining whether some claimed inventions are processes under § 101.'').

Application at ¶ [0046] (emphasis added).

Based on the foregoing, Applicant contends the instant claims' "transaction processor" results in the instant claims' methods comprising specifically programmed computer processors performing particular, recited functions, even if directed to an abstract idea, is patent-eligible subject matter. As noted by the Supreme Court, "[a] claimed process is surely patent-eligible under § 101 if: (1) it is tied to a particular machine or apparatus . . . ." *See, e.g., In re Bilski,* 545 F.3d 943, 954, (Fed. Cir. 2009); *Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709, 716 (Fed. Cir. 2014) ("[t]he machine-or-transformation test . . . can provide a "useful clue" in the second step of the *Alice* framework . . . ."); *Bancorp Servs., L.L.C. v. Sun Life Assurance Co. of Can.*, 687 F.3d 1266, 1278 (Fed. Cir. 2012) (holding that the machine-or-transformation test remains an important clue in determining whether inventions are processes under § 101); *see also In re Alappat*, 33 F.3d 1526, 1545 (Fed. Cir. 1994) ("[P]rogramming creates a new machine because a general purpose computer, in effect, becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software."); *Finisar Corp. v. DirecTV Grp., Inc.*, 523 F.3d 1323, 1340 (Fed. Cir. 2008) ("[A] computer programmed to implement an algorithm . . . is not the general purpose computer, but rather the special purpose computer programmed to perform the disclosed algorithm."); *Typhoon Touch Techs., Inc. v. Dell, Inc.*, 659 F.3d 1376, 1385 (Fed. Cir. 2011) ("[T]he term 'algorithm' as a term of art in its broad sense, i.e., to identify a step-by-step procedure for accomplishing a given result . . . ."); and MPEP § 2106.05.A ("apply[] the judicial exception with, or by the use of, a particular machine.").

Thus, Applicant contends the instant claims' devices comprising specifically programmed computer processors performing particular, recited functions, inarguably amount to "significantly more" than the alleged abstract idea of "engaging in lawful wagering" (or any other identified abstract idea), *see* MPEP § 2106.05.A, because under the Federal Circuit's decisions in *In re Bilski*,

In re Alappat, *Finisar Corp.*, and *Typhoon Touch Techs., Inc.*, the instantly claimed methods and devices comprising specifically programmed computer processors performing particular, recited functions require that any implicated abstract idea is "tied to" or "applied by" "special purpose computers performing particular functions," *see In re Alappat*, 33 F.3d at 1545, i.e., "particular machines." *See*, *e.g.*, *In re Bilski*, 545 F.3d at 954; MPEP § 2106.05.A; and Interim Examination Instructions For Evaluating Subject matter Eligibility Under 35 U.S.C. § 101, Aug. 24, 2009 at 6 ("For computer implemented processes, the 'machine' is often disclosed as a general purpose computer. In these cases, the general purpose computer may be sufficiently 'particular' when programmed to perform the process steps. Such programming creates a new machine because a general purpose computer, in effect, becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software. To qualify as a particular machine under the test, the claim must clearly convey that the computer is programmed to perform the steps of the method because such programming, in effect, creates a special purpose computer limited to the use of the particularly claimed combination of elements (i.e., the programmed instructions) performing the particularly claimed combination of functions.").

Accordingly, the recitation in claims 1-19 of a "particular machine/special purpose computer" provides the "inventive concept" discussed by the Supreme Court in *Alice*, because the claims recite particular machines/special purpose computers which perform particular functions (e.g., facilitating and managing consumer accounts with associated providers and physical gift cards). *See Alice*, 134 S. Ct. at 2355 ("We have described step two of this analysis as a search for an 'inventive concept' -- i.e., an element or combination of elements that is "sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the [ineligible concept] itself.").

3. "Improvements to Another Technology or Technical Field"

The Federal Circuit has opined, **"inventions with specific applications or improvements to technologies in the marketplace** are not likely to be so abstract that they override the statutory language and framework of the Patent Act." *See Bascom Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1350 (citing *Research Corp. Techs. v. Microsoft Corp.*, 627 F.3d 859, 869 (Fed. Cir. 2010).

Accordingly, the Specification details:

> **Tickets for draw based lotteries are typically printed at the time of purchase on special ticket paper by a printing device approved by the lottery administering body**. The ticket will typically have the draw details such as the date, the numbers that have been selected by the customer or generated on behalf of the customer and a control number that uniquely identifies that ticket. Special ticket paper typically meets critical longevity and stress requirements to ensure the ticket will not deteriorate within a certain period of time and that the control number and selected numbers remain legible. **Typically, the printing device is attached to a single lottery terminal operated by the lottery organization. Although the model of a single terminal and printer is effective for single checkout lane environments such as convenience stores and gas stations, it is not ideal for multi-lane environments such as grocery stores, discount and big box retailers**. Here, the majority of customers complete their shopping and pay through any one of many checkout lanes. A second stop and purchase is required at the lottery terminal location in order to purchase the lottery draw ticket. **This is extremely inconvenient for most customers who simply bypass the lottery counter**. **Installing an approved printer or any other piece of specialized hardware at every point of payment within a retail environment is cost prohibitive and not an effective use of capital as not all points of payment are open at all times. This is one of the barriers to lottery organizations expanding their sales within multi-lane retail environments**. Other barriers to installing specialized hardware in lane include the lack of available space and the added responsibility and training for the cashier who must operate the hardware. **Using the retailers POS to print the ticket on standard receipt paper is ineffective** since receipt paper is typically of the lowest quality and the ticket can deteriorate prematurely if left if sunlight or comes in contact with water. **It would be desirable to enable customers to include a lottery draw**

> **ticket in their basket along with other goods and pay for that basket at any point of payment in a retail location**. **The inclusion of such a lottery draw ticket should not require any additional hardware in lane and should be fully serviced by the existing point of sale equipment. Itis also desirable to merchandise draw based tickets in such a way that the customer experience is enhanced with the purchase convenience while increasing product awareness and impulse lottery purchases**. Currently, online lottery products are produced by a lottery terminal or similar hardware. When an online lottery ticket, such as a ticket to a draw taking place at a later time, is purchased, a ticket is generated and printed by the lottery terminal and printer. **A system is described further herein that provides the ability to include online lottery tickets that can be placed in a customer's shopping cart and paid for during the normal checkout process without the use of specialized hardware such as lottery terminals, ticket printers or customized devices at the point of purchase for the purpose of producing the lottery ticke**t. Since no specialized hardware is required, it is possible to pay for the online lottery tickets at any point of purchase. For example, at a grocery store, the online lottery tickets may be purchased at each check-out lane without requiring lottery terminals or hardware at each lane and as such, **the incorporation of the purchasing at multiple lanes may be cost effective. In addition to the ability to purchase online lottery tickets at a point of sale without additional specialized lottery hardware, the systems and methods allow the online lottery ticket to be displayed and purchased as a common in-store product making the purchase of an online ticket common practice for the customer and the retailer**.

See Application at ¶¶ [0004]-[0019] (emphasis added). As can be seen from the above-recited portion of the Specification, the instant claims are directed to a specific improvement to technologies in the marketplace, e.g., addressing business challenges of meeting customers' growing demands for random draw based lottery tickets while simultaneously allowing lottery ticket retailers to configure their legacy technologies and systems to sell random draw based lottery tickets at any point of sale register. *See id.* Such technological improvements are patent eligible. *See Bascom Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1350 ("[I]nventions with specific applications or improvements to technologies in the marketplace are not likely to be so abstract that they override the statutory language and framework of the Patent

Act."); *see also Zak v. Facebook*, Civ. No. 15-13437 at 20-22 (ED Mich. Sept. 12, 2016) ("[I]n the present case, the claim does not merely permit a known business practice to be performed on the Internet. Instead, **the claim here specifies how a solution will be implemented that addresses a business challenge** particular to the Internet, **namely allowing ordinary users to maintain dynamic websites by managing the content of websites and controlling users' interactions with web pages** . . . the claim contains enough inventive elements to be aimed at **more than a patent on the abstract idea itself**.") (emphasis added).

Based on the foregoing, the evidence of record weighs against a finding of patent ineligibility at least because Applicant's claims recite "significantly more" than the alleged abstract idea. *See* MPEP § 2106.05.A. Based on the foregoing, withdrawal of the rejection of claims 1-19 under 35 U.S.C. 101 is respectfully requested.

CONCLUSION

Consideration of the foregoing remarks, reconsideration of the application, and withdrawal of the rejections are respectfully requested by Applicant. No new matter is introduced by way of amendment. It is believed that each ground of rejection raised in the Final Office Action dated January 31, 2020 and the Advisory Action dated April 13, 2020 has been fully addressed. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account Number 60-2317 of Wick Phillips Gould & Martin, LLP, Texas. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,
WICK PHILLIPS GOULD & MARTIN, LLP

Date: April 27, 2020

/Jerry C. Harris, Jr./
Jerry C. Harris, Jr.
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Electronic Patent Application Fee Transmittal

Application Number:	16280629
Filing Date:	20-Feb-2019
Title of Invention:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS
First Named Inventor/Applicant Name:	Gino Giunti
Filer:	Jerry Harris/Kathleen Weese
Attorney Docket Number:	4556.23103

Filed as Large Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
RCE- 1ST REQUEST	1801	1	1300	1300
		Total in USD ($)		**1300**

Electronic Acknowledgement Receipt

EFS ID:	39274574
Application Number:	16280629
International Application Number:	
Confirmation Number:	5484
Title of Invention:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS
First Named Inventor/Applicant Name:	Gino Giunti
Customer Number:	15608
Filer:	Jerry Harris/Kathleen Weese
Filer Authorized By:	Jerry Harris
Attorney Docket Number:	4556.23103
Receipt Date:	27-APR-2020
Filing Date:	20-FEB-2019
Time Stamp:	15:08:54
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$1300
RAM confirmation Number	E20204QF10301802
Deposit Account	
Authorized User	

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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	042720_RCE.pdf	1349918 0499a52e5a9990317f71faa9138548c87fd2577a	no	3
Warnings:					
Information:					
2		042720_ResponseFOAandAA.pdf	162764 4029518834ddb080dc498428173ee57168653e5d	yes	25

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment Submitted/Entered with Filing of CPA/RCE	1	1
	Claims	2	5
	Applicant Arguments/Remarks Made in an Amendment	6	25

Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	30379 5dfb5d9a966e2d847bd929065cd9ac99d784d25b	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	1543061		

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PTO/SB/06 (09-11)
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 16/280,629	Filing Date 02/20/2019	☐ To be Mailed

ENTITY: ☑ LARGE ☐ SMALL ☐ MICRO

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA		RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A		N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A		N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A		N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*		x $100 =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*		x $460 =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).				
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))					
* If the difference in column 1 is less than zero, enter "0" in column 2.				TOTAL	

APPLICATION AS AMENDED - PART II

		(Column 1)		(Column 2)	(Column 3)			
AMENDMENT	04/27/2020	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 20	Minus	** 20	= 0		x $100 =	0
	Independent (37 CFR 1.16(h))	* 2	Minus	*** 3	= 0		x $460 =	0
	☐ Application Size Fee (37 CFR 1.16(s))							
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							
							TOTAL ADD'L FEE	0

		(Column 1)		(Column 2)	(Column 3)			
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	*	Minus	**	=		x $0 =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=		x $0 =	
	☐ Application Size Fee (37 CFR 1.16(s))							
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							
							TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.	LIE
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".	/TARA A WASHINGTON/
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".	
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/280,629	02/20/2019	Gino Giunti	4556.23103	5484

15608 7590 04/13/2020

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EXAMINER	
PANDYA, SUNIT	

ART UNIT	PAPER NUMBER
3649	

NOTIFICATION DATE	DELIVERY MODE
04/13/2020	ELECTRONIC

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

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

wppatents@wickphillips.com