

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 30 March 2020 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: The features added to the claim will require further search (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.

Claim(s) withdrawn from consideration: _____

/SUNIT PANDYA/ Primary Examiner, Art Unit 3649	
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Atty. Docket No. 4556.23103

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

03/30/2020

(Date submitted)

/Kathleen Weese./

Kathleen Weese

AMENDMENTS AND RESPONSE TO
FINAL OFFICE ACTION DATED JANUARY 31, 2020

Dear Sir:

In response to the Final Office Action dated January 31, 2020 (the "Final Office 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.

DO NOT ENTER: /S.P/ 04/09/2020

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Gino Giunti	§	
Serial No.	16/280,629	§	Group Art Unit: 3649
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/Kathleen Weese./

Kathleen Weese

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Dear Sir:

In response to the Final Office Action dated January 31, 2020 (the “Final Office 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 manufactured, 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 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. (Original) The method of claim 1, wherein at least one of the two or more codes comprise 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 manufactured, pre-printed lottery ticket comprises one or more codes.

REMARKS/ARGUMENTS***Status of Claims***

Claims 1-6, 8, 1, 11, 16, and 17 are currently amended.

Claims 7, 9, 12-15, 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;

wherein said **manufactured, pre-printed** lottery ticket comprises two or more codes.

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;

wherein said **manufactured**, pre-printed lottery ticket comprises one or more codes.

See claim 1, *supra* (emphasis added).

Dependent claims 2-6, 8, 11, 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 are Improper

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 1 -- The Claims Do Not Recite An Abstract Idea

Independent claim 1 recites:

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;

wherein said manufactured, pre-printed lottery ticket comprises two or more codes.

See claim 1, *supra* (emphasis added).

The Final Office Action states:

The Examiner deems that the claimed invention therefore is directed to the abstract idea of “**engaging in lawful wagering**”.

See Final Office Action at 7 (emphasis added).

Applicant respectfully submits that the Final Office Action’s conclusion regarding the claims being directed to an abstract idea, while a valid syllogism, is based on a false premise. Thus, while the argument is logically valid, the conclusion is factually erroneous. The conclusion is factually erroneous because it is based on the unsupported contention that the instant claims are directed to “engaging in lawful wagering,” and, thus, are directed to “an abstract idea.” *See supra*.

The Final Office Action bases its conclusion that the claims are directed to “engaging in lawful wagering” by stating “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.” *See* Final Office Action at 6-7 (emphasis added). Applicant disagrees. As the MPEP explains regarding “Certain methods of organizing human activities,” “[t]he term “certain” qualifies this category description as a reminder that (1) not all methods of organizing human activity are abstract ideas, and (2) this category description does not cover human operation of machines.” *See* MPEP § 2106.04(a)(2)II. 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 I/O interface(s) 608 for communicating with devices external to the transaction processor system 630. 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.’).

In response to the above-stated argument, the Final Office Action states:

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.

See Final Office Action at 9.

Applicant respectfully acknowledges the Final Office Action’s statement, but respectfully suggests that the Final Office Action’s statement does not address the above-cited language of the MPEP, i.e., “Certain methods of organizing human activities,” “[t]he term “certain” qualifies

this category description as a reminder that (1) not all methods of organizing human activity are abstract ideas, and (2) **this category description does not cover human operation of machines.**” See MPEP § 2106.04(a)(2)II (emphasis added). As the Specification explains:

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 through 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. Rather than transmitting the pre-printed ticket information first, followed by confirmation of payment, it is possible to transmit the pre-printed ticket

information to the lottery system only once the payment has been confirmed. Withholding the draw information until payment confirmation is received is optional and the lottery system may in turn communicate draw information to the POS upon being generated. Payment confirmation, if required, may contain but is not limited to transaction details such as the method of payment, transaction number, loyalty number or debit/credit card details. This level of information enables a complete audit trail to verify the true identity of the ticket owner in situations where ownership is disputed. **During the checkout process, age verification, if required, is done by the cashier.**

See Application at ¶¶ [0028]-[0031] (emphasis added). As can be seen from the above-reproduced portions of the Specification, the instant claims are directed to human operation of machines, e.g., the cashier, as such, the Final Office Action's indication that the instant claims are directed to "methods of organizing human activities," see Final Office Action at 6, results in the instant claims *not* being directed to an abstract idea because the instant claims are directed to "human operation of machines." See MPEP § 2106.04(a)(2)II ("[t]he term "certain" qualifies this category description as a reminder that (1) not all methods of organizing human activity are abstract ideas, and (2) **this category description does not cover human operation of machines.**") (emphasis added).

Based on the foregoing, Applicant respectfully requests that the 35 U.S.C. § 101 rejections be rescinded.

c) 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;**

wherein said **manufactured, pre-printed lottery ticket** comprises two or more codes.

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;

wherein said manufactured, pre-printed lottery ticket comprises two or more codes.

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 I/O interface(s) 608 for communicating with devices external to the transaction processor system 630. 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;

wherein said manufactured, pre-printed lottery ticket comprises two or more codes.

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 I/O interface(s) 608 for communicating with devices external to the transaction processor system 630. 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 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;

wherein said manufactured, pre-printed lottery ticket comprises two or more codes.

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 I/O interface(s) 608 for communicating with devices external to the transaction processor system 630. **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

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.”).

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 in 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. It is 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 ticket. 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 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: March 30, 2020

/Jerry C. Harris, Jr./
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ATTORNEY FOR APPLICANT

Electronic Acknowledgement Receipt

EFS ID:	39008896
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:	30-MAR-2020
Filing Date:	20-FEB-2019
Time Stamp:	15:55:37
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		033020_ResponseFOA.pdf	182699	yes	29
			e3e3237eaa85a355ef1dfc154e4ff58ccb3ba771		

	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	29
Warnings:			
Information:			
Total Files Size (in bytes):		182699	
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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										
		(Column 1)	(Column 2)							
FOR		NUMBER FILED	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), (l), 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	03/30/2020	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".						/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	§	
Serial No.	16/280,629	§	Group Art Unit: 3649
Filed:	February 20, 2019	§	Examiner: Sunit Pandya
For:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS	§	Confirmation No.: 5484

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

03/30/2020

(Date submitted)

/Kathleen Weese./

Kathleen Weese

**AMENDMENTS AND RESPONSE TO
FINAL OFFICE ACTION DATED JANUARY 31, 2020**

Dear Sir:

In response to the Final Office Action dated January 31, 2020 (the “Final Office 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.



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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	01/31/2020	EXAMINER	
Blackhawk Network, Inc. 3131 McKinney Avenue Suite 100 Dallas, TX 75204			PANDYA, SUNIT	
			ART UNIT	PAPER NUMBER
			3649	
			NOTIFICATION DATE	DELIVERY MODE
			01/31/2020	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

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 11/27/19 wherein the examiner acknowledges that claims 1-19 are currently pending and claim 20 remains withdrawn.

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 controlling lottery gaming. 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.

This describes an abstract concept similar to those found by the courts be abstract, such as a fundamental economic practice and method of organizing human activity. 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.

Under Step 2B, no element or combination of elements is sufficient to ensure the claim as a whole amounts to significantly more than the abstract idea itself. For example, the physical components including lottery terminal, multiple interfaces associated with said terminal, displays and memories 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. Consequently, the claims lacked an inventive concept that would transform them into patent-eligible application of the incorporated abstract idea. Appropriate attention is required.

Response to Arguments

Applicant's arguments, filed 11/27/19, with respect to 35 USC 102 rejection have been fully considered and are persuasive. The rejection has been withdrawn.

Applicant's arguments filed 11/27/19 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 I/O interface(s) 608 for communicating with devices external to the transaction processor system 630. 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

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 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

<i>Notice of References Cited</i>	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.	G06Q20/085	463/29
*	B	US-8784180-B2	07-2014	Stanek; Edward J.	G07F17/329	463/16
*	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	G07F17/32	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.	A63F3/0625	463/17
*	I	US-9251663-B1	02-2016	Sandvick; Frederick	G07F17/329	1/1
	J					
	K					
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FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

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

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EAST Search History

EAST Search History (Prior Art)

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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
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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	1098	(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-	OR	ON	2017/09/17

			PGPUB; USPAT			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" "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	1780	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"	US-PGPUB; USPAT; USOCR	OR	OFF	2019/08/28 12:37

		"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

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

11/27/2019

(Date submitted)

/Jerry C. Harris, Jr./

Jerry C. Harris, Jr.

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

**RESPONSE TO
OFFICE ACTION DATED AUGUST 27, 2019**

Dear Sir:

In response to the Office Action dated August 27, 2019 (the "Office Action"), Applicant respectfully requests the 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. (Original) A method for providing a 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 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 pre-printed lottery ticket; wherein said pre-printed lottery ticket comprises two or more codes.
2. (Original) The method of claim 1, wherein receiving the transaction request comprises receiving unique product information associated with the pre-printed lottery ticket over a secure communication channel from a point of sale (POS) system.
3. (Original) The method of claim 1, wherein draw information is made available on a printed receipt; by scanning a code on the pre-printed lottery ticket; or by entering a unique identifier associated with the pre-printed lottery ticket into an online website or mobile application.
4. (Original) The method of claim 1, further comprising receiving unique product information associated with the pre-printed lottery ticket.

5. (Original) The method of claim 1, further comprising retrieving unique identification information associated with the pre-printed lottery ticket from the received product information.
6. (Original) The method of claim 4, wherein the product information is sufficient to determine one or more of:
 - a game type associated with the pre-printed lottery ticket;
 - a wager amount associated with the pre-printed lottery ticket; and
 - a number of wagers associated with the pre-printed lottery ticket.
7. (Original) The method of claim 1, further comprising validating the received transaction request.
8. (Original) The method of claim 7, wherein validating the received identification information comprises verifying that the product information corresponds to identification information associated with 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. (Original) 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 pre-printed lottery ticket is purchased at the POS.

11. (Original) 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 pre-printed lottery ticket prior to the time the pre-printed lottery ticket is purchased at the POS.
12. (Original) The method of claim 1, wherein the retailer POS is online.
13. (Original) The method of claim 1, wherein at least one of the two or more codes comprise 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. (Original) The method of claim 1, wherein the pre-printed lottery ticket contains information used to redeem a winning prize.
17. (Original) The method of claim 1, wherein the lottery administration system generates wagers for the 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 the pre-printed lottery ticket; wherein said pre-printed lottery ticket comprises one or more codes.

REMARKS/ARGUMENTS***Status of Claims***

Claims 1-19 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.

Information Disclosure Statement

Applicant thanks the Examiner for the review and consideration of the Information Disclosure Statement filed on February 20, 2019.

Claim Rejections – 35 U.S.C. § 102

Claims 1-18 stand rejected under 35 U.S.C. 102(a)(1) as being anticipated Sandvick, U.S. Patent No. 9,251,663 (hereinafter “*Sandvick*”).

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). As will be shown, *Sandvick* does not disclose, “a method for **providing a lottery ticket for a random draw** comprising” or “**receiving**, by the transaction processor or retailer, from the lottery administration system, **indication that draw information has been associated with the pre-printed lottery ticket**. *See* claim 1, *supra* (emphasis added).

The Office Action states:

Sandvick discloses a method for providing a lottery ticket **for a random draw** (abstract) comprising . . . receiving, by the

transaction processor or retailer, from the lottery administration system, **indication that draw information has been associated with the pre-printed lottery ticket**

See Office Action at 8 (emphasis added).

Applicant respectfully notes that *Sandvick* specifically limits its disclosure and applicability to instant-winner lottery games and distinguishes instant-winner lottery games from the instantly claimed draw-based games. See *Sandvick* at col. 1, lines 10-11 (“This invention relates to instant-winner lottery games and systems and methods for implementing such games.”) and col. 3, line 28 – col. 4, line 36. *Sandvick* at col. 3, line 28 – col. 4, line 36 provides, in pertinent part:

It has been proposed to print out the results of **the instant game and the jackpot on ordinary draw-lottery type receipts**, that is, on ordinary paper slips. **Applicant has recognized that this proposal is seriously deficient**, in that it eliminates the opportunity for the customer to choose among many different games displayed on pre-printed tickets, and thus participate directly in the playing of the game by visual selection, and eliminates or reduces the attraction which can generate impulse purchases. As previously mentioned, theft and administration are serious concerns for lotteries, and **the security process for traditional instant-winner lottery tickets continues to be costly, labor intensive, administratively cumbersome, and not fool-proof**. The comprehensive system of this invention is believed to solve or alleviate the limitations found in the prior proposals while virtually eliminating the issues of theft and the need for cumbersome and administratively burdensome tracking systems because tickets can be made to be virtually worthless until purchased. **There is constant pressure on lotteries to deploy innovative instant-winner lottery ticket games to keep players excited and playing. The comprehensive system of this invention can give designers greater freedom to create innovative new interactive game designs for lotteries.** There is constant pressure on lotteries to create "large" theoretically unlimited prize amounts (such as those prize amounts found with Powerball and Mega Millions), **which are difficult if not impossible to create with pre-set prize amounts in batched traditional instant-winner lottery tickets**. Unlike the prior methods proposed for progressive jackpots, **the system of this invention can greatly improve the prize structures the lotteries can set for instant-winner lottery tickets and make commercially possible a new methodology for a progressive jackpot game for instant-winner lottery tickets** The

comprehensive system of **this invention can provide and integrate interactive instant-winner lottery tickets** for use with mobile devices and personal computers because the system can, among other things, be designed to: securely communicate with virtually any device; provide the option of having the outcome determination of tickets delivered via mobile devices and personal computers; provide for game simulation as part of the outcome determination, and; provide integration with initial play, second chance play, and extended play via the worldwide web and remote communication means. **Lotteries spend disproportionate costs to administer and maintain traditional instant-winner lottery ticket programs (versus the lotteries' on-line number games, e.g., lotto)** and are under constant pressure to reduce their costs.

See *Sandvick* at col. 3, line 28 – col. 4, line 36 (emphasis added).

Applicant respectfully submits that a person of ordinary skill in the art would understand the stark differences between *Sandvick*'s “instant-winner” disclosure and the instantly claimed “random draw” disclosure. First, as expressly detailed in the Specification:

Broadly there are two types of lotteries. The first is instant win lotteries where a printed ticket provides all of the lottery information. These tickets typically have a play area covered by scratch off material. **The tickets can be purchased from a retailer, and the scratch off material removed to reveal whether the ticket is a winner. A second type of lottery is a draw-based lottery or "online" lottery, where a player makes a wager on a subsequently occurring event.** For example, a player may guess at numbers that will be drawn. The selected numbers, or randomly selected numbers if the player does not have a preference for the numbers, are printed on a ticket and provided to the player. Once the event occurs, for example the numbers are drawn or generated by the lottery organization, the ticket may be a winner depending on if one or more of the selected numbers were drawn or generated.

See Application at ¶ [0003] (emphasis added). Additionally, Gambling.com provides:

Number Drawing

‘Number drawing’ games are attractive because they offer gamblers the chance to win extraordinary multi-rollover sums. The pan-European lottery EuroMillions has previously featured jackpots worth over £90m, and the National Lottery alone has created more

than 4,000 millionaires or multi-millionaires since 1994. Interest in the big jackpot draws is always huge.

While number draws can theoretically result in players walking away with life-changing sums, the structure of these games means that odds of actually winning can be extremely low. Players have around a 1 in 45 million chance of scooping the jackpot in the National Lottery, though it should be remembered that there's more than just the jackpot up for grabs – gamblers have a better chance, around 1 in 93, of matching three or more balls to win some of the smaller prizes.

Instant Win

‘Instant win’ games usually come with better odds of winning than their number drawing counterparts. **While some people like the thrill of the televised build-up to large number draws, many busy players prefer pre-determined games because these products offer the thrill of a win without the need to wait for results on a specific day.**

On the flipside, instant online games and scratch cards generally offer lower-value cash prizes than number draws. Likewise, not all wins are of the same value and high-value payouts are pretty rare.

It is still possible to take home large sums from 'instant win' games despite these lower prize amounts, as Grace Walker from Hamilton discovered when she won £1million from a scratch card in September 2015.

See Gambling.com available at <https://www.gambling.com/lottery/knowledge/instant-win-vs-wait-for-number-drawing-43400> (emphasis added).

Because *Sandivck* specifically limits its disclosure to “instant-winner” games and methods, see *Sandvick* at col. 1, lines 10-11, and because the present claims are specifically drawn to non-instant winner games and methods, i.e., “random-draw” games and methods, a person of ordinary skill in the art would not understand *Sandvick* to anticipate the instantly claimed “random draw” related methods.

Based on the foregoing, *Sandvick* fails to disclose each and every element of independent claim 1; therefore, *Sandvick* cannot anticipate claim 1, or any claims depending therefrom. *See Verdegall Bros. v. Union Oil Co. of California*, 2 USPQ2d at 1053. As such, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102 rejections of claims 1-18.

Claim Rejections – 35 U.S.C. § 103

Claim 19 stands rejected under 35 U.S.C. 103 as being unpatentable over *Sandvick*, as applied to the claims, and further in view of *Yacenda*, U.S. Patent No. 6,322,446 (hereinafter “*Yacenda*”).

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 Office Action does not 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.

Each of the Office Action’s Section 103 obviousness rejections relies on *Sandvick* as the primary reference. As noted above with respect to the 35 U.S.C. § 102 rejections, *Sandvick* fails to disclose all of the elements recited by independent claim 1. *See supra*. The Office Action does not cite *Yacenda* as disclosing elements absent from *Sandvick*. *See* Office Action at 10-11. Based on the foregoing, the Office Action does not establish a *prima facie* case of obviousness as to claim 19. *See* MPEP § 2143. As such, Applicant respectfully submits that claim 19 is presented in condition for allowance.

Claim Rejections – 35 U.S.C. § 101

A. The Rejections under 35 U.S.C. § 101 are Improper

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 1 -- The Claims Do Not Recite An Abstract Idea

Independent claim 1 recites:

1. A method for providing a 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 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 pre-printed lottery ticket;wherein said pre-printed lottery ticket comprises two or more codes.

See claim 1, *supra* (emphasis added).

The Office Action states:

The Examiner deems that the claimed invention therefore is directed to the abstract idea of “**engaging in lawful wagering**”.

See Office Action at 7 (emphasis added).

Applicant respectfully submits that the Office Action’s conclusion regarding the claims being directed to an abstract idea, while a valid syllogism, is based on a false premise. Thus, while the argument is logically valid, the conclusion is factually erroneous. The conclusion is factually erroneous because it is based on the unsupported contention that the instant claims are directed to “engaging in lawful wagering,” and, thus, are directed to “an abstract idea.” *See supra*.

The Office Action bases its conclusion that the claims are directed to “engaging in lawful wagering” by stating “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.” *See* Office Action at 7 (emphasis added). Applicant disagrees. As the MPEP explains regarding “Certain methods of organizing human activities,” “[t]he term “certain” qualifies this category description as a reminder that (1) not all methods of organizing human activity are abstract ideas, and (2) this category description does not cover human operation of machines.” *See* MPEP § 2106.04(a)(2)II. 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 I/O interface(s) 608 for communicating with devices external to the transaction processor system 630. 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.’).

Based on the foregoing, Applicant respectfully requests that the 35 U.S.C. § 101 rejections be rescinded.

c) 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).

Applicant's independent claim 1 is reproduced below:

1. A method for providing a 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 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 pre-printed lottery ticket;

wherein said pre-printed lottery ticket comprises two or more codes.

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 I/O interface(s) 608 for communicating with devices external to the transaction processor system 630. **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” 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.”).

Moreover, as can be seen, the claims also recite a “manufacture that is integral to the claim.” *See* Fed. Reg. Vol. 84, No. 4 at 54-55. As noted above, all the claims require a “transaction processor” which is defined as comprising a central processing unit which executes one or more sets of instructions to effectuate the claim language. *See id.* As such, all of the claims require the Office Action’s identified judicial exception (i.e., abstract idea) be used in conjunction with a manufacture that is integral to the claim. *See* MPEP § 2106.03 (“a microprocessor is generally understood to be a manufacture.”).

As such, the Final Office Action’s identified abstract idea, “mitigating fraud,” is integrated into practical applications 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 or manufacture that is integral to the claim.” *See* Fed. Reg. Vol. 84, No. 4 at 55.

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”

As explained above in the Section 102 and 103 discussions, the instantly amended claim set is not anticipated nor rendered obvious by the cited prior art because the teachings of the references are not sufficient to anticipate or render the claims *prima facie* obvious. *See supra*; *see also* MPEP § 2143 and *Graham v. John Deere Co. of Kansas City*, 383 U.S. at 22. Thus, the instant claims 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.); *see also Bascom Glob. Internet Servs., Inc.*, 2016 WL 3514158, at *6; *Berkheimer v. HP Inc.*, No. 2017-1437, 2018 WL 774096, at *5 (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.*, No. 2017-1452, 2018 WL 843288, at *6 (absent evidence to the contrary, claim elements are presumed to be not “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.*

¹ Applicant appreciates 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., claim 1) 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*.

Internet Servs., Inc. v. AT&T Mobility LLC, No. 2015-1763, 2016 WL 3514158, at *6 (Fed. Cir. June 27, 2016).

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.*, No. 2017-1452, 2018 WL 843288, at *6.

Finally, on April 19, 2018, Deputy Commissioner for Patent Examination Policy, Robert Bahr, issued a memorandum (the “Berkheimer Memorandum”), which explained that an examiner must expressly support a patent ineligible determination based on a finding that the claim elements are “well-understood, routine, and conventional” with more than a citation to prior art – i.e., such a finding must also explain how the cited prior art also describes the claim elements being “widely prevalent or in common usage in the relevant field.” *See Berkheimer Memorandum* at 3-4. The Final Office Action does not explain how the cited prior art also describes the claim elements being “widely prevalent or in common usage in the relevant field.”

Based on the foregoing, Applicant respectfully submits the instant claims 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 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 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 pre-printed lottery ticket;

wherein said pre-printed lottery ticket comprises two or more codes.

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 I/O interface(s) 608 for communicating with devices external to the transaction processor system 630. **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

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

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

whether some claimed inventions are processes under § 101.’”).

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*, No. 2015-1763, 2016 WL 3514158, at *6.

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. It is 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 ticket. 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*, No. 2015-1763, 2016 WL 3514158, at *6 (“[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).

4. The Claims are Patentable Because They Do Not Preempt all Methods for Collecting and Comparison of Intangible Data

As noted above, the Office Action states:

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.**

See Office Action at 7 (emphasis added).

The Federal Circuit explained in *MCRO, Inc., v. Bandai Namco Games America* that “[t]he **concern underlying the exceptions to §101 is** not tangibility, **but preemption.**” *MCRO, Inc., v. Bandai Namco Games America*, Slip. Op. at 25 (Fed. Cir. Sept. 13, 2016). (emphasis added). The “exceptions to §101” being laws of nature, natural phenomena, and abstract ideas. *See Alice Corp. Pty. Ltd. v CLS Bank Int’l*, 134 S. Ct. 2347, 2354 (2014).

Applicant’s claims are patent eligible because they do not seek to preempt or tie-up the alleged abstract idea. In *Alice Corp. Pty. Ltd. v CLS Bank Int’l*, the Supreme Court states:

Section 101 of the Patent Act defines the subject matter eligible for patent protection. . . . **“We have long held that this provision contains an important implicit exception: Law of nature, natural phenomena, and abstract ideas are not patentable.”** (citations omitted)

We have described **the concern that drives this exclusionary principle as one of pre-emption.** See, e.g., *Bilski, supra*, at 611-12, 130 S.Ct. 3218 (**upholding the patent “would pre-empt use of this approach in all fields,** and would effectively grant a monopoly over an abstract idea”). . . .

Alice, 134 S. Ct. at 2354 (emphasis added). As can be seen, the Supreme Court discusses abstract ideas are an exception for patent eligibility because of the concern that an invention may preempt the abstract idea **in all fields.** *See id.* (emphasis added).

Assuming *arguendo* that the claims recite “engaging in lawful wagering” and “engaging in lawful wagering” is deemed an abstract idea, Applicant’s claims do not seek to disproportionately tie up such alleged abstract ideas so as to preempt or tie-up others from practicing “engaging in lawful wagering” in all fields. *See Kaavo Inc. v. Cognizant Tech. Sols. Corp.*, No. CV 14-1192-LPS-CJB, 2016 WL 476730, at *13 (D. Del. Feb. 5, 2016) (A showing that the abstract idea does not disproportionately tie up the use of the abstract idea may determine patent eligibility.).

Instead of disproportionately tying up the use of the alleged abstract idea of “engaging in lawful wagering” in all fields, others are free to use the alleged abstract idea of “engaging in lawful

wagering” in myriad other ways which do not implicate all the elements of the instant claims. For example, (1) engage in instant-winner type lottery games; (2) engage in legal sports betting; (3) engage in casino games; (4) do not utilized pre-printed lottery tickets; and (5) do not utilize pre-printed lottery tickets which comprise two or more codes.

Because Applicant has identified at least five examples of practicing the alleged abstract idea of “engaging in lawful wagering” which do not include all the elements of the instant claims, claims 1-19 clearly do not seek to disproportionately tie-up, i.e., pre-empt, others from the use of the alleged abstract idea of “engaging in lawful wagering” in all fields. *See Kaavo Inc. v. Cognizant Tech. Sols. Corp.*, No. CV 14-1192-LPS-CJB, 2016 WL 476730, at *13.

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 August 27, 2019 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: November 27, 2019

/Jerry C. Harris, Jr./
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ATTORNEY FOR APPLICANT

Electronic Acknowledgement Receipt

EFS ID:	37882161
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:	27-NOV-2019
Filing Date:	20-FEB-2019
Time Stamp:	15:15:15
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		Response_to_OA_dated_082719.pdf	457801 7e36e470508dc96540c8e7c0def3eecd8fde fb62	yes	30

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	30	

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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.

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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									
		(Column 1)	(Column 2)						
FOR		NUMBER FILED	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	11/27/2019	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.						SLIE			
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".						/MONIQUE BENJAMIN/			
*** 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	08/27/2019	EXAMINER	
Blackhawk Network, Inc.			PANDYA, SUNIT	
3131 McKinney Avenue			ART UNIT	PAPER NUMBER
Suite 100			3649	
Dallas, TX 75204			NOTIFICATION DATE	DELIVERY MODE
			08/27/2019	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

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.

Priority

Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, 365(c), or 386(c) is acknowledged.

Election/Restrictions

Applicant's election without traverse of claims 1-19 in the reply filed on 6/7/19 is acknowledged.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 2/20/19 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

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 controlling lottery gaming. 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.

This describes an abstract concept similar to those found by the courts be abstract, such as a fundamental economic practice and method of organizing human activity. 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.

Under Step 2B, no element or combination of elements is sufficient to ensure the claim as a whole amounts to significantly more than the abstract idea itself. For example, the physical components including lottery terminal, multiple interfaces associated with said terminal, displays and memories 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. Consequently, the

claims lacked an inventive concept that would transform them into patent-eligible application of the incorporated abstract idea. Appropriate attention is required.

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 1-18 are rejected under 35 U.S.C. 102(a)(1) as being anticipated by Sandvick (US Patent 9,251,663).

Claim 1: Sandvick discloses a method for providing a lottery ticket for a random draw (abstract) comprising, receiving, by a transaction processor, a transaction request from a retailer point of sale to activate a pre-printed lottery ticket, 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 (cols. 8-9:10-27) and receiving, by the transaction processor or retailer, from the lottery administration system, indication that draw information has been associated with the pre-printed lottery ticket wherein said pre-printed lottery ticket comprises two or more codes (cols. 13-18).

Claim 2: Sandvick discloses receiving unique product information associated with the pre-printed lottery ticket over a secure communication channel from a point of sale (POS) system (col. 18: 1-60).

Claim 3: Sandvick disclose draw information made available on a printed receipt by scanning a code on the pre-printed lottery ticket (figures 3-5).

Claim 4: Sandvick discloses receiving unique product information associated with the pre-printed lottery ticket (col. 15: 33-55).

Claim 5: Sandvick discloses retrieving unique identification information associated with the pre-printed lottery ticket from the received product information (col. 13: 45-6).

Claim 6: Sandvick discloses that the product information is sufficient to determine one or more of: a game type associated with the pre-printed lottery ticket; a wager amount associated with the pre-printed lottery ticket; and a number of wagers associated with the pre-printed lottery ticket (col. 13: 45-6).

Claim 7: Sandvick discloses validating the received transaction request (col. 15: 29-50).

Claims 8-9: Sandvick discloses verifying that the product information corresponds to identification information associated with a pre-printed lottery ticket (col. 15: 33-55).

Claims 10-11: Sandvick discloses that the information provided to the lottery administration system includes one or more randomly determined lottery numbers generated at the time the preprinted lottery ticket is purchased at the POS (cols. 14-15: 44-31).

Claim 12: Sandvick disclose POS is online (col. 16: 21-34).

Claims 13-15: Sandvick discloses at least one of the two or more codes comprise a barcode (or product code which includes lottery info) which further includes a first party information and a second party information (figures 3-5 & cols. 13-15).

Claim 16: Sandvick discloses pre-printed lottery ticket contains information used to redeem a winning prize (col. 16: 50-40).

Claims 17-18: Sandvick discloses the lottery administration system generates wagers for the pre-printed lottery ticket and a draw date is assigned to the wagers (figure 3-5).

Claim Rejections - 35 USC § 103

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.

Claim 19 is rejected under 35 U.S.C. 103 as being unpatentable over Sandvick as applied to claims above, and further in view of Yacenda (US Patent 6,322,446).

Claim 19: Sandvick discloses a method for providing a lottery ticket for a random draw (abstract) comprising, receiving, by a transaction processor, a transaction request from a retailer point of sale to activate a pre-printed lottery ticket, 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 (cols. 8-9:10-27). Sandvick, however, fails to

disclose age validation. In an analogous art, Yacenda teaches of facilitating state lottery game with screening and verification function. Furthermore, Yacenda teaches of verification function which verifies the user's age prior to implementing the lottery game (col. 4: 51-65). It would have been obvious for one with ordinary skill in the art, at the time of applicant's invention to have modified the lottery method of Sandvick to include age verification, as taught by Yacenda to prevent underage gambling.

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

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Notice of References Cited.

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 <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SUNIT PANDYA/
Primary Examiner, Art Unit 3649

<i>Notice of References Cited</i>	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.	G06Q20/085	463/29
*	B	US-8784180-B2	07-2014	Stanek; Edward J.	G07F17/329	463/16
*	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	G07F17/32	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.	A63F3/0625	463/17
*	I	US-9251663-B1	02-2016	Sandvick; Frederick	G07F17/329	1/1
	J					
	K					
	L					
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FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	CPC Classification
	N					
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	S					
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NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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	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.

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

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

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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S54	218	"6,241,606"	US-PGPUB; USPAT	OR	ON	2019/08/21 16:44
S53	7	((lottery with ticket) with (pre adj print\$3)) and S52	US-PGPUB; USPAT	OR	ON	2019/08/21 16:42
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
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
S50	8	((lottery with ticket) with (pre adj print\$3)) and S49	US-PGPUB; USPAT	OR	ON	2019/08/21 16:36
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
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
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
S46	15	((pre adj print\$3) with lottery with ticket) with POS	US-PGPUB; USPAT	OR	ON	2019/04/01 16:40
S45	303	(pre adj print\$3) with lottery with ticket	US-PGPUB; USPAT	OR	ON	2019/04/01 16:37
S44	216	(pre adj print\$3) with lottery with ticket	US-PGPUB; USPAT	OR	OFF	2019/04/01 16:37
S39	32	S36 AND ((A63F13/00 OR A63F3/0645 OR A63F2250/64 OR A63F3/0605 OR A63F13/30	US-PGPUB;	OR	ON	2017/09/17 23:35

		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.)	USPAT			
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
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
S36	234	online with lottery with ticket with draw\$4	US- PGPUB; USPAT	OR	ON	2017/09/17 23:32
S35	1098	(online same lottery) and verif\$5	US- PGPUB; USPAT	OR	ON	2017/09/16 17:07
S34	498	(online same lottery same ticket) and verif\$5	US- PGPUB; USPAT	OR	ON	2017/09/16 15:10
S33	929	(online same lottery same ticket) and draw\$4	US- PGPUB; USPAT	OR	ON	2017/09/16 15:10
		"14679028"	US- PGPUB; USPAT	OR	OFF	2017/09/15 22:33
S32	929	(online same lottery same ticket) and draw\$4	US- PGPUB; USPAT	OR	ON	2017/09/15 16:39
S31	929	(online same lottery same ticket)and draw\$4	US- PGPUB; USPAT	OR	ON	2017/09/15 16:39
S30	492	online same lottery same ticket same draw\$4	US- PGPUB;	OR	ON	2017/09/15 16:38

			USPAT			
S29	234	online with lottery with ticket with draw\$4	US-PGPUB; USPAT	OR	ON	2017/09/15 16:38
S28	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	2017/06/15 14:29
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S25	10	("2009/0227320").URPN.	USPAT	OR	OFF	2017/06/15 14:28
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S23	125	("4191376" "4398708" "4725079" "5317135" "5398932" "5505449" "5613680" "5749784" "5772510" "5791990").PN. OR ("5935000").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2017/06/15 14:27
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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
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
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
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
S16	51	online with lottery with ticket with draw\$4 and (pre adj print\$3)	US-PGPUB; USPAT	OR	ON	2016/12/29 19:10
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S10	16	("2006/0160602").URPN.	USPAT	OR	OFF	2016/12/29 15:09
S9	22	"5241487"	US- PGPUB; USPAT	OR	ON	2016/12/28 18:28
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
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
S5	211	online with lottery with ticket with draw\$4	US- PGPUB; USPAT	OR	ON	2016/12/28 14:55
S4	28	online with lottery with ticket with draw\$4	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
S2	0	("2016/0210808").URPN.	USPAT	OR	OFF	2016/12/28 14:55
S1	1	"14679028"	US- PGPUB; USPAT	OR	OFF	2016/12/28 14:48

8/ 22/ 2019 11:19:59 AM
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Doc code: IDS

PTO/SB/08a (02-18)

Doc description: Information Disclosure Statement (IDS) Filed

Approved for use through 11/30/2020. 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		
Filing Date		2019-02-20
First Named Inventor	Gino Giunti	
Art Unit	N/A	
Examiner Name	N/A	
Attorney Docket Number	4556.23103	

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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	9865135	B2	2018-01-09	Giunti	

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	1	20180096558	A1	2018-04-05	Giunti	

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number		
Filing Date		2019-02-20
First Named Inventor	Gino Giunti	
Art Unit	N/A	
Examiner Name	N/A	
Attorney Docket Number	4556.23103	

1	Filing receipt and specification for provisional patent application entitled " Methods For Selling Pre-Printed Online Lottery Tickets," by Gino Giunti, filed January 18, 2015 as serial number 62/104,844.
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EXAMINER SIGNATURE

Examiner Signature	/SUNIT PANDYA/	Date Considered	08/22/2019
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*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	
Filing Date	2019-02-20
First Named Inventor	Gino Giunti
Art Unit	N/A
Examiner Name	N/A
Attorney Docket Number	4556.23103

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)	2019-02-20
Name/Print	Jerry C. Harris, Jr.	Registration Number	66,822

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.**

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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.
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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. /S.P/



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
16/280,629	02/20/2019	Gino Giunti	4556.23103

CONFIRMATION NO. 5484

PUBLICATION NOTICE



OC000000109076538

15608
Blackhawk Network, Inc.
3131 McKinney Avenue
Suite 100
Dallas, TX 75204

Title:METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS

Publication No.US-2019-0188947-A1

Publication Date:06/20/2019

NOTICE OF PUBLICATION OF APPLICATION

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

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

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Public Records Division. The Public Records Division can be reached by telephone at (571) 272-3150 or (800) 972-6382, by facsimile at (571) 273-3250, by mail addressed to the United States Patent and Trademark Office, Public Records Division, Alexandria, VA 22313-1450 or via the Internet.

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

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

Electronic Acknowledgement Receipt

EFS ID:	36236910
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:	07-JUN-2019
Filing Date:	20-FEB-2019
Time Stamp:	14:17:08
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Response to Election / Restriction Filed	060719_ResponseRestrictionRequirement.pdf	89216 11b3db6730061aa8ed1cd25c7d3c1db7321a2e0f	no	2

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mail Stop: Amendment
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 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

06/07/2019

(Date submitted)

/Kathleen Weese/

Kathleen Weese

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

In response to the Office Action dated April 8, 2019 in the above-identified application, Applicant respectfully traverses the Office Action's requirement for restriction on, at least, the grounds that examination of both the identified Groups would not present a serious burden. *See* MPEP § 818. Notwithstanding the instant traversal, Applicant respectfully elects Group I, "Claims 1-19, drawn to lottery game with transactional POS terminal, classified in class 463 21, subclass 17," *see* Office Action at 2, as the elected invention for examination.

CONCLUSION

Applicant respectfully looks forward to the Examiner's substantive action on these claims. If the Examiner believes it would assist in expediting the application, Applicant welcomes a telephone conference with the Examiner to improve understanding of and resolve any questions or issues of the Examiner.

Respectfully submitted,
WICK PHILLIPS GOULD & MARTIN, LLP

Date: June 7, 2019

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

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(214) 692-6255 (Facsimile)

ATTORNEY FOR APPLICANT



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
16/280,629	02/20/2019	Gino Giunti	4556.23103

15608
Blackhawk Network, Inc.
3131 McKinney Avenue
Suite 100
Dallas, TX 75204

CONFIRMATION NO. 5484
POA ACCEPTANCE LETTER



Date Mailed: 04/08/2019

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/03/2019.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at (571) 272-4000 or (571) 272-4200 or 1-888-786-0101.

/vvan/



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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	04/08/2019	EXAMINER	
Blackhawk Network, Inc. 3131 McKinney Avenue Suite 100 Dallas, TX 75204			PANDYA, SUNIT	
			ART UNIT	PAPER NUMBER
			3649	
			NOTIFICATION DATE	DELIVERY MODE
			04/08/2019	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

DETAILED ACTION

Election/Restriction

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-19, drawn to lottery game with transactional POS terminal, classified in class 463, subclass 17.

II. Claim 20, drawn to a draw game, classified in class 463, subclass 16.

The inventions are independent or distinct, each from the other because:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination I has separate utility such as a transaction processor for receiving a transaction request from a retailer point of sale terminal to activate a pre-printed lottery ticket, which is lacking in subcombination II.

See MPEP § 806.05(d).

The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to

provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Restriction for examination purposes as indicated is proper because all the inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and/or examination burden if restriction were not required because one or more of the following reasons apply:

- (a) the inventions have acquired a separate status in the art in view of their different classification;
- (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
- (c) the inventions require a different field of search (e.g., searching different classes /subclasses or electronic resources, or employing different search strategies or search queries);
- (d) the prior art applicable to one invention would not likely be applicable to another invention;
- (e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C 112 first paragraph.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of an invention to be examined even though the requirement may be traversed (37 CFR 1.143) **and (ii) identification of the claims encompassing the elected invention.**

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103 or pre-AIA 35 U.S.C. 103(a) of the other invention.

A telephone call was made to Jerry Harris on 4/1/19 to request an oral election to the above restriction requirement, but did not result in an election being made.

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 <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SUNIT PANDYA/
Primary Examiner, Art Unit 3649

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.

POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(c).

I hereby appoint:



Practitioners associated with Customer Number:

15608

OR



Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number

Name	Registration Number

As attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignments documents attached to this form in accordance with 37 CFR 3.73(c).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(c) to:



The address associated with Customer Number:

15608

OR

☐	Firm or Individual Name			
☐	Address			
☐	City	State	Zip	
☐	Country			
☐	Telephone	Email		

Assignee Name and Address: Blackhawk Network, Inc.
6220 Stoneridge Mall Road
Pleasanton, CA 94588

A copy of this form, together with a statement under 37 CFR 3.73(c) (Form PTO/AIA/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(c) may be completed by one of the practitioners appointed in this form, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature		Date	
Name	James S. McDonald	Telephone	408.489.2591
Title	VP, Litigation & Chief IP Counsel		

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. 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 3 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.

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.

STATEMENT UNDER 37 CFR 3.73(c)Applicant/Patent Owner: Blackhawk Network, Inc.Application No./Patent No.: 16/280,629 Filed/Issue Date: February 20, 2019Titled: METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETSBlackhawk Network, Inc., a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that, for the patent application/patent identified above, it is (choose **one** of options 1, 2, 3 or 4 below):

1. ☒ The assignee of the entire right, title, and interest.
2. ☐ An assignee of less than the entire right, title, and interest (check applicable box):
- ☐ The extent (by percentage) of its ownership interest is ____%. Additional Statement(s) by the owners holding the balance of the interest must be submitted to account for 100% of the ownership interest.
- ☐ There are unspecified percentages of ownership. The other parties, including inventors, who together own the entire right, title and interest are:

Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

3. ☐ The assignee of an undivided interest in the entirety (a complete assignment from one of the joint inventors was made). The other parties, including inventors, who together own the entire right, title, and interest are:

Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

4. ☐ The recipient, via a court proceeding or the like (e.g., bankruptcy, probate), of an undivided interest in the entirety (a complete transfer of ownership interest was made). The certified document(s) showing the transfer is attached.

The interest identified in option 1, 2 or 3 above (not option 4) is evidenced by either (choose **one** of options A or B below):

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:
1. From: _____ To: _____
- The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
- The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

[Page 1 of 2]

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

STATEMENT UNDER 37 CFR 3.73(c)

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.

4. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.

5. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.

6. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

☐ As required by 37 CFR 3.73(c)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

/Jerry C. Harris, Jr./

Signature

Jerry C. Harris, Jr.

Printed or Typed Name

April 3, 2019

Date

66,822

Title or Registration Number

Electronic Acknowledgement Receipt

EFS ID:	35617639
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:	03-APR-2019
Filing Date:	20-FEB-2019
Time Stamp:	15:22:02
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		ExecutedPOAStatement373.pdf	503711 9f1e33838d2ba94d2e9d9edadc8e4fa843d462a	yes	3

	Multipart Description/PDF files in .zip description		
	Document Description	Start	End
	Power of Attorney	1	1
	Assignee showing of ownership per 37 CFR 3.73	2	3

Warnings:

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Information:

Total Files Size (in bytes):	503711
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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.



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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	03/12/2019	EXAMINER	
Blackhawk Network, Inc. 3131 McKinney Avenue Suite 100 Dallas, TX 75204			ART UNIT	PAPER NUMBER
			3649	
			NOTIFICATION DATE	DELIVERY MODE
			03/12/2019	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

<i>Decision Granting Request for Prioritized Examination (Track I)</i>	Application No. 16/280,629	Applicant(s) Giunti, Gino	
	Examiner BRIAN W BROWN	Art Unit OPET	AIA (First Inventor to File) Status Yes
1. THE REQUEST FILED <u>20 February 2019</u> IS GRANTED . The above-identified application has met the requirements for prioritized examination A. ☒ for an original nonprovisional application (Track I). B. ☐ for an application undergoing continued examination (RCE). 2. The above-identified application will undergo prioritized examination. The application will be accorded special status throughout its entire course of prosecution until one of the following occurs: A. filing a <u>petition for extension of time</u> to extend the time period for filing a reply; B. filing an <u>amendment to amend the application to contain more than four independent claims, more than thirty total claims</u>, or a multiple dependent claim; C. filing a <u>request for continued examination</u> ; D. filing a notice of appeal; E. filing a request for suspension of action; F. mailing of a notice of allowance; G. mailing of a final Office action; H. completion of examination as defined in 37 CFR 41.102; or I. abandonment of the application. Telephone inquiries with regard to this decision should be directed to BRIAN BROWN at (571)272-5338. In his/her absence, calls may be directed to Petition Help Desk at (571) 272-3282.			
/BRIAN W BROWN/ Petitions Examiner, OPET			



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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
16/280,629	02/20/2019	3714	1720	4556.23103	20	2

CONFIRMATION NO. 5484

FILING RECEIPT

15608
Blackhawk Network, Inc.
3131 McKinney Avenue
Suite 100
Dallas, TX 75204



Date Mailed: 03/11/2019

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

Inventor(s)

Gino Giunti, Sault Ste. Marie, CANADA;

Applicant(s)

BLACKHAWK NETWORK INC., Pleasanton, CA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 15/833,566 12/06/2017
which is a CON of 14/679,028 04/06/2015 PAT 9865135
which claims benefit of 62/104,844 01/18/2015

Foreign Applications for which priority is claimed (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.) - None.

Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

Permission to Access Application via Priority Document Exchange: Yes

Permission to Access Search Results: Yes

Applicant may provide or rescind an authorization for access using Form PTO/SB/39 or Form PTO/SB/69 as appropriate.

If Required, Foreign Filing License Granted: 03/07/2019

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 16/280,629**

Projected Publication Date: 06/20/2019

Non-Publication Request: No

Early Publication Request: No

Title

METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS

Preliminary Class

463

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4258).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

SelectUSA

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 U.S. offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to promote and facilitate business investment. SelectUSA provides information assistance to the international investor community; serves as an ombudsman for existing and potential investors; advocates on behalf of U.S. cities, states, and regions competing for global investment; and counsels U.S. economic development organizations on investment attraction best practices. To learn more about why the United States is the best country in the world to develop technology, manufacture products, deliver services, and grow your business, visit <http://www.SelectUSA.gov> or call +1-202-482-6800.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875						Application or Docket Number 16/280,629				
APPLICATION AS FILED - PART I										
(Column 1)		(Column 2)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY				
FOR	NUMBER FILED	NUMBER EXTRA	RATE(\$)	FEE(\$)		RATE(\$)	FEE(\$)			
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	300			
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A			N/A	660			
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	760			
TOTAL CLAIMS (37 CFR 1.16(j))	20	minus 20 = *			OR	x 100 =	0.00			
INDEPENDENT CLAIMS (37 CFR 1.16(h))	2	minus 3 = *				x 460 =	0.00			
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).						0.00			
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							0.00			
			TOTAL			TOTAL	1720			
* If the difference in column 1 is less than zero, enter "0" in column 2.										
APPLICATION AS AMENDED - PART II										
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY		
AMENDMENT A		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)	ADDITIONAL FEE(\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	x	=	OR	x	=
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x	=	OR	x	=
	Application Size Fee (37 CFR 1.16(s))							OR		
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
AMENDMENT B		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)	ADDITIONAL FEE(\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	x	=	OR	x	=
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x	=	OR	x	=
	Application Size Fee (37 CFR 1.16(s))							OR		
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.										

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		
	Filing Date		2019-02-20
	First Named Inventor	Gino Giunti	
	Art Unit	N/A	
	Examiner Name	N/A	
	Attorney Docket Number	4556.23103	

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	9865135	B2	2018-01-09	Giunti	

If you wish to add additional U.S. Patent citation information please click the Add button.

Add

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	20180096558	A1	2018-04-05	Giunti	

If you wish to add additional U.S. Published Application citation information please click the Add button.

Add

FOREIGN PATENT DOCUMENTS							Remove	
Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ²ⁱ	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							

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

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	
Filing Date	2019-02-20
First Named Inventor	Gino Giunti
Art Unit	N/A
Examiner Name	N/A
Attorney Docket Number	4556.23103

1	Filing receipt and specification for provisional patent application entitled " Methods For Selling Pre-Printed Online Lottery Tickets," by Gino Giunti, filed January 18, 2015 as serial number 62/104,844.
---	---

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

EXAMINER SIGNATURE

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*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	
Filing Date	2019-02-20
First Named Inventor	Gino Giunti
Art Unit	N/A
Examiner Name	N/A
Attorney Docket Number	4556.23103

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)	2019-02-20
Name/Print	Jerry C. Harris, Jr.	Registration Number	66,822

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

Electronic Patent Application Fee Transmittal				
Application Number:				
Filing Date:				
Title of Invention:		SYSTEM AND METHOD FOR ELECTRONIC PREPAID ACCOUNT REPLENISHMENT		
First Named Inventor/Applicant Name:		Gino Giunti		
Filer:		Jerry Harris/Kathleen Weese		
Attorney Docket Number:		4556.23103		
Filed as Large Entity				
Filing Fees for Track I Prioritized Examination - Nonprovisional Application under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
UTILITY APPLICATION FILING	1011	1	300	300
UTILITY SEARCH FEE	1111	1	660	660
UTILITY EXAMINATION FEE	1311	1	760	760
REQUEST FOR PRIORITIZED EXAMINATION	1817	1	4000	4000
Pages:				
Claims:				
Miscellaneous-Filing:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
PUBL. FEE- EARLY, VOLUNTARY, OR NORMAL	1504	1	0	0
PROCESSING FEE, EXCEPT PROV. APPLS.	1830	1	140	140
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				5860

Electronic Acknowledgement Receipt

EFS ID:	35202408
Application Number:	16280629
International Application Number:	
Confirmation Number:	5484
Title of Invention:	SYSTEM AND METHOD FOR ELECTRONIC PREPAID ACCOUNT REPLENISHMENT
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:	20-FEB-2019
Filing Date:	
Time Stamp:	16:09:15
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$5860
RAM confirmation Number	022119INTEFSW16094100
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	Application Data Sheet	ApplicationDataSheet.pdf	1226360	no	8
			bf2164e07487075ecdb980fe775f6e9164328093		
Warnings:					
Information:					
2		ContinuationSpecification.pdf	146230	yes	23
			6e2cc1a0f6ab6b383634d2e365fa4da8101c5786		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Specification		1	18	
	Claims		19	22	
	Abstract		23	23	
Warnings:					
Information:					
3	Drawings-only black and white line drawings	FormalDrawings.pdf	575164	no	9
			1332357548bfb059ce373e8141f93de14da1666d		
Warnings:					
Information:					
4	Oath or Declaration filed	ExecutedParentDeclaration.pdf	223446	no	2
			a10ea51e7dc1b2cb88ef6352d0eeb68fc723bdf6		
Warnings:					
Information:					
5	TrackOne Request	022019_TrackOneFiling.pdf	113986	no	2
			25c7f56e8d95e8792f45604d495f17ad1808fbd1		

Warnings:					
Information:					
6	Non Patent Literature	62104844_FilingReceiptSpec.pdf	972557	no	25
			693c91f33c75b43af1af4774748e7dbde5ae1570		
Warnings:					
Information:					
7	Information Disclosure Statement (IDS) Form (SB08)	022019_IDS_Form.pdf	1034389	no	4
			696cfa85e54c692406d12efc252b624568d29568		
Warnings:					
Information:					
8	Fee Worksheet (SB06)	fee-info.pdf	40177	no	2
			45aa595d796220977907138d9fe822966f1df7c7		
Warnings:					
Information:					
Total Files Size (in bytes):			4332309		
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. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					

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.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	4556.23103
		Application Number	
Title of Invention	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS		
The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76. This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.			

Secrecy Order 37 CFR 5.2:

☐	Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)
--------------------------	---

Inventor Information:

Inventor	1				Remove
Legal Name					
Prefix	Given Name	Middle Name	Family Name	Suffix	
	Gino		Giunti		
Residence Information (Select One) US Residency • Non US Residency Active US Military Service					
City	Sault Ste. Marie		Country of Residence ⁱ	CA	
Mailing Address of Inventor:					
Address 1	212 Pentagon Blvd				
Address 2					
City	Sault Ste. Marie		State/Province	ON	
Postal Code	P6B 5J3		Country ⁱ	CA	
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the Add button.					

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below. For further information see 37 CFR 1.33(a).			
☐ An Address is being provided for the correspondence Information of this application.			
Customer Number	15608		
Email Address	wppatents@wickphillips.com	Add Email	Remove Email

Application Information:

Title of the Invention	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS		
Attorney Docket Number	4556.23103	Small Entity Status Claimed	☐
Application Type	Nonprovisional		
Subject Matter	Utility		
Total Number of Drawing Sheets (if any)	9	Suggested Figure for Publication (if any)	

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	4556.23103
		Application Number	
Title of Invention	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS		

Filing By Reference:

Only complete this section when filing an application by reference under 35 U.S.C. 111(c) and 37 CFR 1.57(a). Do not complete this section if application papers including a specification and any drawings are being filed. Any domestic benefit or foreign priority information must be provided in the appropriate section(s) below (i.e., "Domestic Benefit/National Stage Information" and "Foreign Priority Information").

For the purposes of a filing date under 37 CFR 1.53(b), the description and any drawings of the present application are replaced by this reference to the previously filed application, subject to conditions and requirements of 37 CFR 1.57(a).

Application number of the previously filed application	Filing date (YYYY-MM-DD)	Intellectual Property Authority or Country

Publication Information:

☐ Request Early Publication (Fee required at time of Request 37 CFR 1.219)

☐ **Request Not to Publish.** I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Either enter Customer Number or complete the Representative Name section below. If both sections are completed the customer Number will be used for the Representative Information during processing.

Please Select One:	☒ Customer Number	☐ US Patent Practitioner	☐ Limited Recognition (37 CFR 11.9)
Customer Number	15608		

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, 365(c), or 386(c) or indicate National Stage entry from a PCT application. Providing benefit claim information in the Application Data Sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78.

When referring to the current application, please leave the "Application Number" field blank.

Prior Application Status	Pending	Remove	
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)
	Continuation of	15833566	2017-12-06

Application Data Sheet 37 CFR 1.76		Attorney Docket Number		4556.23103	
		Application Number			
Title of Invention		METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS			
Prior Application Status		Patented		Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
15833566	Continuation of	14679028	2015-04-06	9865135	2018-01-09
Prior Application Status		Expired		Remove	
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)		
14679028	Claims benefit of provisional	62104844	2015-01-18		
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the Add button.					Add

Foreign Priority Information:

This section allows for the applicant to claim priority to a foreign application. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55. When priority is claimed to a foreign application that is eligible for retrieval under the priority document exchange program (PDX)ⁱ the information will be used by the Office to automatically attempt retrieval pursuant to 37 CFR 1.55(i)(1) and (2). Under the PDX program, applicant bears the ultimate responsibility for ensuring that a copy of the foreign application is received by the Office from the participating foreign intellectual property office, or a certified copy of the foreign priority application is filed, within the time period specified in 37 CFR 1.55(g)(1).

			Remove
Application Number	Country ⁱ	Filing Date (YYYY-MM-DD)	Access Code ⁱ (if applicable)
			Remove
Application Number	Country ⁱ	Filing Date (YYYY-MM-DD)	Access Code ⁱ (if applicable)
Additional Foreign Priority Data may be generated within this form by selecting the Add button.			Add

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications

☐ This application (1) claims priority to or the benefit of an application filed before March 16, 2013 and (2) also contains, or contained at any time, a claim to a claimed invention that has an effective filing date on or after March 16, 2013. NOTE: By providing this statement under 37 CFR 1.55 or 1.78, this application, with a filing date on or after March 16, 2013, will be examined under the first inventor to file provisions of the AIA.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	4556.23103
		Application Number	
Title of Invention	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS		

Authorization or Opt-Out of Authorization to Permit Access:

When this Application Data Sheet is properly signed and filed with the application, applicant has provided written authority to permit a participating foreign intellectual property (IP) office access to the instant application-as-filed (see paragraph A in subsection 1 below) and the European Patent Office (EPO) access to any search results from the instant application (see paragraph B in subsection 1 below).

Should applicant choose not to provide an authorization identified in subsection 1 below, applicant **must opt-out** of the authorization by checking the corresponding box A or B or both in subsection 2 below.

NOTE: This section of the Application Data Sheet is **ONLY** reviewed and processed with the **INITIAL** filing of an application. After the initial filing of an application, an Application Data Sheet cannot be used to provide or rescind authorization for access by a foreign IP office(s). Instead, Form PTO/SB/39 or PTO/SB/69 must be used as appropriate.

1. Authorization to Permit Access by a Foreign Intellectual Property Office(s)

A. Priority Document Exchange (PDX) - Unless box A in subsection 2 (opt-out of authorization) is checked, the undersigned hereby **grants the USPTO authority** to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the State Intellectual Property Office of the People's Republic of China (SIPO), the World Intellectual Property Organization (WIPO), and any other foreign intellectual property office participating with the USPTO in a bilateral or multilateral priority document exchange agreement in which a foreign application claiming priority to the instant patent application is filed, access to: (1) the instant patent application-as-filed and its related bibliographic data, (2) any foreign or domestic application to which priority or benefit is claimed by the instant application and its related bibliographic data, and (3) the date of filing of this Authorization. See 37 CFR 1.14(h)(1).

B. Search Results from U.S. Application to EPO - Unless box B in subsection 2 (opt-out of authorization) is checked, the undersigned hereby **grants the USPTO authority** to provide the EPO access to the bibliographic data and search results from the instant patent application when a European patent application claiming priority to the instant patent application is filed. See 37 CFR 1.14(h)(2).

The applicant is reminded that the EPO's Rule 141(1) EPC (European Patent Convention) requires applicants to submit a copy of search results from the instant application without delay in a European patent application that claims priority to the instant application.

2. Opt-Out of Authorizations to Permit Access by a Foreign Intellectual Property Office(s)

☐ A. Applicant **DOES NOT** authorize the USPTO to permit a participating foreign IP office access to the instant application-as-filed. If this box is checked, the USPTO will not be providing a participating foreign IP office with any documents and information identified in subsection 1A above.

☐ B. Applicant **DOES NOT** authorize the USPTO to transmit to the EPO any search results from the instant patent application. If this box is checked, the USPTO will not be providing the EPO with search results from the instant application.

NOTE: Once the application has published or is otherwise publicly available, the USPTO may provide access to the application in accordance with 37 CFR 1.14.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	4556.23103
		Application Number	
Title of Invention	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS		

Applicant Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

Applicant	1	Remove
If the applicant is the inventor (or the remaining joint inventor or inventors under 37 CFR 1.45), this section should not be completed. The information to be provided in this section is the name and address of the legal representative who is the applicant under 37 CFR 1.43; or the name and address of the assignee, person to whom the inventor is under an obligation to assign the invention, or person who otherwise shows sufficient proprietary interest in the matter who is the applicant under 37 CFR 1.46. If the applicant is an applicant under 37 CFR 1.46 (assignee, person to whom the inventor is obligated to assign, or person who otherwise shows sufficient proprietary interest) together with one or more joint inventors, then the joint inventor or inventors who are also the applicant should be identified in this section. Clear		
☒ Assignee	Legal Representative under 35 U.S.C. 117	Joint Inventor
Person to whom the inventor is obligated to assign.		Person who shows sufficient proprietary interest
If applicant is the legal representative, indicate the authority to file the patent application, the inventor is:		
Name of the Deceased or Legally Incapacitated Inventor:		
If the Applicant is an Organization check here. ☒		
Organization Name	BLACKHAWK NETWORK INC.	
Mailing Address Information For Applicant:		
Address 1	6220 Stoneridge Mall Road	
Address 2		
City	Pleasanton	State/Province
Country	US	Postal Code
Phone Number		Fax Number
Email Address		
Additional Applicant Data may be generated within this form by selecting the Add button. Add		

Assignee Information including Non-Applicant Assignee Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	4556.23103
		Application Number	
Title of Invention	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS		

Assignee	1			
Complete this section if assignee information, including non-applicant assignee information, is desired to be included on the patent application publication. An assignee-applicant identified in the "Applicant Information" section will appear on the patent application publication as an applicant. For an assignee-applicant, complete this section only if identification as an assignee is also desired on the patent application publication.				
				Remove
If the Assignee or Non-Applicant Assignee is an Organization check here.				☐
Prefix	Given Name	Middle Name	Family Name	Suffix
Mailing Address Information For Assignee including Non-Applicant Assignee:				
Address 1				
Address 2				
City		State/Province		
Country ⁱ		Postal Code		
Phone Number		Fax Number		
Email Address				
Additional Assignee or Non-Applicant Assignee Data may be generated within this form by selecting the Add button.				Add

Signature:

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See 37 CFR 1.4(d) for the manner of making signatures and certifications.

Signature	/Jerry C. Harris, Jr./		Date (YYYY-MM-DD)	2019-02-20
First Name	Jerry C.	Last Name	Harris, Jr.	Registration Number
				66822
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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	4556.23103
		Application Number	
Title of Invention	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS		

This collection of information is required by 37 CFR 1.76. 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 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet 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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METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS

CROSS-REFERENCE TO RELATED APPLICATIONS

[0001] This application is a continuation application of, and claims priority to, U.S. Patent Application No. 15/833,566 filed on December 6, 2017, which is a continuation application of and claims priority to U.S. Patent Application No. 14/679,028 filed April 6, 2015, issued as U.S. Patent No. 9,865,135, which claims benefit of Provisional Application No. 62/104,844 filed January 18, 2015 titled "Methods For Selling Pre-printed Online Lottery Tickets."

FIELD OF DESCRIBED METHODS

[0002] The current disclosure relates to lottery systems and in particular to the sale and activation of pre-printed draw based lottery tickets through the retailers Point of Sale without the need for additional lottery hardware.

BACKGROUND AND SUMMARY OF THE INVENTION

[0003] Broadly there are two types of lotteries. The first is instant win lotteries where a printed ticket provides all of the lottery information. These tickets typically have a play area covered by scratch off material. The tickets can be purchased from a retailer, and the scratch off material removed to reveal whether the ticket is a winner. A second type of lottery is a draw-based lottery or "online" lottery, where a player makes a wager on a subsequently occurring event. For example, a player may guess at numbers that will be drawn. The selected numbers, or randomly selected numbers if the player does not have a preference for the numbers, are printed on a ticket and provided to the player. Once the event occurs, for example the numbers are drawn or generated by the lottery organization, the ticket may be a winner depending on if one or more of the selected numbers were drawn or generated.

[0004] 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.

[0005] 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.

[0006] 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.

[0007] 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.

[0008] 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. It is 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.

[0009] Described herein are methods for selling draw based tickets through the retailers POS without the use of additional hardware to generate or print the tickets.

BRIEF DESCRIPTION OF THE DRAWINGS

[0010] Figure 1 depicts a pre-printed lottery ticket and purchase receipt;

[0011] Figure 2 depicts components of a point of sale and lottery system;

[0012] Figure 3 depicts a process for providing a ticket for a draw lottery;

[0013] Figure 4 depicts a further process for providing a ticket for a draw lottery;

[0014] Figure 5 depicts a further process for providing a ticket for a draw lottery;

[0015] Figure 6 depicts components of a point of sale, transaction processor and lottery system;

[0016] Figure 7 depicts a process for providing a ticket for a draw lottery through a transaction processor;

[0017] Figure 8 depicts a further process for providing a ticket for a draw lottery through a transaction processor;

[0018] Figure 9 depicts additional or alternative pre-printed lottery tickets.

DETAILED DESCRIPTION

[0019] 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 ticket. 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.

[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. The pre-printed tickets would each have a unique bar code that identifies the particular pre-printed ticket and would also have a Universal Product Code bar code that would identify the lottery product. One bar code may contain both pieces of information. The pre-printed tickets are provided to retailers and are displayed to the consumer.

[0021] Until purchased and activated, the pre-printed tickets have no value, nor do they have any wager or draw date assigned. They cannot be used for validation or redemption purposes prior

to purchase. Once scanned by the retailer's POS and paid for by the customer, the lottery system will generate wagers for the pre-printed ticket and assign the next available draw date. The generated numbers, the draw date and unique ticket identifier is printed on the customers shopping receipt. Although the draw information is printed on the customer's receipt, it is only information and the pre-printed lottery ticket is the legal instrument for validation and prize redemption. Draw information on the printed receipt also serves to confirm the activation of the pre-printed lottery ticket and the assignment of draw numbers and draw date.

[0022] Secure communications between the retailers POS system and the lottery system facilitate the successful completion of the above transaction and activation of the pre- printed ticket. As well, there may be a series of acknowledgments between systems to ensure the generation of the draw information and association of the draw information with the pre-printed ticket is successful and the draw information is printed on the receipt. Once activated, the pre-printed ticket may be subject to the same policies and procedures as standard online lottery tickets generated from specialized lottery terminals.

[0023] Alternatively, the communication and data transfers between the POS and lottery system may be facilitating by a transaction processor system. This may be effective where a third party system is already integrated with the retailers POS for the purpose of interchanging data and transactions.

[0024] Since the wager and draw date information is not printed on the pre-printed ticket, these details may be made available to the purchaser through other means including but not limited to the printed receipt, scanning the pre-printed ticket on existing lottery terminals or self-serve ticket checkers, and entering the pre-printed ticket's unique identifier into online websites or mobile applications.

[0025] A variation of the above is to produce pre-printed tickets with pre-printed wagers on the ticket. In such a case, when the pre-printed ticket with pre-printed wagers is purchased, the lottery system may simply assign the next draw date to the pre-printed ticket and activate the ticket within the lottery system. This lottery system in this variation will have a database of pre-printed tickets and associated lottery wagers.

[0026] Further, the pre-printed tickets may include different number and types of wagers. For example, a single pre-printed lottery ticket may be associated with purchasing 1, 2, 3 or more wagers. When the pre-printed tickets are associated with a plurality of wagers, each wager may be for the same or different online lottery games.

[0027] The ability to purchase an online lottery ticket at a point of sale check-out, as described herein, requires no additional hardware in lane and no special thermal or lottery paper or printer. The legal ticket, namely the pre-printed ticket, may not contain wagers and does not contain the draw date and is only associated with wagers or a draw date in the lottery system when activated by purchase. Given there is no value to the pre-printed ticket before activation, they can be distributed in locations that provide the most visibility and convenience for the customer with limited risk that the pre-printed ticket will be stolen. The pre-printed ticket is treated like an off the shelf commodity when checking out and should not impede the speed at checkout. The solution is extremely convenient for the customer with no additional interaction with the cashier required. Further, limited knowledge or expertise is required by the cashier. The solution may be easily scalable and can provide a cost effective solution to enable all checkout locations in all store locations to sell pre-printed online lottery tickets.

[0028] 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 through a secure communications channel.

[0029] 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.

[0030] Rather than transmitting the pre-printed ticket information first, followed by confirmation of payment, it is possible to transmit the pre-printed ticket information to the lottery system only once the payment has been confirmed. Withholding the draw information until payment confirmation is received is optional and the lottery system may in turn communicate draw information to the POS upon being generated. Payment confirmation, if required, may contain but is not limited to transaction details such as the method of payment, transaction number, loyalty number or debit/credit card details. This level of information enables a complete audit trail to verify the true identity of the ticket owner in situations where ownership is disputed.

[0031] During the checkout process, age verification, if required, is done by the cashier. Where self-serve check-out kiosks are available, the retailer's POS may suspend the terminal operation until the age of the customer can be verified by store personnel or other means such as swiping of an identification card in co-operation with other bio-metric data. The transaction can then be approved or voided depending upon the determined age.

[0032] Purchased pre-printed tickets may be returned and cancelled, assuming the associated draw has not occurred. Tickets can be cancelled at two points in time, either during checkout, and prior to payment or after the basket has been paid for. Prior to payment a customer may change their mind and wish to have the pre-printed ticket removed from their basket. The transaction may be voided in the retailer's POS terminal as done with other common products. Additionally, if the

pre-printed ticket information has already been communicated to the lottery system, another transaction may be performed indicating that the purchase of the pre-printed ticket was cancelled. The lottery system will cancel the pre-printed ticket and wager and draw information. Confirmation of the cancellation may be sent back to the POS terminal. The customer's receipt may show the inclusion and return of the pre-printed ticket but no draw or wager information will be shown on the receipt.

[0033] After the basket has been paid for and the pre-printed ticket has been activated, the customer may return and cancel the pre-printed ticket, for example at the retailer's customer service counter. Normal retailer and lottery return procedures may apply. The cashier may scan the pre-printed ticket barcode(s) into the POS. The retailer's POS will communicate the transaction type, i.e. cancellation, and pre-printed ticket details, such as product information and/or unique identifier, to the lottery system through a secure communications channel. The lottery system will locate the associated wager and cancel the transaction. The lottery system may send a confirmation to the retailer's POS along with the cancellation details, such as the pre-printed ticket identifier and/or cancellation date / time. The cancellation details may be returned in the form of an image. Cancellation information may be printed at the bottom of the customer's return receipt.

[0034] Figure 1 depicts a pre-printed lottery ticket and purchase receipt. A pre-printed ticket 100 may be placed at various locations in a retail environment. The pre-printed ticket 100 may have a main ticket portion 102 and may have a display portion 104 separable connected to the main ticket portion 102, for example by perforated or scored lines. The display portion 104 may include a hanging cut-out 106 in order to facilitate the display of the pre-printed ticket 100. The main ticket portion 102 includes advertising and purchase information, such as the cost of the pre-printed ticket 108 and the product the pre-printed ticket is for 110. Additionally, the main ticket

portion 102 may include barcode information 112, which may be in the form of one or more barcodes although only one is depicted. Barcode information will contain the Ticket Unique Identifier, Universal Product Code and may contain price information. Although the specific physical characteristics of the pre-printed ticket are depicted in Figure 1, it will be appreciated that the pre-printed tickets may take many different physical shapes.

[0035] Figure 1 also depicts the shopping receipt 114 provided to the customer after the transaction is completed. The receipt is similar to commonly provided receipts and includes an itemized list of purchased items 116. The list 116 includes an indication 118 of the purchase of the pre-printed ticket. The receipt may also include draw and wager information 120 provided by the lottery system when the pre-printed ticket was activated. The draw and wager information 120, may include an indication of the draw date, the wager numbers and the unique ticket identifier which may be masked for security reasons. The unique ticket identifier included in 120 associates the receipt 144 to the pre-printed ticket 100. The draw and wager information associated with a pre-printed ticket may be checked by a consumer by other means, such as through a lottery terminal, lottery mobile application or lottery online site.

[0036] Figure 2 depicts components of a lottery system and point of sale environment. As depicted, the environment 200 for purchasing a pre-printed lottery ticket includes a retailer's point of sale terminal 202 and a lottery system 220 connected to each other through one or more communication networks 218. The communication between retail POS terminals and the lottery system may be secured using various encryption techniques.

[0037] The retailer's POS terminal 202 may include a central processing unit (CPU) 204, memory unit 206 and I/O interface(s) 208 for communicating with devices external to the POS terminal. As depicted, a barcode scanner 210 may be connected for scanning in barcode

information, such as Universal Product Code information, and pre-printed ticket information 100. The retailer POS terminal may also be connected to a printer 212 for printing a receipt 114 of the transaction. The POS terminal 202 includes instructions 214 stored in the memory unit, which when executed by the processor unit 204 configure the POS terminal 202 to provide pre-printed draw-based lottery ticketing functionality 216. The functionality 216 may provide the functionality for communicating scanned in barcode information of pre-printed lottery tickets with the lottery system, and receiving confirmation of the pre-printed ticket's activation, as described above.

[0038] The lottery system 220 may include a central processing unit (CPU) 222, memory unit 226 and I/O interface(s) 224 for communicating with devices external to the lottery system 220. Instructions 228 stored in the memory unit 226, when executed by the processing unit 222 configure the lottery system to provide pre-printed draw-based lottery ticket activation and cancellation functionality 230. The functionality 230 may receive and verify pre-printed lottery ticket information from a plurality of different retailers. The verification of the pre-printed lottery ticket information may involve checking that the received information corresponds to an actual ticket, verifying one or more check-digits, and/or verifying that the pre-printed lottery ticket was distributed to the retailer. The pre-printed ticket information used in verifying the received information may be stored in a pre-printed ticket information database 232. The functionality 230 may also generate draw and wager information and associate the pre-printed ticket information in a draw information database 234. The draw information database 234 may be used in verifying subsequent tickets, including the pre-printed lottery tickets, as winning tickets following the draw event.

[0039] Figure 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.

[0040] Figure 4 depicts a further process for providing a ticket for a random draw. The process 400 is similar to the process 300; however the unique ID is cached and transmitted with payment confirmation. A pre-printed lottery ticket is scanned (402) at a POS terminal 202 and unique identification information along with product information of the pre- printed ticket is cached at the POS terminal (404). Additional items being purchased may be scanned (406) by the POS terminal, and once all of the items being purchased are scanned, payment may be made (408), for example using cash credit or debit,. After payment is received, the POS terminal 202 may communicate the payment conformation (410) and the cached unique identification information of the pre-printed lottery ticket to the lottery system 220. The lottery system may receive and verify the ticket information and determine draw and wager information, if the wager information is not

already associated with the ticket information and which can activate the pre-printed lottery ticket (412) for the subsequent draw. The draw and or wager information may be returned to the POS terminal (414) and printed on the customer's receipt (416). 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.

[0041] Figure 5 depicts a further process for providing a ticket for a random draw. The process 500 is similar to the process 300; however the determination of the draw and wager information by the lottery system and communication of the information to the POS is not dependent on the receiving of payment by the POS. A pre-printed lottery ticket is scanned (502) at a POS terminal 202 and unique identification information along with product information of the pre-printed ticket is communicated (504) to a lottery system 220, which verifies the ticket information, determines draw and wager information, if the wager information is not already associated with the ticket information and activates the pre-printed ticket (506). The lottery system 220 communicates the draw information (508) to the POS 202 where it is cached (510) by POS Terminal 202.

[0042] Additional items being purchased may be scanned (512) by the POS terminal, and once all of the items being purchased are scanned, payment may be made (514), for example using cash credit or debit,. After payment is received, the POS terminal 202 may communicate the payment conformation (516) to the lottery system 220, which can associate the payment confirmation and details with the pre-printed ticket (518). The POS 202 may print the draw and wager information on the customer's receipt (520). 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.

[0043] Figure 6 depicts components of a lottery system, point of sale environment and a transaction processor. As depicted, the environment 600 for purchasing a pre-printed lottery ticket

includes a retailer's point of sale terminal 202 for the retail of the pre-printed ticket, a lottery system 220 for the generation and activation of pre-printed ticket wagers and draw date and a transaction processor 630 to facilitate the exchange of data between the retailer's point of sale 202 and the lottery system 220 each connected to one other through one or more communication networks 218; 219. The communication between retail POS terminals, the transaction processor and the lottery system may be secured using various encryption techniques.

[0044] The retailer's POS terminal 202 may include a central processing unit (CPU) 204, memory unit 206 and I/O interface(s) 208 for communicating with devices external to the POS terminal. As depicted, a barcode scanner 210 may be connected for scanning in barcode information, such as Universal Product Code information, and pre-printed ticket information 100. The retailer POS terminal may also be connected to a printer 212 for printing a receipt 114 of the transaction. The POS terminal 202 includes instructions 214 stored in the memory unit, which when executed by the processor unit 204 configure the POS terminal 202 to provide pre-printed draw-based lottery ticketing functionality 216. The functionality 216 may provide the functionality for communicating scanned in barcode information of pre-printed lottery tickets with the transaction processor system, and receiving confirmation of the pre-printed ticket's activation, as described above.

[0045] The lottery system 220 may include a central processing unit (CPU) 222, memory unit 226 and I/O interface(s) 224 for communicating with devices external to the lottery system 220. Instructions 228 stored in the memory unit 226, when executed by the processing unit 222 configure the lottery system to provide pre-printed draw-based lottery ticket activation and cancellation functionality 230. The functionality 230 may receive and verify pre-printed lottery ticket information from a plurality of different retailers. The verification of the pre-printed lottery

ticket information may involve checking that the received information corresponds to an actual ticket, verifying one or more check-digits, and/or verifying that the pre-printed lottery ticket was distributed to the retailer. The pre-printed ticket information used in verifying the received information may be stored in a pre-printed ticket information database 232. The functionality 230 may also generate draw and wager information and associate the pre-printed ticket information in a draw information database 234. The draw information database 234 may be used in verifying subsequent tickets, including the pre-printed lottery tickets, as winning tickets following the draw event.

[0046] The transaction processor system 630 may include a central processing unit (CPU) 604, memory unit 616 and I/O interface(s) 608 for communicating with devices external to the transaction processor system 630. 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.

[0047] Figure 7 depicts a process for providing a ticket for a random draw through a transaction processor. 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.

[0048] Understandably, the sequencing of the communications between the POS terminal 202, the lottery system 220 or transaction processor 630 may vary depending on the rules put in place between the parties.

[0049] Figure 8 is similar to Figure 7 except draw information and activation of the pre-printed ticket is complete after payment confirmation is received by the lottery system 220. The process 800 assumes a consumer is purchasing a number of items including a pre- printed lottery ticket. A pre-printed lottery ticket is scanned (802) at a POS terminal 202 and unique identification information and details of the pre-printed ticket is cached (804) within the POS terminal 202. Additional items being purchased may be scanned (806) by the POS terminal, and once all of the items being purchased are scanned, payment may be made (808), for example using cash credit or debit,. After payment is received, the POS terminal 202 may communicate the payment confirmation and unique identification information (810) to the transaction processor 630. The transaction processor 630 may communicate (812) the payment confirmation and unique

identification information to the lottery system 220. The lottery system 220 verifies the ticket information and determines draw and wager information and activates the pre- printed ticket (814), if the wager information is not already associated with the ticket information. Draw information is communicated (816) to the transaction processor 630. Draw information is then communicated (818) to the POS terminal 202 where draw information is printed on the customer shopping receipt (820). 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.

[0050] Understandably, the sequencing of the communications between the POS terminal 202, the lottery system 220 or transaction processor 630 may vary depending on the rules put in place between the parties.

[0051] Figure 9 depicts additional or alternative preprinted lottery tickets. As depicted, pre-printed lottery ticket 902 is for two play or wagers plus a bonus, which may be indicated by additional play information 904 and/or may be reflected by the price 906 of the pre- printed ticket. The pre-printed lottery ticket 902 is depicted as providing separate wagers for two products 908a, 908b. Wager and draw information will be generated and activated for a subsequent Super Lotto draw and a subsequent Extra draw. The information for the draw and wager information that needs to be generated may be stored by the lottery system and associated with unique information that can be stored in the barcode 910.

[0052] Pre-printed lottery ticket 912 is depicted as being for a single product and wager. However, unlike the other pre-printed lottery tickets described above, the pre-printed lottery ticket 912 is already associated with wager information 914 which may be printed on the ticket to allow selection of preferred numbers by a consumer. Accordingly, the pre-printed ticket 912 includes a purchase amount indication 916 and product or game information, as well as the wager

information, which is depicted as being the numbers of the draw 914. When the bar-code 918 of the pre-printed ticket is scanned, the unique ID information may be used to activate the pre-printed ticket with the subsequent draw. The wager information does not need to be generated since it is already generated and associated with the pre-printed lottery ticket in the lottery system, for example at the time of manufacture or printing.

[0053] Understandably, any combination of pre-printed tickets as identified above can be manufactured and sold through the methods identified.

CLAIMS

Listing of Claims:

1. A method for providing a 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 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 pre-printed lottery ticket; wherein said pre-printed lottery ticket comprises two or more codes.
2. The method of claim 1, wherein receiving the transaction request comprises receiving unique product information associated with the pre-printed lottery ticket over a secure communication channel from a point of sale (POS) system.
3. The method of claim 1, wherein draw information is made available on a printed receipt; by scanning a code on the pre-printed lottery ticket; or by entering a unique identifier associated with the pre-printed lottery ticket into an online website or mobile application.
4. The method of claim 1, further comprising receiving unique product information associated with the pre-printed lottery ticket.

5. The method of claim 1, further comprising retrieving unique identification information associated with the pre-printed lottery ticket from the received product information.
6. The method of claim 4, wherein the product information is sufficient to determine one or more of:
 - a game type associated with the pre-printed lottery ticket;
 - a wager amount associated with the pre-printed lottery ticket; and
 - a number of wagers associated with the pre-printed lottery ticket.
7. The method of claim 1, further comprising validating the received transaction request.
8. The method of claim 7, wherein validating the received identification information comprises verifying that the product information corresponds to identification information associated with a pre-printed lottery ticket.
9. The method of claim 8, wherein validating the transaction information includes verifying that the product is validly distributed by the retailer.
10. 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 pre-printed lottery ticket is purchased at the POS.

11. 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 pre-printed lottery ticket prior to the time the pre-printed lottery ticket is purchased at the POS.
12. The method of claim 1, wherein the retailer POS is online.
13. The method of claim 1, wherein at least one of the two or more codes comprise a barcode.
14. The method of claim 13, wherein the barcode comprises a first party information and a second party information.
15. The method of claim 13, wherein the barcode comprises a universal product code and pre-printed lottery ticket information.
16. The method of claim 1, wherein the pre-printed lottery ticket contains information used to redeem a winning prize.
17. The method of claim 1, wherein the lottery administration system generates wagers for the pre-printed lottery ticket and a draw date is assigned to the wagers.
18. The method of claim 1, wherein lottery numbers are entered in a draw.
19. The method of claim 7, wherein the validation comprises age validation.

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 the pre-printed lottery ticket; wherein said pre-printed lottery ticket comprises one or more codes.

ABSTRACT

A system and method of selling pre-printed lottery tickets for random draw lotteries through the retailers POS without the use of additional lottery hardware. Pre-printed lottery tickets allow a consumer to purchase a lottery ticket for a subsequently occurring draw by including that ticket in their shopping basket. The pre-printed lottery ticket may be purchased as any other common product through the point of sale terminal. No specialized hardware such as lottery terminal, printer or dispensing device is necessary.

METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS

Atty. Docket No. 4556.23103

1/9

100

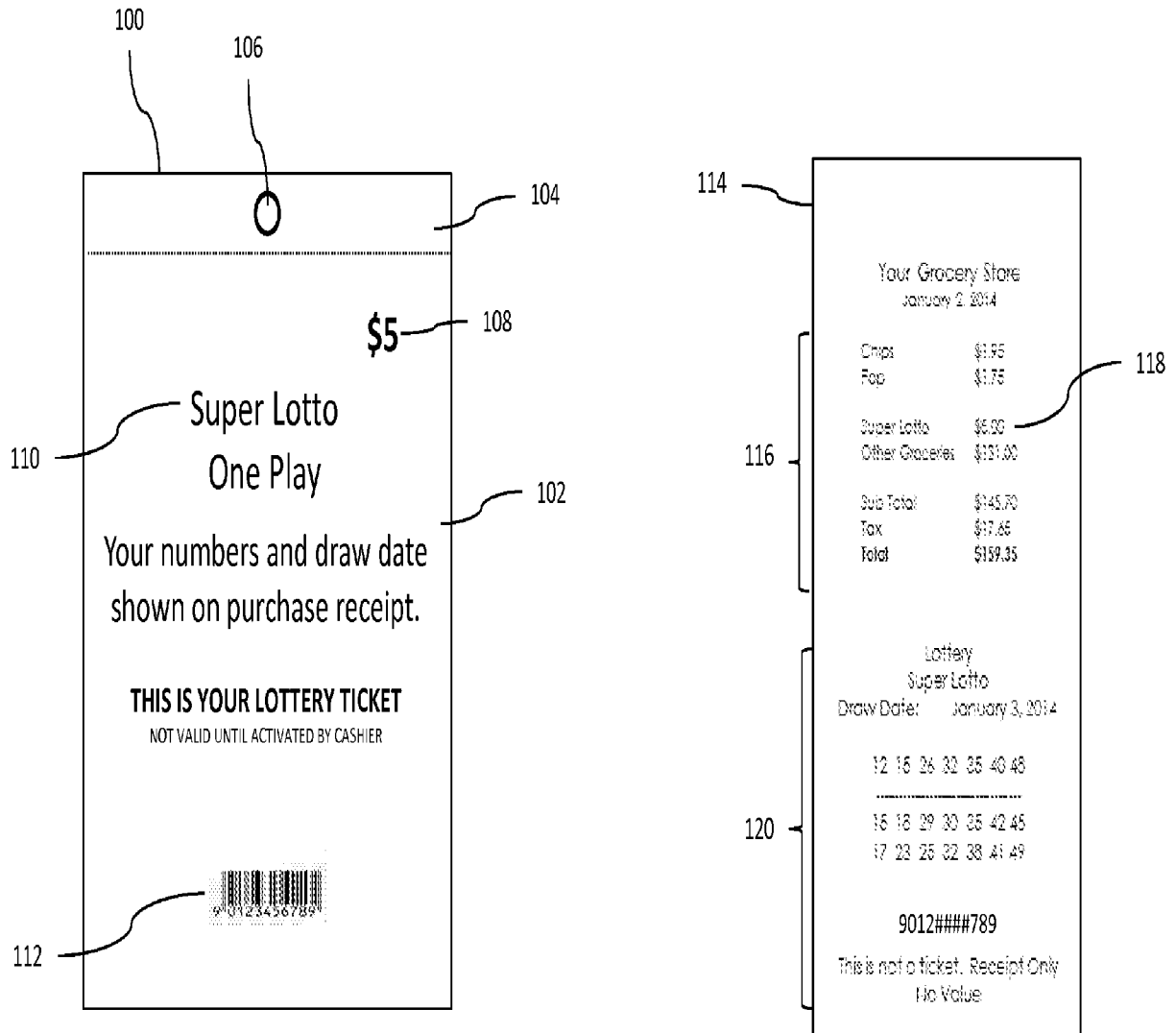


Figure 1

METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS

Atty. Docket No. 4556.23103

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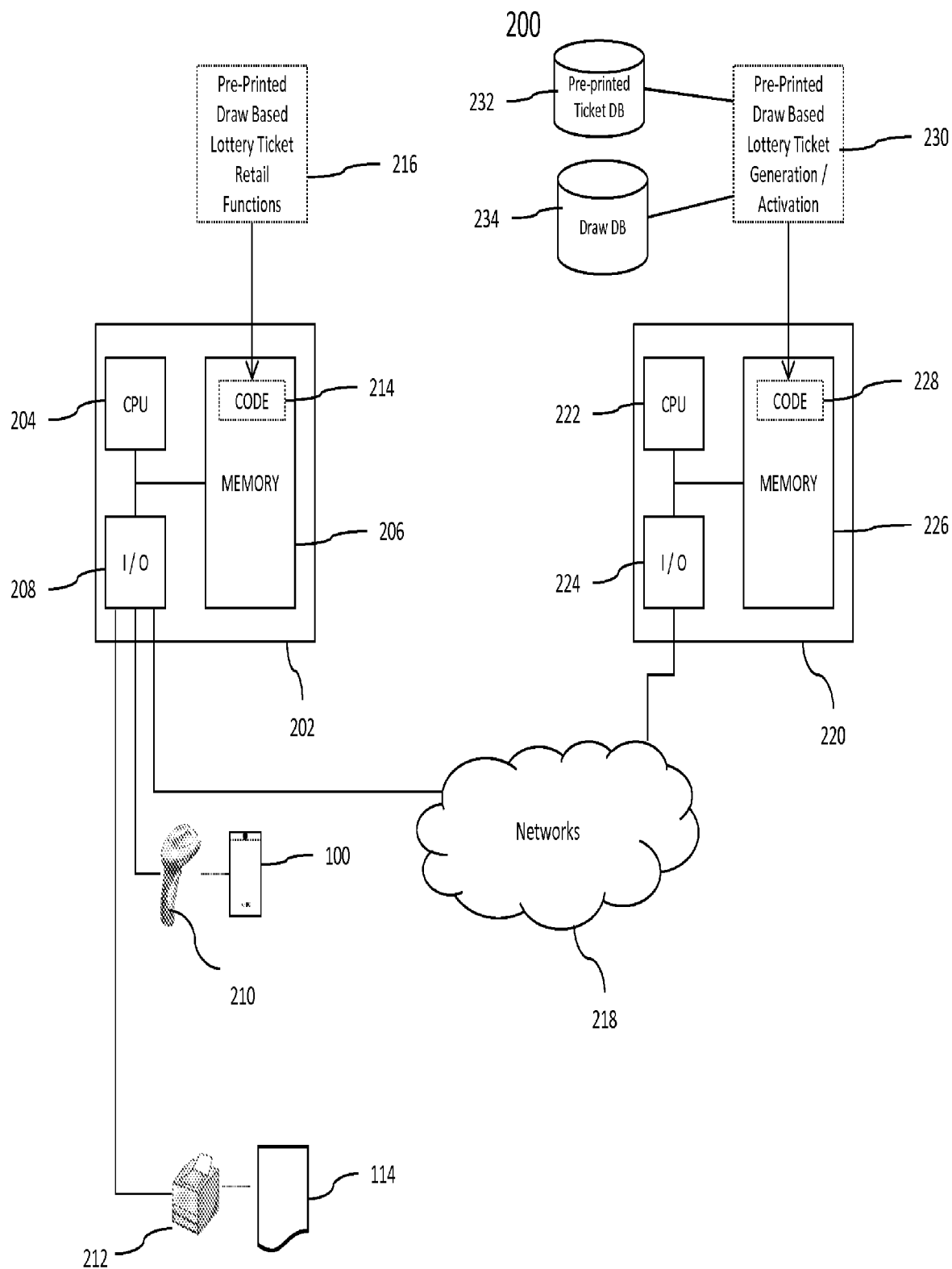


Figure 2

METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS

Atty. Docket No. 4556.23103

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300

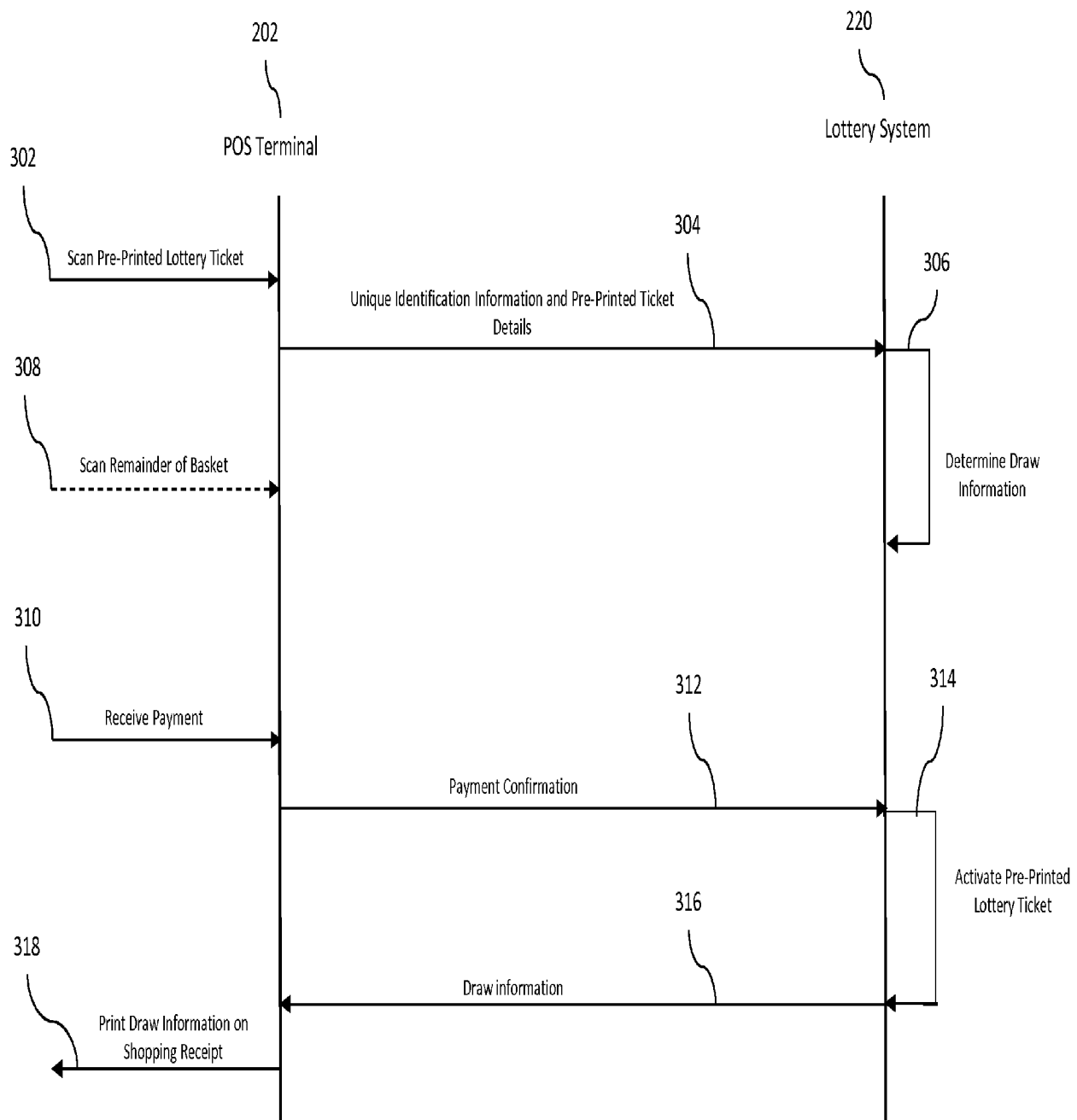


Figure 3

METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS

Atty. Docket No. 4556.23103

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400

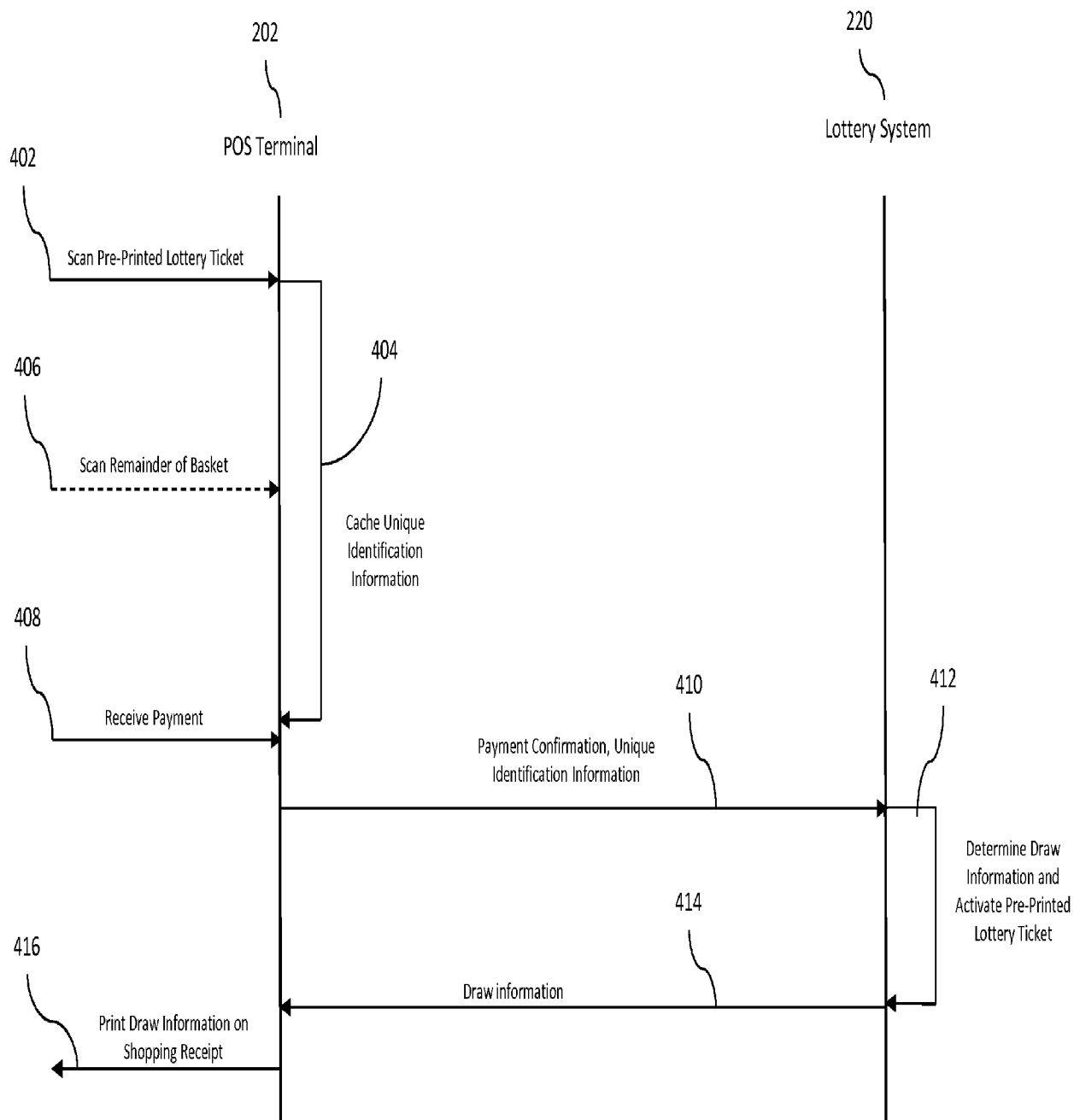


Figure 4

METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS

Atty. Docket No. 4556.23103

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500

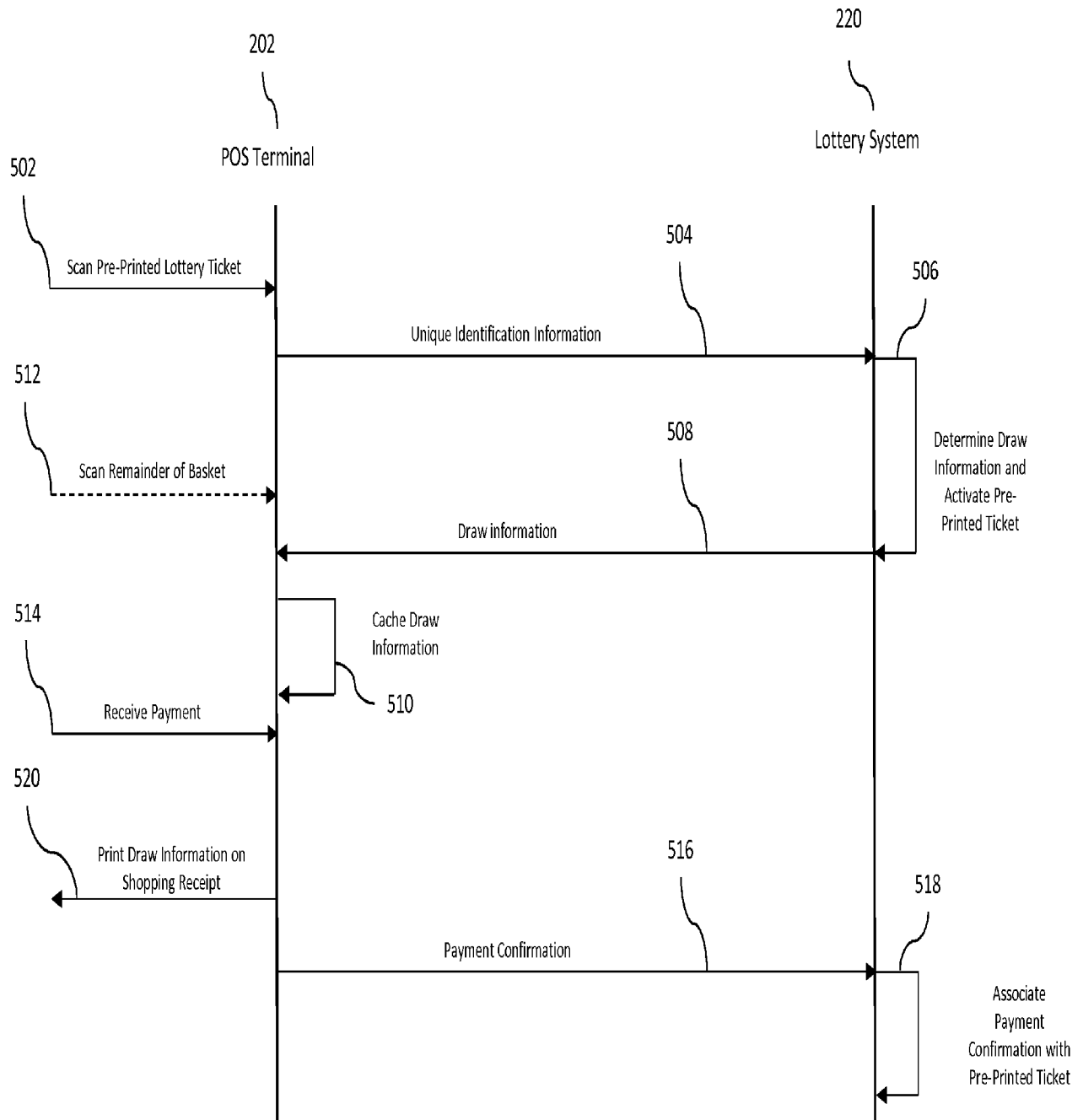


Figure 5

METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS

Atty. Docket No. 4556.23103

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600

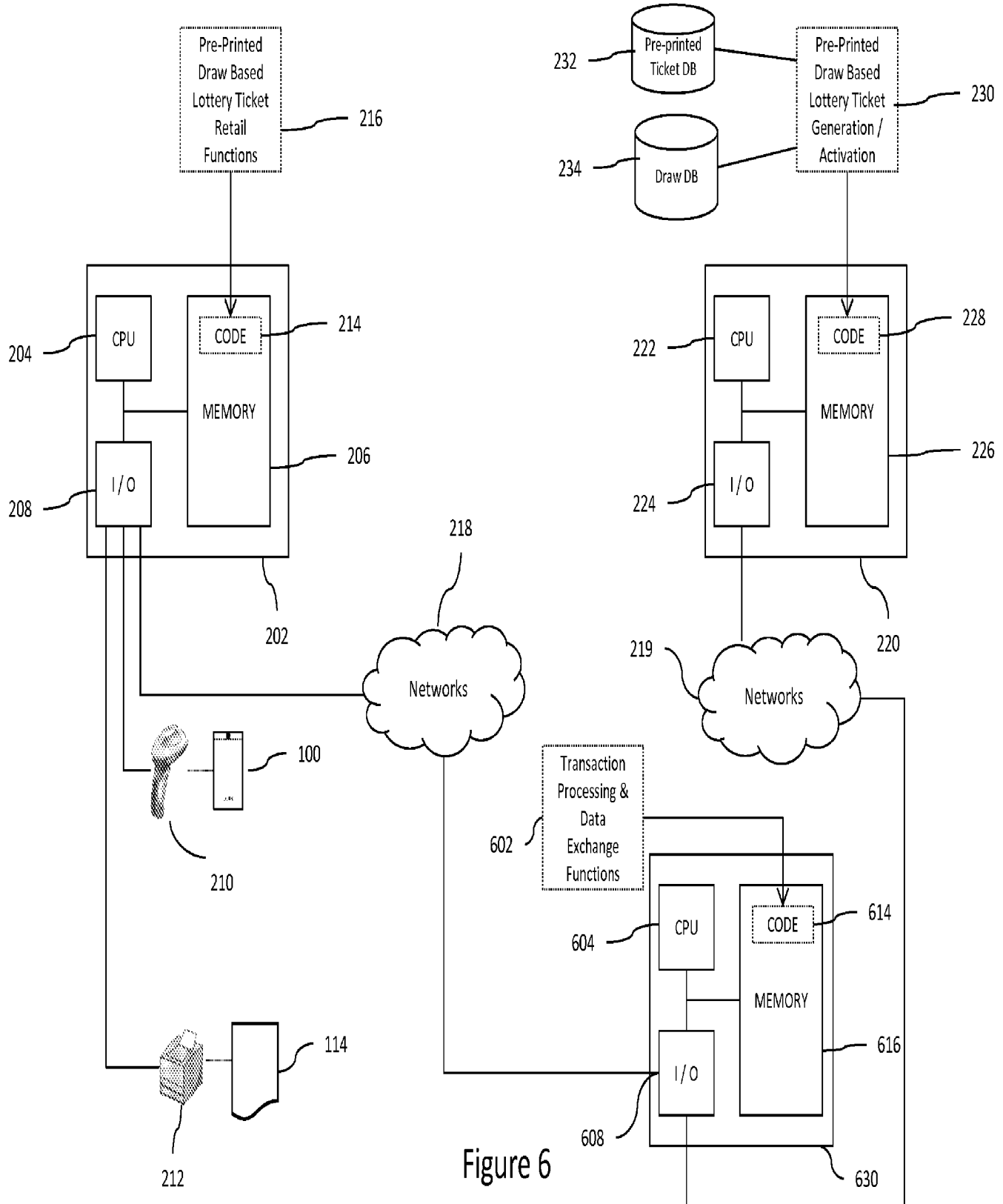


Figure 6

METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS

Atty. Docket No. 4556.23103

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700

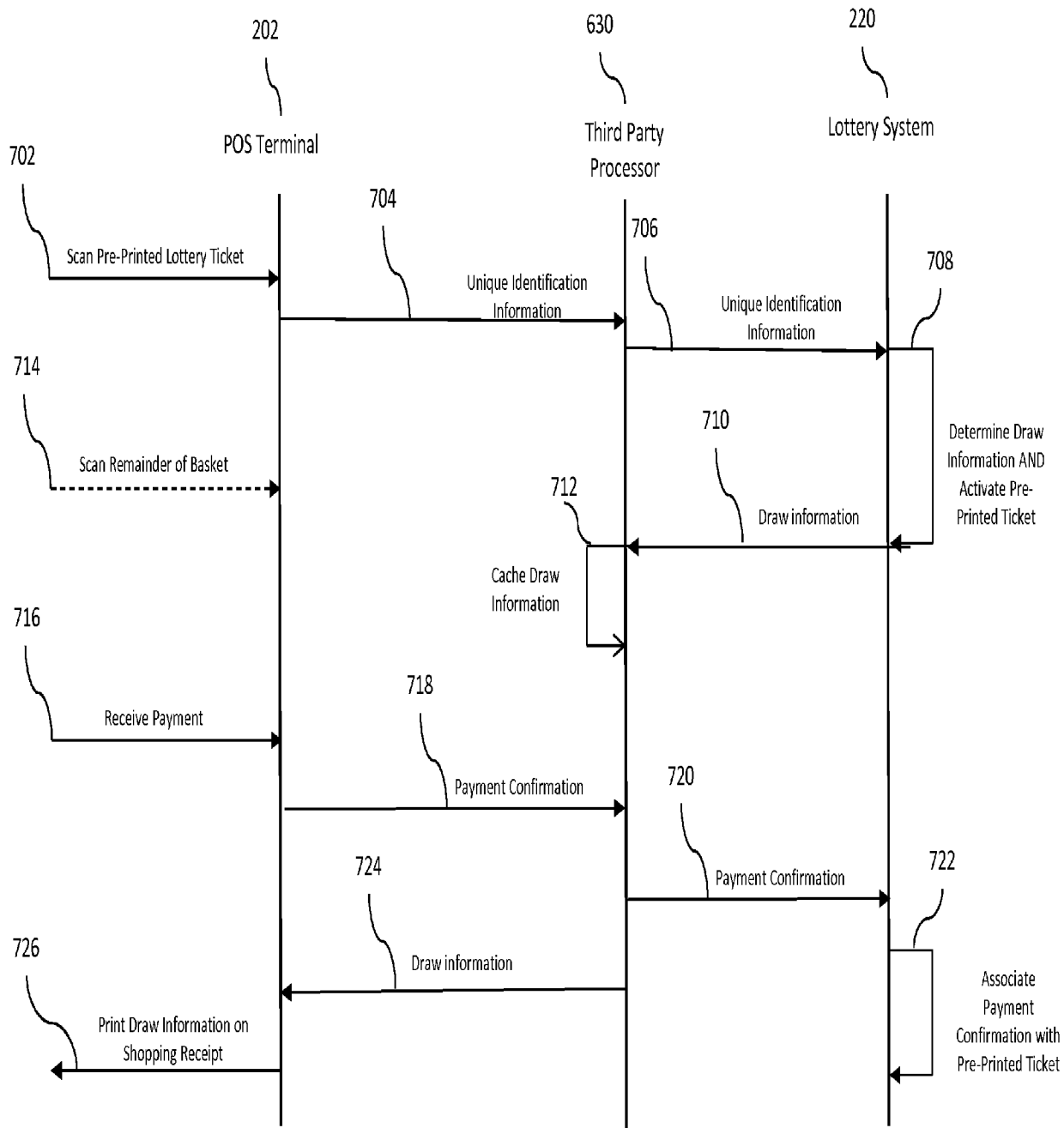


Figure 7

METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS

Atty. Docket No. 4556.23103

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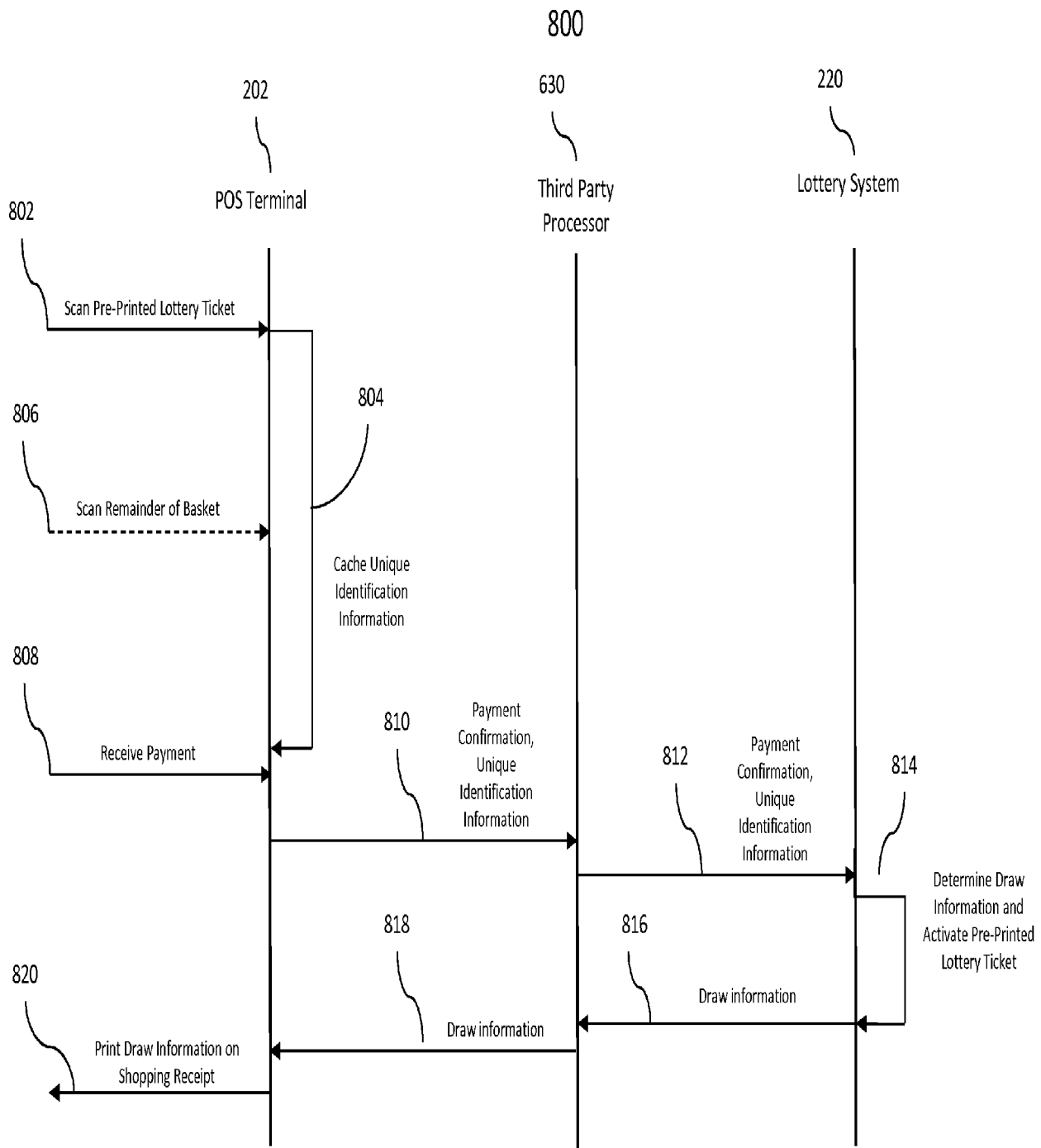


Figure 8

900

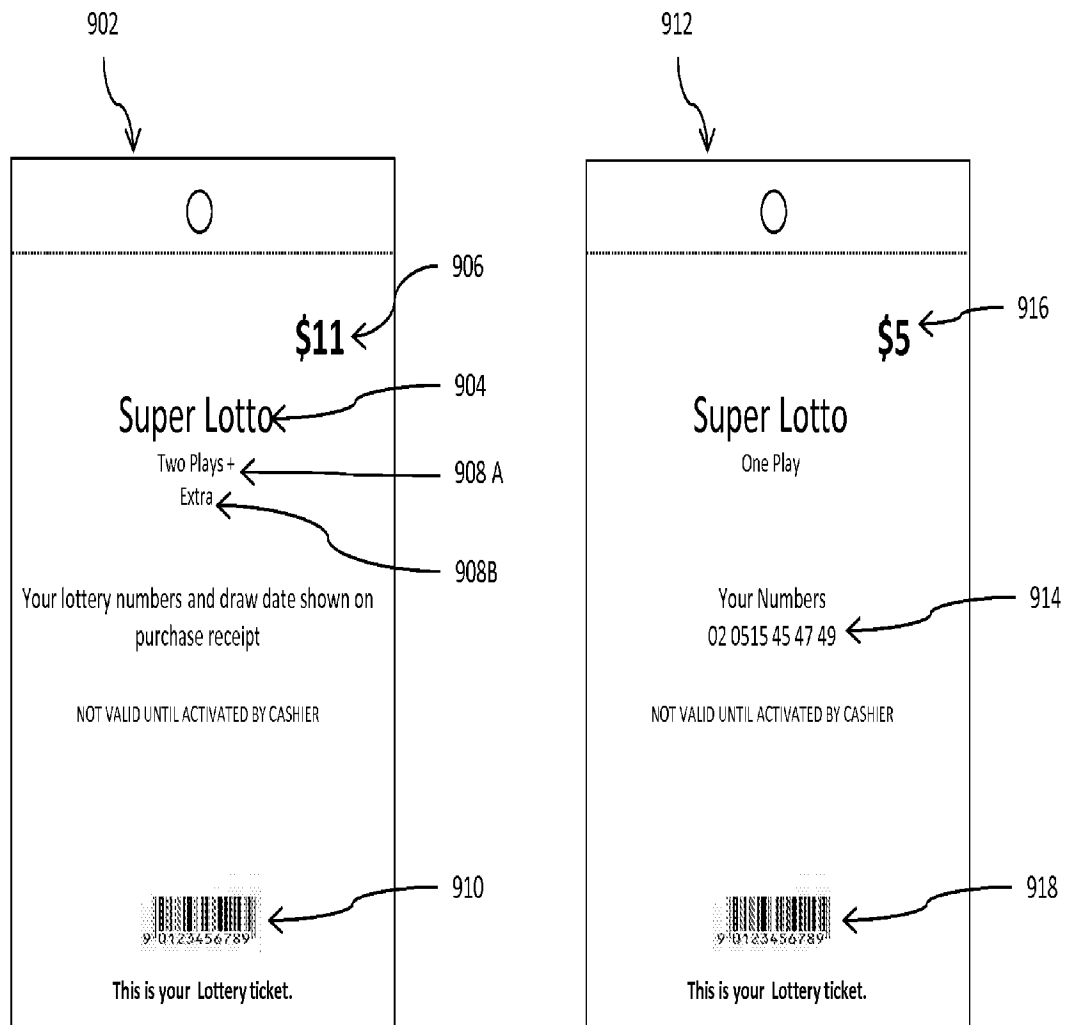


Figure 9

Executed Declaration for Parent Application No. 14/679,028 filed April 6, 2015 for use in Continuation Application filed February 20, 2019.

PTO/AIA/01 (06-12)
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DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of
Invention

METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS

As the below named inventor, I hereby declare that:

This declaration
is directed to:



The attached application, or



United States application or PCT international application number _____

filed on _____

The above-identified application was made or authorized to be made by me.

I believe that I am the original inventor or an original joint inventor of a claimed invention in the application.

I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.

WARNING:

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LEGAL NAME OF INVENTOR

Inventor: Gino Giunti

Date (Optional): MARCH 27/15

Signature: *G. Giunti*

Note: An application data sheet (PTO/SB/14 or equivalent), including naming the entire inventive entity, must accompany this form or must have been previously filed. Use an additional PTO/AIA/01 form for each additional inventor.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. 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 1 minute 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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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.

**CERTIFICATION AND REQUEST FOR PRIORITIZED EXAMINATION
UNDER 37 CFR 1.102(e) (Page 1 of 1)**

First Named Inventor:	Gino Giunti	Nonprovisional Application Number (if known):	
Title of Invention:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS		

APPLICANT HEREBY CERTIFIES THE FOLLOWING AND REQUESTS PRIORITIZED EXAMINATION FOR THE ABOVE-IDENTIFIED APPLICATION.

1. The processing fee set forth in 37 CFR 1.17(i)(1) and the prioritized examination fee set forth in 37 CFR 1.17(c) have been filed with the request. The publication fee requirement is met because that fee, set forth in 37 CFR 1.18(d), is currently \$0. The basic filing fee, search fee, and examination fee are filed with the request or have been already been paid. I understand that any required excess claims fees or application size fee must be paid for the application.
2. I understand that the application may not contain, or be amended to contain, more than four independent claims, more than thirty total claims, or any multiple dependent claims, and that any request for an extension of time will cause an outstanding Track I request to be dismissed.
3. The applicable box is checked below:

I. ☒ Original Application (Track One) - Prioritized Examination under § 1.102(e)(1)

- i. (a) The application is an original nonprovisional utility application filed under 35 U.S.C. 111(a). This certification and request is being filed with the utility application via EFS-Web.
---OR---
(b) The application is an original nonprovisional plant application filed under 35 U.S.C. 111(a). This certification and request is being filed with the plant application in paper.
- ii. An executed inventor's oath or declaration under 37 CFR 1.63 or 37 CFR 1.64 for each inventor, or the application data sheet meeting the conditions specified in 37 CFR 1.53(f)(3)(i) is filed with the application.

II. ☐ Request for Continued Examination - Prioritized Examination under § 1.102(e)(2)

- i. A request for continued examination has been filed with, or prior to, this form.
- ii. If the application is a utility application, this certification and request is being filed via EFS-Web.
- iii. The application is an original nonprovisional utility application filed under 35 U.S.C. 111(a), or is a national stage entry under 35 U.S.C. 371.
- iv. This certification and request is being filed prior to the mailing of a first Office action responsive to the request for continued examination.
- v. No prior request for continued examination has been granted prioritized examination status under 37 CFR 1.102(e)(2).

Signature <u>/Jerry C. Harris, Jr./</u>	Date <u>February 20, 2019</u>
Name (Print/Typed) <u>Jerry C. Jarris, Jr.</u>	Practitioner Registration Number <u>66822</u>

Note: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4(d) for signature requirements and certifications. Submit multiple forms if more than one signature is required.*

☒ *Total of 1 forms are submitted.

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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).
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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.
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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.