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Paper 47
Entered: March 15, 2022

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTERACTIVE COMMUNICATIONS INTERNATIONAL, INC.,
Petitioner,

v.

BLACKHAWK NETWORK, INC.,
Patent Owner.

PGR2020-00084
Patent 10,769,894 B2

Before BART A. GERSTENBLITH, SCOTT C. MOORE, and FREDERICK C. LANEY, *Administrative Patent Judges*.

LANEY, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining All Challenged Claims Unpatentable
35 U.S.C. § 328(a)
Dismissing Patent Owner's Motion to Exclude
Dismissing Petitioner's Motion to Exclude
37 C.F.R. § 42.64(c)

I. INTRODUCTION

Interactive Communications International, Inc. ("Petitioner") filed a Petition (Paper 2, "Pet.") requesting post-grant review ("PGR") of claims 1–53 of U.S. Patent No. 10,769,894 B2 (Ex. 1001, "the '894 patent"). Blackhawk Network, Inc. ("Patent Owner") filed a Preliminary Response (Paper 7).[1] Pursuant to 35 U.S.C. § 324, we instituted this proceeding. Paper 11 ("Dec.").

Patent Owner filed a Patent Owner's Response (Paper 22, "PO Resp."), Petitioner filed a Reply to Patent Owner's Response (Paper 30, "Reply"), and Patent Owner filed a Corrected Sur-reply to the Reply (Paper 36, "Sur-reply").

Additionally, Patent Owner and Petitioner each filed a Motion to Exclude (Paper 37; Paper 38); each party responded to the other's Motion to Exclude (Paper 39; Paper 40); and each party replied to the other's response (Paper 42; Paper 43).

An oral argument was held on December 14, 2021. Paper 46 ("Tr.").

We have jurisdiction under 35 U.S.C. § 6. This Decision is a final written decision under 35 U.S.C. § 328(a) as to the patentability of claims 1–53. Based on the record before us, Petitioner has proved, by a preponderance of the evidence, that claims 1–53 are unpatentable. We dismiss as moot each of the parties' motions to exclude.

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[1] In addition, with our prior authorization (Paper 8), Petitioner filed a Preliminary Reply (Paper 9) and Patent Owner filed a Preliminary Sur-reply (Paper 10) to address a claim construction issue that Patent Owner raised *only* in the Preliminary Response.

II. BACKGROUND

A. Related Matters

Petitioner and Patent Owner identify concurrently filed PGR2020-00085 as a related matter. Pet. 126; Paper 5 (Patent Owner's Mandatory Notice), 2. In addition, Petitioner identifies the following related applications and patent: 62/104,844; 16/280,629; 16/589,067; and US 9,865,135. Pet. 126 (citing Ex. 1032).

B. Real Parties in Interest

Petitioner identifies itself as the real party in interest. Pet. 125. Patent Owner identifies itself as the real party in interest. Paper 5, 2.

C. The '894 Patent

The '894 patent teaches that, broadly speaking, there are two types of lotteries: (1) "instant win lotteries where a printed ticket provides all of the lottery information;" and (2) a "draw-based lottery or 'online' lottery where a player makes a wager on a subsequently occurring event." Ex. 1001, 1:23–30. For the draw based lotteries, the '894 patent teaches that the typical ticket is printed using a lottery-specific terminal and specialized printing device that is wholly separate from the point of sale ("POS") terminal. *See id.* at 1:39–50.

The '894 patent teaches that, "[a]lthough 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." *Id.* at 1:50–54. A drawback of this system, according to the '894 patent, is that it requires a customer to wait in two separate lines (or at a minimum go to two separate locations) to purchase their goods and to purchase a lottery ticket,

when in a multi-lane environment. *Id.* at 1:54–58. "This is extremely inconvenient for most customers who simply bypass the lottery counter." *Id.* at 1:58–60. Other drawbacks the '894 patent teaches are that "[i]nstalling an approved printer or any other piece of specialized [lottery] hardware at every point of payment within a retail environment is cost prohibitive and not an effective use of capital" because "not all points of payment are open at all times" and the use of specialized hardware increases the responsibility and training required for a cashier. *Id.* at 1:61–2:2.

As a result, the '894 patent asserts that "[i]t 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" by using existing point of sale equipment and without requiring any additional specialized hardware. *Id.* at 2:7–17. And the '894 patent seeks to provide 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." *Id.* at Abstract.

The '894 patent describes a system and method that uses a "pre-printed lottery ticket," which acts as a uniquely identifiable "legal instrument," to initiate and facilitate the legal transaction necessary between a customer and a lottery administration body at a POS register to enable customers to purchase a chance at winning a prize associated with an upcoming lottery. Ex. 1001, 3:1–24. In a more detailed explanation of the invention, the '894 patent describes an embodiment with components of a POS, transaction processor and lottery system, as shown in Figure 6 below.

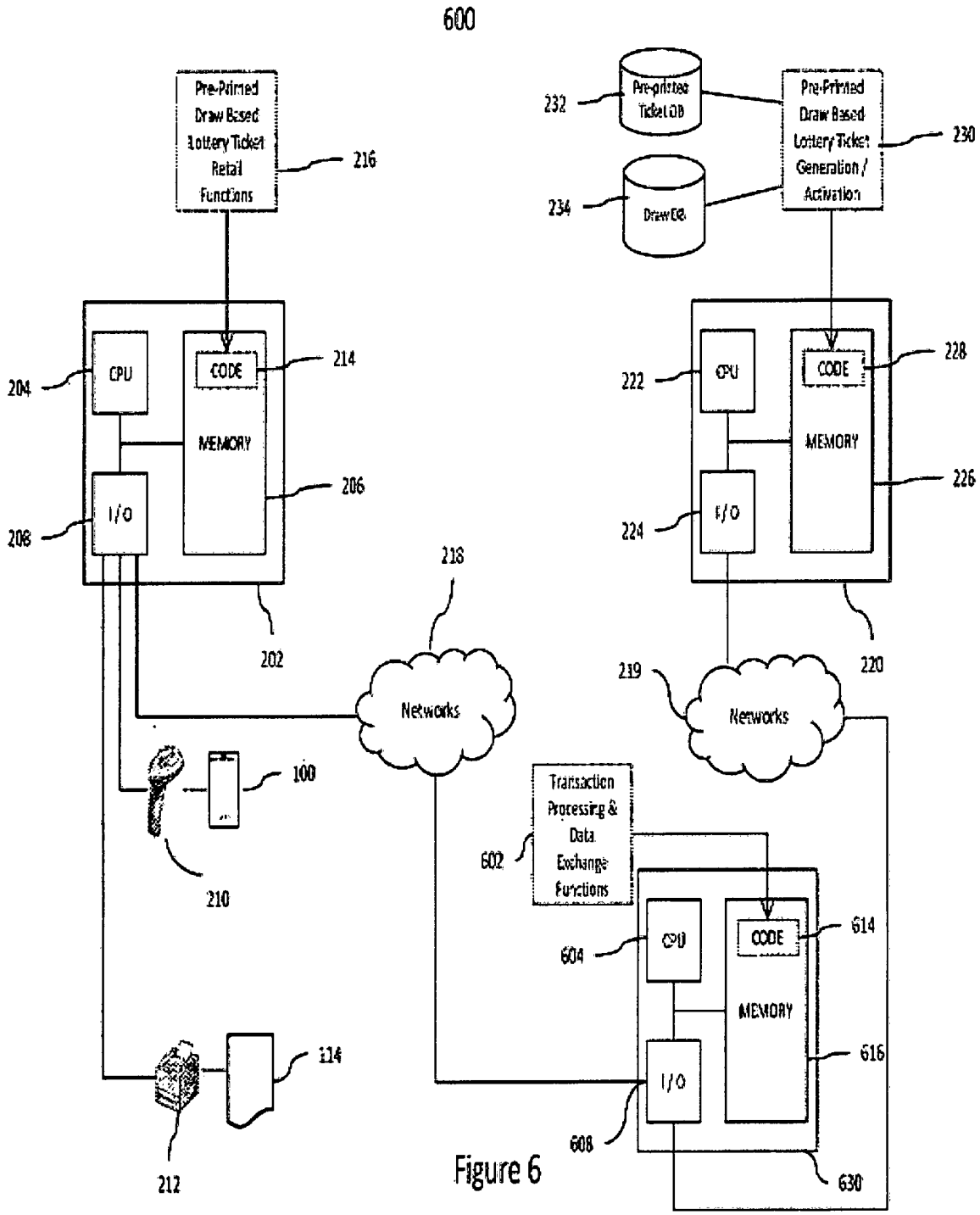


Figure 6

Ex. 1001, 2:34–35, Fig. 6. Figure 6 above "depicts components of a lottery system, point of sale environment and a transaction processor" that are "for purchasing a pre-printed lottery ticket." *Id.* at 8:3–6. As shown,

> 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.

Id. at 8:5–13.

The '894 patent states, "[t]he 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." *Id.* at 8:17–20. And the '894 patent teaches that "[t]he 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," including 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." *Id.* at 8:25–33.

The '894 patent describes lottery system 220 as including "[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." *Id.* at 8:34–37. When processing unit 222 executes instructions 228 stored in the memory unit 226, it "configure[s] the lottery system to provide pre-printed draw-based lottery ticket activation and cancellation functionality 230," in addition to having the functionality to "generate draw and wager information and associate the pre-printed ticket information in a draw information database 234." *Id.* at 8:37–40, 8:49–52.

Transaction processor system 630 is described by the '894 patent as including "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." *Id.* at 8:56–59. Memory unit 616 stores instructions that the CPU 604 executes to "provide transaction processing and data exchange functionality 602" with a plurality of different retailers to a single lottery system and enable the activation or cancellation of pre-printed lottery tickets to be performed at retailer's POS terminal 202. *Id.* at 8:59–67. "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." *Id.* at 9:27–29.

D. Illustrative Claims

Claims 1, 6, 7, 29, and 33 are the independent claims challenged in this proceeding, which includes two system claims (1 and 6) and three method claims (7, 29, and 33). Claims 1 and 7 are illustrative of the claimed subject matter and are reproduced below:

1. A transaction processor system comprising:

at least one communication interface for communicating with other devices;

at least one processing unit for executing instructions; and

at least one memory unit for storing instructions, which when executed by the at least one processing unit causes the transaction processor system to (1) provide unique identification information from a pre-printed lottery ticket, (2) receive, from a lottery administration system, a determined draw information associated with the unique identification information, (3) provide, to the lottery administration system, payment confirmation for the pre-printed lottery ticket, and (4) facilitate provision of

random draw details associated with the pre-printed lottery ticket.

7. 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 the transaction processor or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from the 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.

Ex. 1001, 10:30–44 (claim 1), 11:9–24 (claim 7).

E. The Asserted Grounds of Unpatentability and Declaration Evidence

Petitioner challenges the patentability of claims 1–53 of the '894 patent on the following grounds:

Claim(s) Challenged	35 U.S.C. §[2]	Reference(s)/Basis
1–19, 21–42, 44–53	103	Szrek[3]
1–19, 21–29, 31–42, 44–53	103	Llach,[4] Szrek

[2] The Leahy-Smith America Invents Act ("AIA"), Pub. L. No. 112-29, 125 Stat. 284, 287–88 (2011), amended 35 U.S.C. § 103, effective March 16, 2013. Because the application from which the '894 patent issued was filed after this date, the AIA version of § 103 applies.

[3] U.S. Patent No. 7,627,497 B2, issued Dec. 1, 2009 (Ex. 1007, "Szrek").

[4] U.S. Patent Application Publication No. 2013/0041768 A1, published Feb. 14, 2013 (Ex. 1008, "Llach").

Claim(s) Challenged	35 U.S.C. §[2]	Reference(s)/Basis
20, 43	103	Szrek, Gilmore[5]

Pet. 31.[6] In addition to several alleged prior art references used to demonstrate relevant background knowledge of a skilled artisan at the time of the invention (*see* Pet. 19–31 (citing Exs. 1010–1028)), Petitioner supports its challenge with Declarations by Scott Loftesness (Exs. 1003, 1036) and Michael Hutton (Ex. 1005). In response, Patent Owner counters with support from the Declarations of Stacy A. Friedman (Ex. 2001) and Thomas R. Delacenserie (Ex. 2013), who adopts as his own the opinions expressed by Anthony Molica (Ex. 2002).[7]

F. Level of Ordinary Skill in the Art

The level of skill in the art is "a prism or lens" through which we view the prior art and the claimed invention. *Okajima v. Bourdeau*, 261 F.3d 1350, 1355 (Fed. Cir. 2001). The person of ordinary skill in the art is a hypothetical person presumed to have known the relevant art at the time of the invention. *In re GPAC Inc.*, 57 F.3d 1573, 1579 (Fed. Cir. 1995). In determining the level of ordinary skill in the art, we may consider certain factors, including the "type of problems encountered in the art; prior art

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[5] U.S. Patent Application Publication No. 2005/0233797 A1, published Oct. 20, 2005 (Ex. 1009, "Gilmore").

[6] Petitioner noted during the oral argument that the Petition's listing of the grounds asserted inadvertently identifies claim 43 as part of grounds 1 and 2. Tr. 6; *see* Dec. 25–26 (noting that Petitioner did not address claim 43 in either ground). Petitioner clarified that claim 43 is only being challenged in ground 3. *Id.* Therefore, the listing of the grounds above reflects that difference.

[7] Anthony Molica could not be made available for a deposition, therefore, the parties jointly stipulated to the substitution of Mr. Delacenserie. *See* Paper 26, 1.

solutions to those problems; rapidity with which innovations are made; sophistication of the technology; and educational level of active workers in the field." *Id.* (internal quotation marks omitted). "In a given case, every factor may not be present, and one or more factors may predominate." *Id.*

Petitioner proposes that a person of ordinary skill in the art ("POSA") at the time of the invention would have had "working knowledge of point of sale (POS) activation systems and/or lottery systems," which would have been gained "through a mixture of training and work experience." Pet. 19. In particular, Petitioner contends such mixed training and work experience would have come from "(i) having a Bachelor's degree in computer science, computer communications, electrical engineering, or equivalent degree, coupled with at least three years of experience; (ii) by obtaining a Master's degree in computer science, computer communications, or electrical engineering, but having less experience; or (iii) by having no formal degree, but having experience in the relevant field of at least six years." *Id.*; *see also* Ex. 1003 ¶ 96.

Patent Owner does not challenge Petitioner's description of a POSA except to the extent it allows for a working knowledge of *either* point of sale activation systems *or* lottery systems. PO Resp. 5–9. Patent Owner contends working knowledge of both POS activation systems and lottery systems is required. *Id.* Specifically, Patent Owner contends,

> [Petitioner]'s proposed definition of the person of ordinary skill in the art, which makes knowledge of lottery systems optional in lieu of knowledge of point of sale activation systems, is incorrect because lottery systems have different design constraints than point of sale activation systems—so knowledge of both is required.

Id. at 9. Patent Owner contends a working knowledge of lottery systems, in addition to POS activation systems, is required because

> [w]ithout understanding the lottery-specific constraints on computer system and network design, including the lottery administration system's position in the overall system as 'the single source of truth' and the lottery system's minimum security requirements, a system designer could not confidently design a transaction processor for activating lottery tickets with the lottery administration system.

Id. at 8. Petitioner notably does not dispute Patent Owner's contentions. *See generally* Reply.

We find Patent Owner's contention persuasive. We agree that the description of a POSA in this case, which is most consistent with the scope and content of the '894 patent and the prior art, properly includes a working knowledge of both POS activation systems and lottery systems. Therefore, the level of skill in the art for this case is an artisan with a working knowledge of POS activation systems and lottery systems that was gained through a mixture of training and work experience in the relevant field such as (i) having a Bachelor's degree in computer science, computer communications, electrical engineering, or equivalent degree, coupled with at least three years of work experience; (ii) having a Master's degree in computer science, computer communications, or electrical engineering, but having less work experience; or (iii) having no formal degree, but having experience in the relevant field of at least six years of work experience.

Although Patent Owner's proposal most accurately reflects the background of the hypothetical person of ordinary skill in the art, the differences between the parties' proposed formulations are not material to any issue in dispute and the parties do not contend otherwise. All of the

findings and conclusions set forth below would have been the same had we instead adopted Petitioner's proposed formulation.

III. CLAIM CONSTRUCTION

In this post-grant review, claims are construed using the same claim construction standard that would be used to construe the claims in a civil action under 35 U.S.C. § 282(b). *See* 37 C.F.R. § 42.100(b) (2020). The claim construction standard includes construing claims in accordance with the ordinary and customary meaning of such claims as understood by one of ordinary skill in the art at the time of the invention. *See id.*; *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312–14 (Fed. Cir. 2005) (en banc). In construing claims in accordance with their ordinary and customary meaning, we take into account the specification and prosecution history. *Phillips*, 415 F.3d at 1315–17.

If the specification "reveal[s] a special definition given to a claim term by the patentee that differs from the meaning it would otherwise possess[,] . . . the inventor's lexicography governs." *Phillips*, 415 F.3d at 1316 (citing *CCS Fitness, Inc. v. Brunswick Corp.*, 288 F.3d 1359, 1366 (Fed. Cir. 2002)). Another exception to the general rule that claims are given their ordinary and customary meaning is "when the patentee disavows the full scope of a claim term either in the specification or during prosecution." *Uship Intellectual Props., LLC v. United States*, 714 F.3d 1311, 1313 (Fed. Cir. 2013) (quoting *Thorner v. Sony Computer Entm't Am., LLC*, 669 F.3d 1362, 1365 (Fed. Cir. 2012)).

Additionally, only terms that are in controversy need to be construed, and these need be construed only to the extent necessary to resolve the controversy. *See Vivid Techs., Inc. v. Am. Sci. & Eng'g, Inc.*, 200 F.3d 795,

803 (Fed. Cir. 1999) (holding that "only those terms need be construed that are in controversy, and only to the extent necessary to resolve the controversy"); *Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017) (citing *Vivid Techs.* in the context of an *inter partes* review).

"Petitioner proposes that each claim term in the Challenged Claims be given its plain and ordinary meaning, and that no specific construction of any claim term is required because the prior art relied on in this Petition meets each of the claim terms under any reasonable construction." Pet. 18. Patent Owner does not dispute Petitioner's contention generally, but proposes clarifications for two recited phrases: (1) transaction processor system/transaction processor; and (2) data package. PO Resp. 19–26, 71–72. We address each in turn.

A. Transaction Processor/Transaction Processor System

Patent Owner contends that, "[r]ead in light of the specification, a skilled artisan would understand 'transaction processor' and 'transaction processor system' to refer to a 'third party processor [system] that processes transactions between a lottery administration system and a retailer.'" PO Resp. 20. Patent Owner's proposed understanding of "transaction processor" and "transaction processor system" notably restricts the plain meaning from *any* processor or processor system that processes transactions between two devices to a "third party" processor/processor system. Patent Owner argues,

> [b]ecause the claims preclude any interpretation of "transaction processor" that encompasses the retailer or lottery administration system, and because the specification repeatedly and interchangeably refers to the same processor that interfaces

> between a point of sale and a lottery administration system as both a "transaction processor" and a "third party processor," a skilled artisan would have understood the claimed "transaction processor" or "transaction processor system" to refer to a third party processor or third party system, respectively, that is neither the retailer nor the lottery administration system.

Id. at 25–26 (citing Ex. 2001 ¶ 34). Thus, the issue raised by Patent Owner is whether the respective plain meaning of "transaction processor" and "transaction processor system" is limited to a *third party* processor or a *third party* system.

Patent Owner contends that the claims of the '894 patent support limiting "transaction processor" and "transaction processor system" to a third party processor or a third party system. PO Resp. 20–26. In particular, Patent Owner identifies that independent claims 7, 29, and 33 recite, "the transaction processor or retailer" in the alternative. *Id.* at 20. In view of this alternative recitation, Patent Owner contends "a skilled artisan would understand the transaction processor in this context to be separate from the retailer." *Id.* at 20–21 (citing Ex. 2004, 25:7–13). Otherwise, Patent Owner argues, "interpret[ing] the transaction processor to encompass the retailer would render the 'or retailer' language superfluous." *Id.* at 21 (citing Ex. 2004, 26:21–27:8). Patent Owner asserts that dependent claims 30 and 31 further demonstrate that the transaction processor is separate and distinct from the retailer because the claims clearly distinguish between providing the unique identification information from either the retailer or the transaction processor. *Id.* at 22. Similarly, Patent Owner argues that the transaction processor must be separate and distinct from the lottery administration system because the claims (e.g., claims 1, 7, 29, 33) recite a

transaction processor that provides/receives information to/from the administration processor system. *Id.*

Regarding the '894 patent specification, Patent Owner contends that "[t]he specification discloses two distinct system architectures: (1) where POS terminals interface *directly* with a lottery system to activate preprinted lottery tickets, *see* Ex. 1001 at Figs. 2–5, and (2) where the POS terminals interface *indirectly* with a lottery system through a third party transaction processor, *see id.* at Figs. 6–8." PO Resp. 23 (emphasis added). Patent Owner alleges that the description of the second system architecture supports limiting the understanding of a transaction processor because it "repeatedly describes the transaction processor [system] as a third party processor." *Id.* at 22–23. As support, Patent Owner points to the fact that Figures 7 and 8 of the '894 patent identify numeral 630 as a "Third Party Processor" and the written description of those figures identify numeral 630 as a "transaction processor." *Id.* at 24 (citing Ex. 1001, 9:1–2, 9:45–55, Figs. 7, 8). As a result, Patent Owner concludes "[t]he specification interchangeably refers to the transaction processor as a third party processor." *Id.*

Petitioner does not dispute that the "transaction processor" and "transaction processor system" refers to a processor that processes transactions between two devices. *See* Reply 8–22. Instead, Petitioner focuses on the addition of the term "third party." Petitioner contends that "[a]dding the term 'third party' to the recited transaction processor is improper for several reasons." *Id.* at 9. Petitioner argues first that adding "third party" to the interpretation of "transaction processor" or "transaction processor system" creates ambiguity because there is no clear understanding

of what qualifies as, or the boundaries for, a "third party." *Id.* at 9–11. Petitioner next argues that "adding the term 'third party' to the claimed transaction processor does not change the functionality or structure of the transaction processor and thus is not relevant for patentability purposes." *Id.* at 11–14 (citing Ex. 1001, 3:36–38, 8:56–67, Fig. 7; Ex. 1035, 53:14–54:12, 56:16–57:19). Petitioner argues lastly that no support exists for Patent Owner's underlying basis that the transaction processor and transaction processor system is "separate and distinct" from the retailer and lottery administration system. *Id.* at 14–20 (citing Figs. 2, 3; Ex. 1035, 96:1–103:11).

After considering the parties' arguments and evidence, we determine that the plain meaning of "transaction processor"/"transaction processor system" applies, which is a processor [system] that processes transactions between two devices.[8] We agree with Petitioner that adding "third party" to the plain meaning simply creates uncertainty. For example, it is unclear whether "third party" imports a limitation for the owner/manufacturer of the processor/system to be a different entity than the owner/manufacturer of the retailer and lottery administration devices (which is unrelated to the functionality or structure of the processor/system) or whether "third party"

[8] Rather than "between two devices," Patent Owner refers to "between a lottery administration system and retailer." PO Resp. 20. Because other elements in the claims dictate the particular devices with which the transaction processor communicates, we determine that it would be improper to import that limitation into the meaning of "transaction processor"/"transaction processor system." Nevertheless, even if those particular devices were imported, it would not change our obviousness analysis because no issue rests on whether the alleged transaction processor in the prior art is processing a transaction between a lottery administration system and retailer.

imports a limitation for the processor/system to be a separate and distinct device from the retailer point of sale and lottery administration devices. Although Patent Owner's counsel made clear that the latter interpretation was intended (Tr. 41:10–42:7, 43:2–43:15), we do not agree that the use of the words "third party" in Figures 7 and 8 of the '894 patent limits the "transaction processor" and "transaction processor system" to being a separate and distinct device from the retailer and lottery administration devices. Identifying the transaction processor as a "Third Party Processor" in two illustrative figures depicting a process (Ex. 1001, Figs. 7, 8), without anything more in the written description to explain why a "third party processor" may be an important or significant aspect of the transaction processor or invention as a whole, does not justify limiting the plain meaning of a "transaction processor" to the "third party processor" shown. *Info-Hold, Inc. v. Applied Media Techs. Corp.*, 783 F.3d 1262, 1267 (Fed. Cir. 2015) (explaining that an invention will only be limited to its preferred embodiment when "the patentee uses words that manifest a clear intention to restrict the scope of the claims to that embodiment").

Nevertheless, Patent Owner is correct that the intrinsic record of the '894 patent demonstrates the "transaction processor" and "transaction processor system" are separate and distinct devices from the retailer POS and the lottery administration system. We turn first to the claims for support for this determination.

Independent claims 1 and 6 recite, in relevant part, a "transactional processor system" that includes a "communication interface for communicating with *other devices*," a "processing unit for executing instructions," and a "memory unit for storing instructions," which "causes

the *transactional processor system*" to "provide" and "receive" specific information. Ex. 1001, 10:30–44, 10:62–8 (emphasis added). In this context, we find a skilled artisan would understand that the transaction processor system causes the recited information to be provided and received (i.e., communicated) to *other devices* through its communication interface. Claim 1 specifically identifies an "other device" that the transaction processor system exchanges information with as a "lottery administration system." *Id.* at 10:38–42 ("the at least one processing unit causes the transaction processor system to . . . receive, from a lottery administration system, a determined draw information associated with the unique identification information . . . [and] provide, to the lottery administration system, payment confirmation for the pre-printed lottery ticket").

Independent claims 7, 29, and 33 recite methods for providing a lottery ticket in which a transaction processor communicates with a retailer POS and a lottery administration system. Ex. 1001, 11:9–24, 12:37–48, 12:58–13:6. Claims 7 and 33 recite, in relevant part, a transaction processor "receiving . . . a transaction request from a retailer point of sale (POS) to activate a pre-printed ticket," "providing, by the transaction processor or retailer,[9] to a lottery administration system unique identification information," 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." *Id.* at 11:11–24 (footnote added), 12:60–13:4. Claim 29 is substantially similar. *See id.* at 12:39–48. In the context of these claims, the transaction processor is described as

[9] The term "retailer" is understood to refer to a "retailer POS" because it provides the antecedent basis.

processing transactions between the retailer POS and lottery administration system. Dependent claim 30 narrows its parent claim to the retailer providing the unique identification information to a lottery administration system; dependent claim 31 separately narrows its parent claim to the transaction processor providing the unique identification information to a lottery administration system. *Id.* at 12:49–52.

Because the claims separately list the transaction processor, retailer POS, and lottery administration system, we interpret these devices to be distinct components of the claimed invention. "Where a claim lists elements separately, the clear implication of the claim language is that those elements are distinct components of the patented invention." *Becton, Dickinson & Co. v. Tyco Healthcare Grp., LP*, 616 F.3d 1249, 1254 (Fed. Cir. 2010) (internal quotations and citations omitted). Moreover, the Federal Circuit has more recently held that "[t]here is . . . a presumption that those components [separately listed] are distinct." *Kyocera Senco Indus. Tools Inc. v. ITC*, 22 F.4th 1369, 1382 (Fed. Cir. 2022). Nothing within the claims or the Specification of the '894 patent undermines this presumption.

To the contrary, the claims support the presumption by reciting a transaction processor system that has a communication interface to enable the processing unit to communicate with *other devices* and a lottery administration system is recited to be a specific device with which the system communicates. In addition, method claims 7, 29, and 33 recite the transaction processor and retailer POS as alternative devices for communicating with the lottery administration system. And dependent claims 30 and 31 recite specifically which of the two alternative devices may

communicate the unique identification information to the lottery administration system.

Similarly, the Specification of the '894 patent supports interpreting transaction processor, retailer POS, and lottery administration system as distinct components of the invention. The Specification describes the components for two exemplary embodiments and there is one notable difference between the components—one embodiment has a transaction processor and the other does not. For the first embodiment, as shown in Figure 2, the "components of a lottery system and point of sale environment" for purchasing a pre-printed lottery ticket include "a retailer's point of sale terminal 202 and a lottery system 220 *connected to* each other through one or more communication networks 218." Ex. 1001, 6:17–22, Fig. 2 (emphasis added). Retailer POS terminal 202 is described as including "a central processing unit (CPU) 204, memory unit 206 and I/O interface(s) for communicating with *devices external* to the POS terminal." *Id.* at 6:25–29 (emphasis added). "The POS terminal 202 includes instructions 214 stored in the memory unit, which when executed by processor unit 204 configure the POS terminal to provide pre-printed draw-based lottery ticketing functionality 216." *Id.* at 6:33–37. The lottery system 220 is similarly described as including "a central processing unit (CPU) 222, memory unit 226 and I/O interface(s) for communicating with *devices external* to the lottery system 220." *Id.* at 6:42–45 (emphasis added). "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." *Id.* at 6:45–48.

For the second embodiment, as shown in Figure 6, the "components of a lottery system, point of sale environment, and a transaction processor" for purchasing a pre-printed lottery ticket include "a retailer's point of sale terminal 202 . . . , a lottery system 220 . . . 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." Ex. 1001, 8:3–12 (emphasis added), Fig. 6. The retailer POS terminal and lottery system are described as having the same structure and stored instructions as described in the first embodiment. *Id.* at 8:17–20, 8:25–29, 8:34–40. The transaction processor is described as including "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*," as well as stored instructions 604 that, "when executed by the processing unit 604[,] provide transaction processing and data exchange functionality 602." *Id.* at 8:56–62 (emphasis added).

As noted above, the most significant difference between the components in the two disclosed embodiments is that one embodiment has a transaction processor and the other does not. In the embodiment with the transaction processor, the Specification describes (and illustrates in Figure 6) the transaction processor system as having its own processor and I/O interface(s) for communicating *with devices external to* the transaction processor system. In addition, the Specification details the process for providing a pre-printed lottery ticket through the transaction processor in which the transaction processor communicates with a retailer POS terminal and a lottery system. Ex. 1001, 9:1–29, Fig. 7. When viewed in context, it is clear that the Specification is referring to the retailer POS terminal and the

lottery system as the external devices with which the transaction processor system communicates through the I/O interface(s). Thus, we find no basis in the Specification of the '894 patent to override the presumption arising from the claims identifying, as separate elements, the transaction processor/transaction processor system, retailer/retailer POS system, and lottery administration system.

Therefore, we construe "transaction processor" and "transaction processor system" in accordance with their plain meaning, which is a processor [system] that processes transactions between two devices. Additionally, we decline to limit "transaction processor" and "transaction processor system" to "third party" processors or systems because the intrinsic record does not justify such a modification and it would create uncertainty. However, we do construe the "transaction processor"/"transaction processor system," "retailer"/"retailer POS," and "lottery administration system" as separate and distinct components.

B. Data Package

Dependent claim 2 recites "[t]he transaction processor system of claim 1, wherein facilitate provision of random draw details comprises receiving, from the lottery administration system, an image or *data package* containing at least the random draw details." Ex. 1001, 10:45–48 (emphasis added). As noted above, Petitioner contends each claim term has its plain and ordinary meaning (Pet. 18), which includes the term "data package." Patent Owner does not argue or suggest that the intrinsic record of the '894 patent demonstrates a specialized or limited meaning for "data package." *See* PO Resp. 19 n.1, 70–72. In fact, Patent Owner does not offer any express construction for the term "data package." *See id.* Nevertheless,

Patent Owner contends Petitioner must present evidence of a "grouping of more than one datum" with a "packaging syntax" to demonstrate the prior art discloses a "data package." PO Resp. 71–72.

The basis for this contention comes from testimony provided by Mr. Hutton (Petitioner's expert) during his deposition, as reflected below. *Id.* at 71 (citing Ex. 2004, 29:14–30:1).

> Q. So at least as far as this definition in the first sentence of Exhibit 2100 goes, you'd agree with that description?
>
> * * *
>
> A. I would agree that this document describes a data package as a simple container format used to describe and package collections of data.
>
> Q. And my question to you is in the 2015 time frame, if someone approached you, Mr. Hutton, and said, "What is a data package," would you agree that this description in the first sentence of Exhibit 2100 is a fair description?
>
> * * *
>
> A. Not necessarily. If someone just used the word "data package" to me, I would assume they meant some grouping of more than one datum together in some sort of packaging syntax. That's all it would really mean to me, not having read and seen this.

Ex. 2004, 29:7–30:1. This testimony, however, is directed to what Mr. Hutton would have *personally* thought "data package" referred to *generally* in 2015. As a result, this testimony has limited probative value demonstrating what the term "data package" means to a skilled artisan within the context of the '894 patent and provides even less support, if any, for limiting the plain and ordinary meaning of the claim term "data package." Still further, Mr. Hutton's testimony is extrinsic evidence and

neither party suggests the intrinsic evidence supports construing "data package" as proposed by Patent Owner. Therefore, because Patent Owner offers no support from the intrinsic record (nor do we find any support therein) and the extrinsic evidence offered in the form of Mr. Hutton's testimony is based on his personal understanding of the term divorced from the context of the '894 patent, we decline to *limit* "data package" to a "grouping of more than one datum together in some sort of packaging syntax."[10]

IV. ANALYSIS

Petitioner contends instituting a post-grant review is appropriate because claims 1–53 of the '894 patent are unpatentable under 35 U.S.C. § 103 in view of Szrek alone, with Llach, or with Gilmore. *See* Pet. 31, 37–82. For the reasons explained below, based on the complete record, we find Petitioner's contentions regarding Szrek alone, and Szrek in combination with Gilmore, persuasive, and determine that claims 1–53 of the '894 patent are thus unpatentable under 35 U.S.C. § 103, and, therefore, we do not address Petitioner's contentions regarding Llach in combination with Szrek.

A. Legal Principles

The question of obviousness involves resolving underlying factual determinations, including (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of ordinary skill in the art; and (4) when available, objective evidence of

[10] To be clear, the plain and ordinary meaning of "data package" may very well include a grouping of more than one datum together in some sort of packaging syntax, but we need not decide that issue at this time. Our determination is only that the plain and ordinary meaning of "data package" is not so limited.

nonboviousness such as commercial success, long felt but unsolved needs, and failure of others. *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966); *see KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 407 (2007) ("While the sequence of these questions might be reordered in any particular case, the [*Graham*] factors define the inquiry that controls."). In this case, however, only the first three factors are relevant because neither party provides any argument or evidence regarding objective indicia of nonobviousness for us to consider. Additionally, we have already addressed the level of ordinary skill in the art (*see supra* § II.F), therefore, the perspective from which we view the evidence and arguments for the remaining factors is that of an artisan with a working knowledge of POS activation systems and lottery systems gained through a mixture of training and work experience.

"A patent for a claimed invention may not be obtained . . . 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." 35 U.S.C. § 103. The Court in *KSR* set forth "an expansive and flexible approach" to the question of obviousness. *KSR*, 550 U.S. at 415. Whether a patent claiming the combination of prior art elements would have been obvious involves determining whether any improvement amounts to more than the predictable use of prior art elements according to their established functions. *Id.* at 417. Reaching this determination, however, requires more than merely showing that the prior art includes separate references covering each separate limitation in a challenged claim. *Unigene Labs., Inc. v. Apotex, Inc.*, 655 F.3d 1352, 1360 (Fed. Cir. 2011). Rather, obviousness additionally requires

that a person of ordinary skill at the time of the invention "would have selected and combined those prior art elements in the normal course of research and development to yield the claimed invention." *Id.*

B. The Scope and Content of the Prior Art

Petitioner's unpatentability contentions rely on three prior art references: Szrek, Llach, and Gilmore. Patent Owner does not dispute these references are within the scope of prior art to the '894 patent. *See generally* PO Resp. We describe generally the content of each below.

1. Szrek

Szrek's stated goal "is to enable the secure sale of lottery tickets at general retail point of sale (POS) checkout points, such as standard cash registers, and other similar devices." Ex. 1007, 1:16–19. Szrek teaches that "[l]otteries and other gaming organizations [are] continuously look[ing] for ways to increase their lottery ticket sales" and that one known way to accomplish this is "by widening their market presence and improving [the] ticket sale experience for the public." *Id.* at 1:20–23. An obstacle with widening the market presence that Szrek seeks to address is created by how lottery tickets are traditionally sold. According to Szrek, "[t]raditionally lottery tickets [were] sold at the dedicated lottery terminals, usually located in small convenience stores and in supermarkets which is typically a single terminal at a service desk." *Id.* at 1:23–26. Although studies show a dedicated lottery terminal placed at the regular POS lanes in a supermarket was well received by customers, such a configuration did not prove financially successful, partly because of the relatively high cost of in-line lottery terminals compared to the levels of sale per lane. *Id.* at 1:26–34. To address this obstacle, Szrek teaches that "there [was] consideration in the

industry to effectuate lottery ticket sales by existing store cash registers." *Id.* at 1:37–38.

However, Szrek states, because of the wide variety of hardware and software used for cash registers, the conventional thinking was that developing a solution would be "difficult if not impossible" without significant security, operational, and printing problems. Ex. 1007, 1:50–60, 1:63–66. Szrek teaches that skilled artisans viewed regular cash register paper stock as inadequate for lottery ticket use "because it is insecure, non-durable and non-uniform from manufacturer to manufacturer." *Id.* at 1:57–60. These paper requirements existed because it was "understood in the industry that a lottery ticket is considered a bearer's bond," which serves as "proof of a valid transaction and of the bet wagered." *Id.* at 2:4–6. As a result, "[l]ottery tickets usually contain[ed] information about [the] wagered bet, date when [the] ticket was purchased and date of [the] game draw, selling entity information . . . and a unique transaction identifier." *Id.* at 2:6–10. Thus, Szrek states that "there is a demand for the ability to sell lottery tickets at cash registers." *Id.* at 2:60–61.

Szrek discloses a method and system for selling lottery tickets at POS registers, which "completely obviates the need for the local printing of lottery tickets at the point of sale" because "[o]nly a receipt of [the] lottery transaction is printed locally at the cash register which does not need to be printed in as secure fashion as a lottery ticket." Ex. 1007, 5:21–25. To carry out the disclosed system and method, Szrek states, "it is assumed that an environment is provided where the cash register is capable of communicating with the game provider (directly or indirectly) and the game provider system (or some other system on behalf of [the] game provider

system) is authorizing [the] cash register's lottery transactions," which may be "stored in [the] game provider system or in another system." *Id.* at 3:14–20.

Szrek describes a "novel" aspect of the disclosed method is that, "instead of printing the lottery ticket, from a legitimate and authorized game provider, on the cash register, the ticket is preprinted (printed ahead of the ticket sale . . .)." Ex. 1007, 3:22–28. Szrek teaches that the preprinted ticket contains many elements of a traditional lottery ticket, including bet selections, unique ticket identifier, barcode that includes ticket identifier, duration for number of eligible draws (if activated), and ticket price. *Id.* at 5:65–6:2. However, the preprinted ticket "does not have a play value until it is activated at the cash register." *Id.* at 3:38–40.

Szrek teaches that the cash register activates the ticket by scanning the ticket barcode, which "originates a transaction to the game provider requesting ticket activation" and, in response, the game provider authorizes the activation as well as provides the lottery product description, price, and the activation receipt identifier. Ex. 1007, 3:41–45, 4:56–64. Once the preprinted ticket is activated, the cash register prints a receipt, which may include product type, the original preprinted ticket identifier, activation identifier, security codes, an activation price, and a valid draw identifier, such as draw number or draw time. *Id.* at 6:54–59. "Because [the] lottery ticket is preprinted in a secure fashion, and only an activation receipt for the transaction is printed at [the] cash register, the [preprinted] ticket could be regarded as secure." *Id.* at 3:55–57. As a result, Szrek teaches that the preprinted ticket may be used as a valid bearer's bond only once the ticket is

activated and the cash register receipt serves only as proof that the ticket was activated. *Id.* at 4:26–31.

2. Llach

Llach "relates to a processing and activation system providing consumers with the ability to purchase a stored value card, i.e., a gift card, of various affiliated or non-affiliated service providers with additional value added beyond the purchase price." Ex. 1008 ¶ 2. Llach describes a processing and activation system that includes "a stored value card transaction processor [that] receives an activation or redemption request," which "comprises . . . at least one of a card identification, a point of sale terminal identification, a merchant identification, and a time of activation." *Id.* ¶ 4. The stored value card transaction processor compares the card identification, the POS terminal identification, the merchant identification, and the time of activation to data that is stored to determine if the card to be activated or redeemed is eligible for a value added award. *Id.* If eligible, the processor then transmits a modified request to a card issuer authorization system and receives a response from the card issuer authorization system. *Id.* The processor then transmits the response to the POS terminal indicating the card has been determined to be eligible and authorized for the value added award. *Id.*

3. Gilmore

Gilmore relates to a "system for selling game tickets for purchase by a game player within a store." Ex. 1009, code (57). Gilmore describes the system as including "a point of sale terminal in communication with a game monitor that detects inputted game selection data and determines therefrom the number and type of game tickets to be played" and "a ticket dispensing

system in communication with the game monitor." *Id.* Gilmore describes that, when the game monitor detects the activation of a predetermined terminal key of the POS terminal, it "dispenses the desired number and type of game tickets from the ticket dispensing system." *Id.*

C. Any Differences Between the Claimed Subject Matter and the Prior Art

Petitioner contends: (1) no patentable differences exist between what Szrek discloses to a skilled artisan and the subject matter of claims 1–19, 21–42, and 44–53; (2) no patentable differences exist between what Llach and Szrek together disclose to a skilled artisan and the subject matter of claims 1–19, 21–29, 31–42, and 44–53; and (3) no patentable differences exist between what Szrek and Gilmore together disclose to a skilled artisan and the subject matter of claims 20 and 43. Pet. 31, 33–125. For the reasons discussed below, we find Petitioner's contentions regarding Szrek and Szrek in combination with Gilmore persuasive and supported by a preponderance of the evidence. We do not, however, address Petitioner's contentions regarding the combination of Llach and Szrek because we determine that Petitioner has established the unpatentability of each of the claims challenged under this ground (claims 1–19, 21–29, and 31–53) based on Szrek alone.

1. Claims 1–19, 21–42, and 44–53 in View of Szrek

a. Independent Claims 1, 6, 7, 29, and 33

Claim 1 of the '894 patent recites a "transaction processor system," including a "communication interface for communicating with other devices," a "processing unit for executing instructions," and a "memory unit for storing instructions." Ex. 1001, 10:30–34. Petitioner contends Szrek

discloses this recited system to a skilled artisan in the description of Figure 2, reproduced below as annotated by Petitioner. Pet. 37–40 (citing Ex. 1007, 3:14–20, 4:19–25, Figs. 1, 2; Ex. 1005 ¶¶ 52–54).

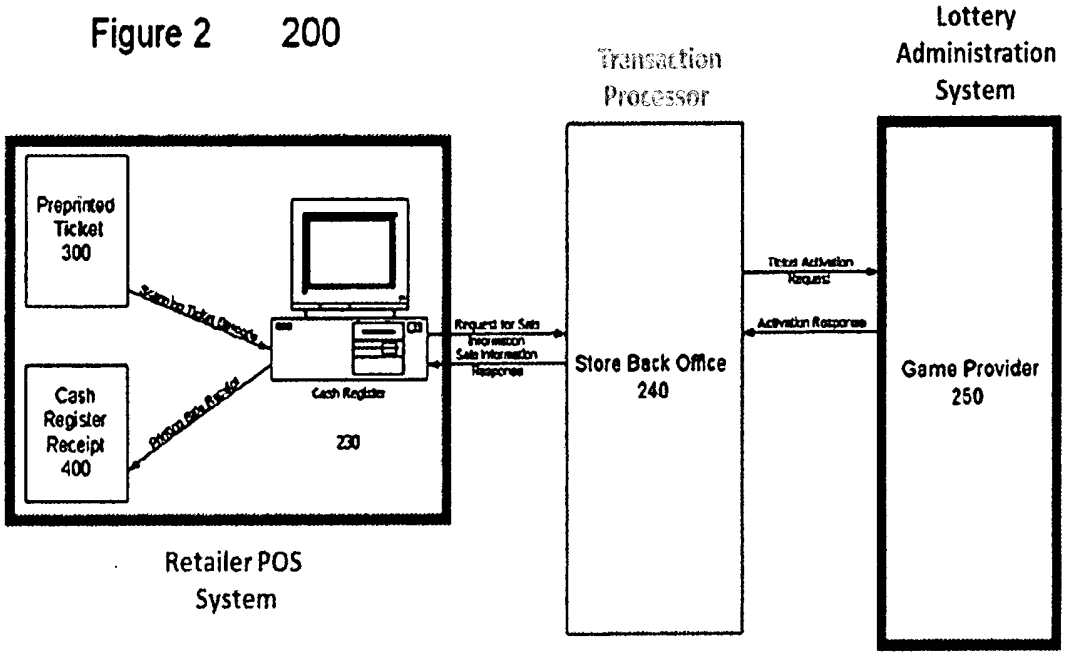


Figure 2 above illustrates "a diagrammatic view of the logical process of activation of [a] lottery ticket via [a] cash register" and Petitioner's annotations identify a "Retailer POS System" (as preprinted ticket 300, cash register receipt 400, and cash register 230), a "Transaction Processor" (as store back office 240), and a "Lottery Administration System" (as game provider 250). Ex. 1007, 5:44–45; Pet. 40.

Szrek notes "it is assumed that an environment is provided where the cash register [230] is capable of communicating with the game provider system [250] (directly or indirectly) and the game provider system [250] (or some other system on behalf of [the] game provider system) is authorizing [the] cash register's lottery transactions." *Id.* at 3:14–19. Szrek states that the activation can "be done on the cash register by scanning [a] ticket bar

code . . . [and,] [a]fter the ticket identifier is obtained, an authorization request is sent to the game provider . . . indirectly via the store 'back office' [240]." *Id.* at 4:19–25. Szrek additionally describes the logical process of activation as follows:

> The store clerk scans ticket 300 like any other product. Normally when a barcode 310 is scanned for any merchandise, the checkout register 230 application looks up the merchandise price in database or checks the price by using some algorithmic interface. In case of the ticket 300 . . . , this request will be transformed into transactional request to the game provider 250 who verifies if this [ticket] 300 was already activated. If not, it will activate this ticket by marking a status or state of corresponding identifier or record in the computer 40 memory . . . or it may even create a record with the corresponding identifier. If the ticket 300 was already activated and ticket 300 did not participate yet in the lottery drawing, the transaction would be denied.

Id. at 6:28–44.

Petitioner contends that, from Szrek's description and illustration of the disclosed activation process of a lottery ticket using a checkout register, a skilled artisan would have recognized that "the store back office 240 includes a transaction processor system comprising communication interfaces for communicating with the cash register 230 and the game provider 250, at least one processing unit for executing instructions, and at least one memory unit for storing instructions." Pet. 40 (citing Ex. 1005 ¶ 54).

Additionally, claim 1 of the '894 patent recites that, when the instructions stored in the transaction processor system's memory are executed by its processing unit, the transaction processor system: "(1) provide[s] unique identification information from a pre-printed lottery

ticket, (2) receive[s], from a lottery administration system, a determined draw information associated with the unique identification information, (3) provide[s], to the lottery administration system, payment confirmation for the pre-printed lottery ticket, and (4) facilitate[s] provision of random draw details associated with the pre-printed lottery ticket." Ex. 1001, 10:35–44. Petitioner contends that Szrek's description of the activation process for a lottery ticket using a POS device evidences to a skilled artisan that the transaction processor system includes stored instructions that cause its processor to perform each of the four functions claim 1 recites. Pet. 40–49 (citing Ex. 1007, 3:53–57, 4:28–29, 5:52–6:9, 6:28–38, 6:44–47, 6:54–61, 7:6–8, Figs. 2–4; Ex. 1005 ¶¶ 55–65).

Regarding the first of these four functions, Petitioner contends "Szrek discloses that the store back office 240 (*transaction processor system*) provides unique identification information from a pre-printed lottery ticket 300 to the game provider 250 (*lottery administration system*)." *Id.* at 41. As support, Petitioner points out that Szrek describes using preprinted ticket 300 that has a unique ticket identifier 330 and a barcode 310 that includes the unique ticket identifier 330, as depicted in Figure 3, and contends that "[w]hen ticket 300 is scanned at the POS terminal (cash register 230), a transaction request to activate the ticket comprising the unique ticket identifier 330 from the barcode 310 is received by the transaction processor (store back office 240) which then provides the transaction request to the lottery administration system (game provider 250)." *Id.* at 42–43 (citing Ex. 1007, 5:52–6:9, 6:28–38, Figs. 2, 3; Ex. 1005 ¶¶ 56–57); *see also* Ex. 1007, 4:56–67.

Considering the second recited function, Petitioner contends "Szrek discloses that the transaction processor (store back office 240) receives activation receipt information (*determined draw information*) associated with the unique identification information" in the form of "an 'Activation Response' from the lottery administration system (game provider 250)." Pet. 45 (citing Ex. 1007, 3:53–57, Fig. 2; Ex. 1005 ¶ 59); *see also* Ex. 1007, 4:56–67. As further support, Petitioner points to Szrek's description of the cash register receipt for a successful transaction associated with pre-printed ticket 300, as shown in Figure 4, which includes valid draw identifier 460, such as the draw number and draw time, which is associated with original pre-printed ticket identifier 330. *Id.* at 46–47 (citing Ex. 1007, 6:54–61, Fig. 4; Ex. 1005 ¶¶ 60–61).

For the third function, Petitioner contends that "Szrek discloses that the transaction processor (store back office 240) provides payment confirmation to the lottery administration system (game provider 250)." Pet. 48. As support, Petitioner identifies Szrek's teaching that a "preprinted ticket is not eligible to win unless payment and activation occurs" and that game provider 250 is able to determine whether a particular ticket is a winner. *Id.* (citing Ex. 1007, 4:28–29, 6:44–47). Thus, Petitioner argues, a skilled artisan would have understood "Szrek discloses providing payment confirmation to the lottery administration system" because, "in order for the lottery administration system (game provider 250) to authorize payment of a winning prize, the transaction processor system 240 must have provided, to the lottery administration system (game provider 250), payment confirmation for the pre-printed lottery ticket." *Id.* at 48–49 (citing Ex. 1005 ¶¶ 62–64).

Fourth, for the last recited function of claim 1, Petitioner points to Figure 2 and the receipt generated by the POS register as showing Szrek discloses to a skilled artisan that the transaction processor (store back office 240) facilitates providing random draw details associated with the pre-printed ticket 300. Pet. 49 (citing Ex. 1007, 3:53–57, 6:54–61, Figs. 2, 4; Ex. 1005 ¶ 65); *see also* Ex. 1007, 4:56–67. In particular, Petitioner points to the fact that Szrek's description of the cash register receipt for a successful transaction associated with pre-printed ticket 300, as shown in Figure 4, includes valid draw identifier 460, such as the draw number and draw time, which is associated with original pre-printed ticket identifier 330. Ex. 1007, 6:54–61, Fig. 4.

Claim 6 recites substantially similar limitations to those recited in claim 1 and Petitioner relies on the same evidence and arguments presented for claim 1. *See* Pet. 52–53. Claims 7, 29, and 33 recite methods that perform steps substantially similar to the stored instructions recited in claim 1 that the transaction processor system is caused to perform when executed by the processing unit. *See* Ex. 1001, 10:30–44 (claim 1), 11:9–24 (claim 7), 12:37–48 (claim 29), 12:58–13:6 (claim 33). As a result, Petitioner again relies on substantially the same evidence and arguments presented for claim 1. *See* Pet. 53–62, 80. Petitioner further notes that Szrek discloses an apparatus that "enable[s] the secure sale of lottery tickets at general retail point of sale (POS) checkout points, such as standard cash registers," without the need for "relatively high cost in-lane lottery terminals" (Pet. 58 (citing Ex. 1007, 6:28–38, 54–61, Fig. 2; Ex. 1005 ¶ 88)), as well as, that preprinted tickets 300 in Szrek scanned by the retailer

POS may include both a barcode and a security code (*id.* at 61 (citing Ex. 1007, 5:65–6:6, Fig. 3; Ex. 1005 ¶ 93)).

For claims 1, 6, 7, and 33, Patent Owner alleges that "Szrek fails to disclose a transaction processor." PO Resp. 27–30. Additionally, for claims 1 and 6, Patent Owner alleges that "Szrek does not disclose payment confirmation." *Id.* at 49–54. Patent Owner, however, does not contend any deficiencies exist with Petitioner's reliance on Szrek for claim 29. *See generally* PO Resp. 26–60. We address each alleged deficiency in turn.

First, Patent Owner argues that "Szrek fails to disclose any third party processor that interfaces between the retail store and the lottery administration system." PO Resp. 30. Patent Owner contends that "Szrek's ticket activation requests involve only the retail store requesting activation from the lottery administration system—without any third party transaction processor." *Id.* at 27. Szrek's "back office 240," according to Patent Owner, cannot be the recited transaction processor because it is not "a third party to the activation transaction between the retail store and the lottery administration system." *Id.* at 27–28 (citing Ex. 1007, 1:37–38, 2:36–37, 2:49–50, 4:22–25, 4:35–39, 4:58–60, 4:64, 6:30–31, claim 15). Patent Owner contends that "[t]he cash register and store back office are integral aspects of a retail store" and "operate together to price and sell all of the retailer's merchandise." *Id.* at 28–29 (citing Ex. 1007, 6:31–34, Fig. 2; Ex. 2001 ¶ 35). Patent Owner contends that, "unlike a third party processor, Szrek's store back office could not interface between lottery administration system 250 and other retailers selling pre-printed lottery tickets because Szrek's store back office only issues ticket activations on behalf of a single retail store." *Id.* at 29–30 (citing Ex. 1001, 8:62–64).

Petitioner criticizes Patent Owner's argument as relying on an improperly imported "third party" limitation that is unclear (*see* Reply 8–22) and a misconception that the claimed transaction processor cannot be integrated with a retailer's POS terminal (*see id.* at 22–23). In particular, Petitioner notes that the '894 patent states,

> [a]lternatively, the communication and data transfers between the POS and lottery system may be facilitated by a transaction processor system. This may be effective where a third party system *is already integrated with* the retailers POS for the purposes of interchanging data and transactions.

Pet. 22 (quoting Ex. 1001, 3:36–40) (emphasis added). This representation, Petitioner contends, demonstrates that a skilled artisan would have recognized that the transaction processor may be a separate, distinct device integrated with the POS terminal. *See id.* at 23 (citing Ex. 1036 ¶ 3). Petitioner also notes that Patent Owner's lottery expert (Mr. Delacenserie) agreed that the transaction processor can be part of the retailer's system. *Id.* at 23 (citing Ex. 1034, 70:3–71:16).

In response, Patent Owner notes that Petitioner

> does not dispute that (1) Szrek's cash register 230 and store back office 240 are part of the same retailer store, (2) Szrek's cash register and store back office operate together to price and sell merchandise, (3) it was typical for a retailer system to include both POS and back office . . . and (4) unlike a third party processor, Szrek's back office could not interface with multiple retailers.

Sur-reply 11. As a result, Patent Owner argues, Petitioner "cannot now allege that the store back office is a third party processor distinct from the claimed retailer." *Id.* Patent Owner argues

> [t]hat the '894 patent discloses where a transaction processor system "may be effective where a third party system is already

> integrated with the retailer[']s POS for the purpose of interchanging data and transactions," does not speak to whether Szrek's store back office—which undisputedly performs retailer functions for pricing and selling merchandise—is such a third party system.

Id. at 12 (citing Ex. 1001, 3:36–40). Patent Owner concludes that, "[w]hen 'transaction processor' is properly construed, . . . Szrek's store back office is not a 'transaction processor.'" *Id.* at 13.

Second, Patent Owner argues that "Szrek does not disclose payment confirmation" because "Szrek's system requires a customer to present both preprinted ticket 300 and a cash register receipt to redeem a prize." PO Resp. 49 (citing Ex. 1007, 6:62–63; Ex. 2004, 38:20–23). Patent Owner contends that "Szrek's system requires the receipt to redeem a winning prize because the cash register never provides an affirmative confirmation of payment to the lottery administration system." *Id.* at 49–50. To support this contention further Patent Owner highlights that "Szrek's system relies on . . . an 'undo' message from the cash register after activation occurs but when a customer does not pay," which Patent Owner asserts shows that "ticket activation in Szrek's system only requires an activation request; payment confirmation is neither sent nor required, and therefore the retailer POS must send a ticket nullification message if the customer later decides not to pay for the ticket." *Id.* at 50 (citing Ex. 1007, 5:6–16). And "Szrek's activation request does not include a payment confirmation," in Patent Owner's words, because "Szrek's activation request is sent in response to the initial scan of a ticket's barcode, which occurs prior to customer payment." *Id.* (citing Ex. 1007, 3:41–43, 4:20–23, 4:56–64, 6:31–38; Ex. 2004, 42:13–18).

Patent Owner criticizes the sufficiency of Petitioner's evidence to support the contention that Szrek suggests payment confirmation is

communicated to the lottery administration system. PO Resp. 52–53. Patent Owner argues,

> [r]ather than address Szrek's disclosure, the Petition begins with the premise that payment and activation are necessary conditions to redeem a winning prize, and incorrectly concludes that Szrek's back office "must have provided" "payment confirmation for the pre-printed lottery ticket" for the lottery administration system to "authorize winner payment" for a winning ticket.

Id. at 52 (citing Pet. 48). Patent Owner contends that, although "Szrek's lottery administration system can 'authorize winner payment,' Ex. 1007 at 6:44–51, that by itself is insufficient to redeem the prize." *Id.* This is so, Patent Owner contends, because the customer must also possess the cash register receipt as proof of payment, [which is] because Szrek's cash register and back office do not provide any payment confirmation to the lottery administration system." *Id.* at 52–53 (citing Ex. 1007, 4:30–32, 6:62–63).

Petitioner responds by explaining that the game provider in Szrek could not authorize winner payment without having first been provided payment confirmation because, as Szrek states expressly, "the preprinted ticket is not eligible to win prizes unless payment and activation occurs." Reply 24 (citing Ex. 1005 ¶¶ 62, 64; Ex. 1007, 4:28–29, 5:17–20). Thus, Petitioner concludes, a skilled artisan "understood that an authorization for payment of a winning ticket from the lottery administration, as described in Szrek, would reflect that the lottery administration received payment conformation." *Id.* (citing Ex. 1005 ¶¶ 62–64).

Patent Owner replies that Szrek contradicts Petitioner's position that payment confirmation is provided to the lottery administration system because "Szrek discloses the opposite of payment confirmation: an 'undo'

message from the cash register after activation occurs but only when a customer does not pay." Sur-reply 19–20. Patent Owner asserts that Petitioner provides no support for its position, other than conclusory statements and an incorrect theory of inherency. *Id.*

After studying the submissions by both parties, we are persuaded by a preponderance of the evidence that there are no patentable differences between the subject matter Szrek discloses to a skilled artisan at the time of the invention and the subject matter recited in independent claims 1, 6, 7, 29, and 33. From Szrek's description and illustration of the disclosed activation process for a pre-printed lottery ticket at a POS terminal, cited by Petitioner, we are persuaded a skilled artisan would have recognized that store back office 240 includes: (1) a system with at least a processing unit that executes instructions; (2) a communication interface for communicating with cash register 230 and game provider system 250; and (3) a memory unit for storing those instructions. *See* Pet. 37–40 (citing Ex. 1007, 3:14–20, 4:19–25, Figs. 1, 2; Ex. 1005 ¶¶ 52–54). Patent Owner notably does not dispute, from the vantage point of a skilled artisan, that store back office 240 disclosed in Szrek would have, in fact, had those recited structural components.

Instead, Patent Owner disputes more generally whether a skilled artisan would have considered the structural components of store back office 240 to be part of a transaction processor or transaction processor system. We find, however, that a skilled artisan would have viewed store back office 240 to be a transaction processor or transaction processor system because the processor [system] in store back office 240 processes a transaction (i.e., the activation of a pre-printed lottery ticket) between two devices (i.e., the POS

terminal and the lottery administration system). In addition, Szrek discloses that store back office 240, cash register/POS terminal 230, and game provider system 250 are each *structurally* separate and distinct components. Ex. 1007, 3:14–20, 4:20–25, 4:56–64, Figs. 1, 2).

Patent Owner's argument that a skilled artisan would not have understood store back office 240 to be a transaction processor fails because the argument relies on a construction of transaction processor or transaction processor system that imports a "third party" limitation, which we reject (*see supra* § III.A). Furthermore, Patent Owner does not dispute that store back office 240, cash register/POS terminal 230, and game provider system 250 are each *structurally* separate and distinct components. To the contrary, Patent Owner appears to concede these components are separate and distinct. *See* PO Resp. 27–28 ("While the store includes both a cash register and a store back office 240, neither is a third party to the activation transaction between the retail store and the lottery administration system. Both the cash register and back office are part of the retail store."), 29 ("[T]he cash register and store back office operate together to price and sell all of the retail store's merchandise."). Finally, Patent Owner's argument that Szrek's store back office 240 is distinguishable from a transaction processor because store back office 240 cannot interface between lottery administration system 250 *and* other retailers selling pre-printed lottery tickets (PO Resp. 29–30) lacks merit. We discern no requirement in the claims that the transaction processor is limited to being able to interface between multiple unrelated retailers and a lottery administration system, and Patent Owner's counsel admits as much. Tr. 36:1–13.

We turn now to the recited instructions/steps. We are persuaded Szrek's description of the logical process, cited by Petitioner, for activating a pre-printed lottery ticket with two or more codes (i.e., barcodes and security codes) at a POS terminal, without the use of lottery hardware, at least suggests that a skilled artisan at the time of the invention would have known to configure store back office 240, cash register/POS terminal 230, and game provider system 250 to "provide" and "receive" the recited information.

As an initial matter, we note several undisputed points that we find supported by the evidence of record. First, Szrek discloses store back office 240, cash register/POS terminal 230, and game provider system 250 that are configured to communicate information back and forth to allow for the sale of a pre-printed ticket at a POS terminal without the need for special lottery printing media at the cash register. Ex. 1007, code (57), 3:14–20, 4:35–39, 4:56–67, 5:21–25, 6:28–61. Second, Szrek discloses that preprinted tickets 300 may include both a barcode and a security code. Ex. 1007, 5:65–6:6, Fig. 3; Ex. 1005 ¶ 93. Third, Szrek describes preprinted ticket 300 with unique ticket identifier 330 that, when scanned at the POS terminal (cash register 230), is communicated in a transaction request to a transaction processor (store back office 240) that then provides the transaction request to a lottery administration system (game provider 250). Ex. 1007, 5:52–6:9, 6:28–38, Figs. 2, 3; Ex. 1005 ¶¶ 56–57); *see also* Ex. 1007, 4:56–67. Fourth, store back office 240 (the transaction processor) receives activation receipt information (determined draw information) associated with the unique identification information in the form of an "Activation Response" from the lottery administration system (game provider 250). Ex. 1007, 3:53–57, 4:56–67, 6:54–61, Figs. 2, 4; Ex. 1005 ¶¶ 59–61. Finally, store

back office 240 (the transaction processor) facilitates providing random draw details associated with pre-printed ticket 300 through the receipt generated by the POS register. Ex. 1007, 3:53–57, 4:56–67, 6:54–61, Figs. 2, 4; Ex. 1005 ¶ 65).

The only instruction in dispute is the one that, when executed by a processing unit, causes payment confirmation for the pre-printed lottery ticket to be provided to the lottery administration system. And Patent Owner disputes whether Petitioner has sufficiently shown Szrek discloses the transaction processor (store back office 240) provides payment confirmation to the lottery administration system (game provider 250). PO Resp. 13–14, 48–53; Sur-reply 19–20. We are persuaded by Petitioner, however, that Szrek's description of the inter-operational characteristics of store back office 240, cash register/POS terminal 230, and game provider system 250 would have suggested to a skilled artisan at the time of the invention that store back office 240 would include an instruction to cause payment confirmation for the pre-printed lottery ticket to be provided to the game provider system 250. Ex. 1007, 4:28–29, 4:56–67, 5:17–20, 6:44–47; Ex. 1005 ¶¶ 62–64.

Patent Owner does not dispute that Szrek discloses that the store back office and the game provider communicate information back and forth to activate a pre-printed lottery ticket in order to make the ticket eligible to win a prize. PO Resp. 13–14. Szrek teaches that two conditions must be satisfied for a pre-printed lottery ticket to be eligible to win a prize: (1) payment and (2) activation. Ex. 1007, 4:28–29. In operation, Szrek explains that, after a store clerk scans a pre-printed lottery ticket at the cash register, the cash register communicates a request to the store back office

that is "transformed into an activation request by the store back office software" and communicated to the gamer provider system. Ex. 1007, 4:59–64, 6:30–28. Upon receiving the activation request, Szrek teaches that the game provider system may determine whether the ticket has already participated in a drawing and may determine whether the ticket is eligible to win a prize to enable the game provider system to communicate information back to the store back office indicating that the ticket is a winner *and* that winner payment is authorized. Ex. 1007, 6:44–51. Importantly, because Szrek teaches that, from scanning a previously activated ticket, the game provider system *alone* can make the determination about whether the ticket is eligible to win a prize, it logically follows that the game provider system possessed the information necessary to establish payment and activation for the ticket had occurred when it received the activation request.

Taking account of the knowledge, reasonable inferences, and creativity that a skilled artisan possessed at the time of the invention, which indisputably included a recognition that the lottery administration defines the information that must be provided to activate a ticket (Ex. 2002 ¶ 12), we find a natural result flowing from the game provider system being able to determine a winning ticket *and* provide authorization of a winning payment is that the store back office provided payment confirmation for the ticket to the game provider system *before* that determination. As such, we find Szrek's disclosure sufficient to establish to a skilled artisan that the store back office would include an instruction to cause a payment confirmation for the pre-printed lottery ticket to be provided to the game provider system.

Patent Owner's arguments do not establish a deficiency with Petitioner's evidence from Szrek for several reasons. As detailed above,

Szrek expressly states that *the game provider system* may determine from an activation request whether to communicate information back to the store back office identifying both that the ticket is a winner and that the store is authorized to make a winning payment. Ex. 1007, 6:44–51. Thus, it is not correct that Szrek's system requires a cashier receipt to authorize winner payment.

Szrek's teaching regarding the nullification of a ticket activation, when a customer does not pay, does not diminish the sufficiency of Petitioner's evidence. Although we agree that this teaching demonstrates that ticket activation may occur before payment, this fact does not weaken Szrek's other teachings that suggest the game provider system, at some point before authorizing a winning payment, also is provided information indicating that payment occurred. There is no evidence suggesting that both functionalities cannot coexist without conflict.

Szrek's teaching that the customer needs to present the cashier receipt when claiming a lottery-prize payment likewise does not diminish the sufficiency of Petitioner's evidence. Szrek explains that "[i]n a case of any dispute," the cash register receipt "will allow identifying the activation transaction." Ex. 1007, 6:64–7:1. Importantly, Szrek does not suggest that the receipt is used to enable the game provider system to authorize a winning payment by showing proof of payment.

Therefore, for the foregoing reasons, we find that Petitioner has shown by a preponderance of the evidence that no patentable differences exist between the subject matter Szrek discloses to a skilled artisan and the subject matter recited by independent claims 1, 6, 7, 29, and 33; moreover,

we determine that those claims would have been obvious to a skilled artisan at the time of the invention in view of Szrek.

b. Dependent Claims 3, 12–17, 19, 23–28, 30–32, 35–40, 42, and 46–53

For each of dependent claims 3, 12–17, 19, 23–28, 30–32, 35–40, 42, and 46–53, Petitioner provides argument and evidence identifying where the recited subject matter, respectively, is taught or suggested by Szrek. Pet. 49–50, 66–73, 75–79, 81–82. Patent Owner does not dispute that Szrek discloses or suggests the elements additionally recited in each of those dependent claims. *See generally* PO Resp.

Therefore, on the record before us and based on the arguments and evidence presented by Petitioner (*see* Pet. 49–50, 66–73, 75–79, 81–82), we find that Petitioner has established that Szrek teaches or suggests the subject matter of claims 3, 12–17, 19, 23–28, 30–32, 35–40, 42, and 46–53 and we also determine that a preponderance of the evidence shows that those claims would have been obvious to a skilled artisan at the time of the invention in view of Szrek.

c. Dependent Claim 2

Claim 2 recites, "[t]he transaction processor system of claim 1, wherein facilitate provision of random draw details comprises receiving, from the lottery administration system, an image or data package containing at least the random draw details." Ex. 1001, 10:45–48. Petitioner contends the same evidence from Szrek cited to disclose the recited instructions for "receiv[ing] from a lottery administration system, a determined draw information associated with the unique identification information" (*see supra* § IV.C.1.a (citing Ex. 1007, 3:53–57, 4:56–67, 6:54–61, Figs. 2, 4;

Ex. 1005 ¶¶ 59–61)) also teaches or suggests the subject matter of claim 2. Pet. 49. In particular, Petitioner points to Szerk's teaching that "[t]he activation receipt information received by the transaction processor (store back office 240) is then provided to the POS terminal (cash register 230) and printed on the receipt 400 of the transaction." *Id.* (citing Ex. 1007, 6:54–61, Fig. 4; Ex. 1005 ¶ 66).

Patent Owner alleges that the evidence Petitioner cites is deficient because Petitioner fails to "explain[] why the Activation Response sent from Szrek's lottery administration system to the store back office contains a 'grouping of more than one datum,' let alone having a particular 'packaging syntax.'" PO Resp. 71–72. Patent Owner's argument is unavailing, however, because it is not commensurate with the scope of claim 2 (*see supra* § III.B), which broadly recites that the transaction processor system receives an image or data package containing at least the random draw details. The '894 patent confirms the plain meaning of "data package" includes information "communicated in the form of an image, text, or *any other message format deemed appropriate.*" Ex. 1001, 4:51–55 (emphasis added).

After considering the cited information from Szrek, we find persuasive evidence supports Petitioner's contention that Szrek teaches the elements of claim 2. Because the textual information communicated to the transaction processor from the game provider system is generated on the printed receipt by a POS device in Szrek (*see* Ex. 1007, 3:53–57, 4:56–67, 6:54–61, Figs. 2, 4; Ex. 1005 ¶¶ 59–61), we are persuaded that, at the time of the invention, a skilled artisan would have recognized that the transaction processor received, from the lottery administration system, an electronically

formatted message with textual information about the random draw details. Therefore, for the foregoing reasons, we find that Petitioner has persuasively shown by a preponderance of the evidence that no patentable differences exist between the subject matter Szrek teaches a skilled artisan and the subject matter recited by claim 2 and we determine claim 2 would have been obvious to a skilled artisan at the time of the invention in view of Szrek.

d. Dependent Claims 4 and 9

Claims 4 and 9 depend from claims 1 and 7, respectively. Ex. 1001, 10:53–56, 11:31–36. Claim 4 recites "wherein facilitate provision of random draw details comprises delivery of the random draw details in response to entry of the pre-printed lottery ticket's unique identifier into a website." *Id.* at 10:53–56. And claim 9 is substantially the same. *See id.* at 11:31–36.

Petitioner contends the same evidence cited to show that the disclosed transaction processor in Szrek receives, from a lottery administration system, determined draw information associated with a ticket's unique identification information, as recited in independent claims 1 and 7 (*see supra* § IV.C.1.a (citing Ex. 1007, 3:53–57, 6:54–61, Figs. 2, 4; Ex. 1005 ¶¶ 59–61); *see also* Ex. 1007, 4:56–67), likewise teaches or suggests the subject matter of claims 4 and 9. Pet. 51, 64. Petitioner contends that, because websites were "well known" devices for presenting "detailed draw information . . . in response to entry of a specific lottery ticket identifier," a skilled artisan at the time of the invention "would have been motivated to utilize a website to provide draw details specific to the pre-printed lottery ticket in order to provide the customer additional avenues/convenience for information regarding the ticket." *Id.* (citing Ex. 1030; Ex. 1005 ¶ 71).

Patent Owner argues that Petitioner's contention is deficient because it "fails to address the claimed requirement that a transaction processor system facilitate 'delivery of the random draw details in response to entry of the pre-printed lottery ticket's unique identifier into a website.'" PO Resp. 72–73. Patent Owner argues that Mr. Hutton (Petitioner's expert) provides no documentary evidence to substantiate his opinion that the Missouri lottery website (Ex. 1030) is facilitated by a transaction processor or his opinion regarding the stated rationale for modifying Szrek to utilize a website. *Id.* at 74 (citing Ex. 2004, 55:23–56:3; Ex. 1005 ¶¶ 43–44).

After studying the submissions by both parties, we find that a preponderance of the evidence supports Petitioner's obviousness contention that, at the time of the invention, a skilled artisan would have been motivated to modify the transaction processor in Szrek to deliver the random draw details in response to an entry of the pre-printed lottery ticket's unique identifier into a website, as recited by claims 4 and 9.

We note that we have already determined in the context of parent claims 1 and 7 (*see supra* § IV.C.1.a) that Szrek discloses a transaction processor that: (1) provides unique identification information to an external device (e.g., game provider system); (2) receives, from a game provider system, determined draw information associated with the identification information; and (3) facilitates the delivery of random draw details associated with the ticket by providing the received draw information to another external device (e.g., a POS device). Petitioner's cited evidence shows that Szrek discloses the transaction processor delivering the random draw details to the external device (e.g., a POS device) for printing, which occurs in response to the entry of the pre-printed lottery ticket's unique

identifier via the external device. *See* Ex. 1007, 3:53–57, 4:56–67, 6:54–61, Figs. 2, 4; Ex. 1005 ¶¶ 59–61; *see also* Ex. 1007, 4:56–67 (describing that the transaction processor's delivery of the random draw details to be printed occurs in response to an external device first providing the transaction processor the unique identification information associated with a pre-printed lottery ticket).

The difference between the recited subject matter in claims 4 and 9 and the disclosed subject matter in Szrek is that the transaction processor's delivery is initiated by receiving the pre-printed lottery ticket's unique identifier through the entry of identifier information into different external devices—i.e., via a POS device versus a website. But we find persuasive Petitioner's contention that, at the time of the invention, websites were well known by skilled artisans to be devices used to provide a pre-printed lottery ticket's unique identifier to another device (e.g., a lottery administration system). *See* Ex. 1030; Ex. 1005 ¶ 71. We do not agree with Patent Owner that the evidence provided by Mr. Hutton should be discarded because it is unsupported. On the contrary, we find Mr. Hutton's testimony persuasive on this point because it is supported by his background and Exhibit 1030.

We likewise find persuasive Petitioner's reasoning—to provide the customer additional avenues/convenience for information regarding the ticket—explaining why a skilled artisan would have known to modify the transaction processor in Szrek to receive, through an entry into a website, the pre-printed lottery ticket's unique identifier and therefrom initiate the delivery of the random draw details. Once the transaction processor receives the identifier information, it would "provide" and "receive" substantially the same information following the instructions/steps recited in claims 1 and 7

to deliver the random draw details to an external device. In other words, the proposed modification only changes the origin of the lottery ticket's unique identifier, it does not change the instructions/steps that the transaction processor follows after it has that information. Such a modification is nothing more than arranging old elements with each performing the same function it had been known to perform to yield no more than one would expect from such an arrangement, which is a hallmark of obviousness. *KSR*, 550 U.S. at 417 ("the Court derived from the precedents the conclusion that when a patent 'simply arranges old elements with each performing the same function it had been known to perform' and yields no more than one would expect from such an arrangement, the combination is obvious").

Therefore, for the foregoing reasons, we determine that Petitioner has shown by a preponderance of the evidence that no patentable differences exist between the subject matter Szrek teaches a skilled artisan at the time of the invention and the subject matter recited by claims 4 and 9; moreover, we determine that those claims would have been obvious to a skilled artisan at the time of the invention in view of Szrek.

e. Dependent Claims 5 and 10

Claims 5 and 10 depend from claims 1 and 7, respectively. Ex. 1001, 10:57–61, 11:37–42. These claims are similar to claims 4 and 9, except they recite "a mobile application" instead of "a website." Claim 5 recites "wherein facilitate provision of random draw details comprises delivery of the random draw details in response to entry of the pre-printed lottery ticket's unique identifier into a mobile application." *Id.* at 10:53–56. And claim 10 is substantially the same. *See id.* at 11:31–36.

Given the minimal differences between claims 5/10 and claims 4/9, the evidence and arguments by both parties are substantially similar (*see* Pet. 52, 64; PO Resp. 75–77), except Petitioner contends that, because *mobile applications* were "well known" devices for presenting "detailed draw information . . . in response to entry of a specific lottery ticket identifier," a skilled artisan at the time of the invention "would have been motivated to utilize a mobile application to provide draw details specific to the pre-printed lottery ticket in order to provide the customer additional avenues/convenience for information regarding the ticket." Pet. 52 (citing Ex. 1031; Ex. 1005 ¶ 73).

Because we find persuasive Petitioner's contentions that, at the time of the invention, mobile applications were well-known by skilled artisans to be used to provide a pre-printed lottery ticket's unique identifier to another device (e.g., a lottery administration system) (*see* Ex. 1031; Ex. 1005 ¶ 71) and that mobile applications were known to provide the customer with additional avenues/convenience for getting information, we find that a preponderance of the evidence supports Petitioner's obviousness contention for the same reasons discussed for claims 4 and 9 (*see supra* § VI.C.1.d). We are persuaded by a preponderance of the evidence that, at the time of the invention, a skilled artisan would have known to modify the transaction processor in Szrek to deliver the random draw details in response to an entry into a mobile application of the pre-printed lottery ticket's unique identifier, as recited by claims 5 and 10, to provide the customer with an additional avenue/convenience to get information regarding the ticket. Therefore, we find Petitioner has shown by a preponderance of the evidence that there are no patentable differences between the subject matter Szrek discloses and the

subject matter recited by claims 5 and 10 and determine that those claims would have been obvious to a skilled artisan at the time of the invention in view of Szrek.

f. Dependent Claim 8

Claim 8 recites, "[t]he method of claim 7, further comprising facilitating, by the transaction processor, provision of random draw details, wherein provision of the random draw details comprises delivery of the random draw details in response to a scan of the pre-printed lottery ticket on existing lottery terminals or self-serve ticket checkers." Ex. 11:25–30. Petitioner contends claim 8 is shown by the same evidence from Szrek that was cited to teach claims 1 and 7 (*see supra* § IV.C.1.a (citing Ex. 1007, 3:53–57, 4:56–67, 6:54–61, Figs. 2, 4; Ex. 1005 ¶¶ 59–61)). Pet. 63. Petitioner contends that Szrek discloses the step recited in claim 8, but that it does so in response to a scan of the pre-printed lottery ticket by a cash register instead of by an existing lottery terminal or self-serve ticket checker. *Id.* Nevertheless, Petitioner contends that the cash register is only an illustrative embodiment of a POS device and that lottery terminals and self-service terminals are additional examples of POS devices, "which follow the same logical process for activating the pre-printed tickets." *Id.*

Patent Owner disputes Petitioner's contention by pointing out that, in the exemplary embodiment Szrek discloses, "Szrek's back office is not involved in communications between the lottery terminals, self-service ticket checkers, and the lottery system." PO Resp. 79–80 (citing Ex. 1007, Fig. 1; Ex. 2004, 68:13–19). Patent Owner argues that "Szrek's back office cannot process any activation until Szrek's customer has already obtained ticket

300—and thus wager numbers—at the lottery terminal or self-service kiosk." *Id.* at 80.

After studying the submissions by both parties, we find that persuasive evidence supports Petitioner's contention that Szrek suggests to a skilled artisan that the transaction processor may facilitate the delivery of the random draw details in response to a scan of the pre-printed lottery ticket on existing lottery terminals or self-serve ticket checkers. Although we agree with Patent Owner that, in Szrek's exemplary embodiment, the lottery terminal and self-serve ticket checker communicate directly with the game provider system, this fact does not undermine the thrust of Petitioner's argument. The thrust of Petitioner's argument is that a cash register, lottery terminal, and self-serve ticket checker are each an example of a POS device and Szrek's teachings about the transaction processor apply equally to all POS devices. And we agree.

Szrek suggests that POS devices include, not only cash registers, but "other similar devices." Ex. 1007, 1:17–19. As a result, because we find a skilled artisan would consider lottery terminals and self-serve ticket checkers to be devices similar to cash registers, we are persuaded that the transaction processor disclosed in Szrek would be understood by a skilled artisan to operate in a similar manner when communicating with lottery terminals and self-serve ticket checkers. For the reasons explained in the context of claims 1 and 7 (*see supra* § IV.C.1.a (citing Ex. 1007, 3:53–57, 4:56–67, 6:54–61, Figs. 2, 4; Ex. 1005 ¶¶ 59–61)), we are persuaded that Szrek suggests to a skilled artisan at the time of the invention that the transaction processor facilitates random draw details in response to a scan of the pre-printed lottery ticket on lottery terminals and self-serve ticket checkers.

Therefore, we find Petitioner has shown by a preponderance of the evidence that there are no patentable differences between the subject matter Szrek discloses and the subject matter recited by claim 8 and determine that the claim would have been obvious to a skilled artisan at the time of the invention in view of Szrek.

g. Dependent Claims 11 and 34

Claims 11 and 34 depend from claims 7 and 33, respectively. Ex. 1001, 11:43–47, 14:7–11. These claims recite that the "transaction request" received by the transaction processor in claims 7 and 33 includes "unique product information associated with the pre-printed lottery ticket over a secure communication channel from a point of sale (POS) system." *Id.* Petitioner contends claims 11 and 34 are shown by the same evidence from Szrek that was cited to teach claims 7 and 33 (*see supra* § IV.C.1.a (citing Ex. 1007, 3:53–57, 4:56–67, 6:54–61, Figs. 2, 4; Ex. 1005 ¶¶ 59–61)). Pet. 65. Petitioner contends that evidence shows that "[t]he transaction request received by the transaction processor (store back office 240) from the POS system (cash register 230) includes information identifying the unique lottery product being purchased." *Id.* (citing Ex. 1007, 4:40–48; Ex. 1005 ¶¶ 99–100). Petitioner notes that Szrek demonstrates an awareness of the need to communicate information securely when discussing the use of encrypted data to communicate information. *Id.* at 66 (citing Ex. 1007, 4:9–17; Ex. 1005 ¶ 101). Petitioner contends,

> [t]o the extent Szrek does not disclose receiving the transaction request from the POS system over a secure communication channel, it would have been obvious to receive the information over a secure communications channel between the POS system and the back Office given the sensitive nature of the transaction as evidenced in Szrek by the encrypted

> messages between the lottery administrator and the commercial printer. A [skilled artisan] would be motivated to use a secure communication channel to protect the information/system from "internal and external fraud."

Id. (citing Ex. 1007, 2:10–18, 4:7–18; Ex. 1005 ¶102).

Patent Owner argues that "Szrek does not disclose any secure communications channel over which data is securely transmitted." PO Resp. 81. Patent Owner contends that, although Szrek discloses taking security measures regarding the pre-printed lottery ticket, "it does not protect any communications channel over which information is transmitted." *Id.* at 81–82. Patent Owner criticizes Petitioner's reasoning for modifying Szrek to include a secure communication channel as being conclusory and unsupported. *Id.* at 82–83.

After studying the submissions by both parties, we find that a preponderance of the evidence supports Petitioner's obviousness contention that, at the time of the invention, a skilled artisan would have had a reason to modify Szrek in a manner that results in the transaction processor receiving the disclosed transaction request, which includes unique product information associated with the pre-printed lottery ticket, over a secure communication channel from a point of sale (POS) system.

For the reasons explained in the context of claims 7 and 33 (*see supra* § IV.C.1.a (citing Ex. 1007, 3:53–57, 4:56–67, 6:54–61, Figs. 2, 4; Ex. 1005 ¶¶ 59–61)), we are persuaded that the "transaction request" received by the transaction processor from a point of sale (POS) system includes "unique product information associated with the pre-printed lottery ticket." Although Szrek does not disclose that the request is sent over a secure communication channel, we disagree with Patent Owner that Petitioner's

proffered reason for modifying Szrek to include a secure communication channel is deficient. Szrek clearly expresses concerns with the security of the information associated with the pre-printed lottery ticket. Ex. 1007, 2:10–18, 4:7–18; Ex. 1005 ¶¶ 101–102. And there is no dispute that a skilled artisan would have known a secure communication channel can provide security for information communicated electronically between two devices. Given that a skilled artisan is not an automaton without ordinary creativity, we are persuaded that a skilled artisan would have been led to use a secure communication channel between the POS system and the transaction processor to protect the information being exchanged, as Petitioner contends.

Therefore, we find Petitioner has shown by a preponderance of the evidence that there are no patentable differences between the subject matter Szrek discloses and the subject matter recited by claims 11 and 34 and determine that those claims would have been obvious to a skilled artisan at the time of the invention in view of Szrek.

h. Dependent Claims 18 and 41

Claim 18 depends from claim 17, which depends from claim 16, which depends from independent claim 7. Ex. 1001, 11:9–24, 11:66–67, 17:1–7. Similarly, claim 41 depends from claim 40, which depends from claim 39, which depends from independent claim 33. *Id.* at 12:58–13:6, 13:30–38. Each of the identified parent claims to claims 18 and 41, are addressed above. *See supra* §§ IV.C.1.a (claims 7 and 33), IV.C.1.b (claims 16, 17, 39, and 40). Notably, Patent Owner does not dispute Szrek discloses the recited elements in each of the parent-dependent claims 16, 17, 39, and 40. *See generally* PO Resp. Claims 18 and 41 recite that the

validating step, which is first introduced in claims 16 and 39, "includes verifying that the product is validly distributed by the retailer." Ex. 1001, 12:5–7, 13:36–38.

Petitioner contends that "[c]laims 18 and 41 are disclosed by Szrek in the same manner as set forth with respect to [c]laim 16." Pet. 72 (referring to Pet. 70–71) (citing Ex. 1005 ¶ 113)). The undisputed evidence Petitioner provides from Szrek to show it discloses "validating the received transaction request," as claim 16 recites, makes clear that the ticket identifier may be used during the activation process by the game provider system for verification purposes, including validating the legality of the transaction and validating authenticity of the ticket. *Id.* at 70–71 (citing Ex. 1007, 3:46–57, 4:9–18; Ex. 1005 ¶¶ 109–111).

Petitioner contends that, although "Szrek does not explicitly disclose (nor does the patent) . . . associating the pre-printed tickets with a specific retailer," "a [skilled artisan] understood that lottery administrators would require some verification that the submitting retailer was authorized to sell the tickets." *Id.* at 72 (citing Ex. 1005 ¶ 114). In addition, Petitioner contends that "[r]etailers would have undergone a rigorous application process to obtain a Retailer ID in order to participate in lottery sales." *Id.* (citing Ex. 1005 ¶ 114). Petitioner concludes that "it would have been obvious to a [skilled artisan] to modify Szrek to include verification that the retailer submitting the request is authorized to distribute lottery tickets (*product*)." *Id.* (citing Ex. 1005 ¶ 114).

Patent Owner argues that Petitioner's contentions are deficient because they merely rely on "common sense and general knowledge, rather

than analysis and evidentiary support." PO Resp. 85. Patent Owner argues that "[r]ather than provide reasoned analysis on the basis of evidentiary support, the Petition impermissibly uses hindsight to reconstruct the claimed limitations, relying on nothing more than attorney argument parroted by its expert without evidentiary support." *Id.*

After studying the submissions by both parties, we find that persuasive evidence supports Petitioner's obviousness contention that, at the time of the invention, a skilled artisan would have known Szrek's validating step "includes verifying that the product is validly distributed by the retailer."

For the reasons explained by Petitioner in the context of claims 16 and 39 (Pet. 70–71 (citing Ex. 1007, 3:46–57, 4:9–18; Ex. 1005 ¶¶ 109–111)), Szrek establishes that, as part of a transaction request, the transaction processor provides information to a game provider system for the purpose of ensuring the integrity of the transaction. Szrek specifically describes that the transaction request may communicate "codes" to provide information that may be used by the game provider system to indicate, "in an algorithmic fashion," the legality and authenticity of the pre-printed lottery ticket sale. Ex. 1007, 3:46–57, 4:9–18; Ex. 1005 ¶¶ 109–111. Patent Owner does not dispute these facts, which is significant because they provide the foundation for Petitioner's contention that it would have been obvious to a skilled artisan to include information for verifying that a retailer is a valid distributor of a lottery ticket. Furthermore, these facts diminish the weight of Patent Owner's argument that the Petition fails to provide a sufficiently reasoned analysis on the basis of evidentiary support.

In view of these undisputed facts and Mr. Hutton's background (*see, e.g.*, Ex. 1006, 2), we credit, and find persuasive, Mr. Hutton's testimony (in part, because his testimony also aligns with common sense) that a skilled artisan would have known at the time of the invention that, prior to authorizing a lottery ticket sale, a game provider would require verification that the submitting retailer is authorized to sell tickets. Ex. 1005 ¶ 114. Because one of the stated purposes of the transaction request is to provide information to enable a game provider system to verify the legality and integrity of the lottery ticket sale, we are persuaded that a skilled artisan would have known to include information in that request that allows the retailer to be verified as a "legal" distributor. Petitioner's obviousness position changes nothing about the structure and operation of the transaction processor; it only modifies the *information* that the transaction processor communicates. In other words, the transaction processor would still perform the same function it had been known to perform to yield no more than one would expect from such an arrangement.

Therefore, we find Petitioner has shown by a preponderance of the evidence that there are no patentable differences between the subject matter Szrek discloses and the subject matter recited by claims 18 and 41 and determine that those claims would have been obvious to a skilled artisan at the time of the invention in view of Szrek.

i. Dependent Claims 21 and 44

Claim 21 depends from claim 7 and claim 44 depends from claim 33. Ex. 1001, 12:15–19, 14:7–11. Claims 21 and 44 recite, "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." *Id.*

Petitioner contends, "Szrek discloses the bet selection which includes user selected or quick picks numbers (*one or more randomly determined lottery numbers*) associated with the preprinted tickets is provided to the lottery administration system." Pet. 73 (citing Ex. 1007, 3:29–31, 5:65–6:3; Ex. 1005 ¶ 116). And that,

> Szrek discloses when ticket 300 is scanned at the POS terminal (cash register 230), a transaction request to activate the ticket comprising the unique ticket identifier 330 from the barcode 310 is received by the transaction provider (store back office 240) provides the transaction request including the bet selections to the lottery administration system (game provider 250).

Id. at 74 (citing Ex. 1007, 6:28–38, Fig. 2; Ex. 1005 ¶117).

Patent Owner argues that "the Petition then alleges without evidence that Szrek's back office 'provides the transaction request including the bet selections' to the lottery administration system." PO Resp. 68 (citing Pet. 74; Ex. 1005 ¶ 117). Patent Owner asserts that Mr. Hutton "conceded" that "Szrek's POS and back office do not send any wager or bet numbers to the lottery administration system." *Id.* at 68–69 (citing Ex. 2004, 75:20–76:1, 77:8–12). Patent Owner argues additionally that "[i]n Szrek's 'preloaded' ticket system, it would make no sense for the cash register or back office to transmit any bet selection, because the lottery administration system has already predefined what bet selection corresponds to any given ticket identifier." *Id.* at 69 (citing Ex. 1007, 3:46–50). Patent Owner argues that "it is because the lottery administration system predetermines the correspondence between ticket identifiers and bet selections that Szrek's

tickets can be preprinted with 'bet data 350' and 'ticket identifier 330.'" *Id.* (citing Ex. 1007, 5:65–6:3, Fig. 3).

After studying the submissions by both parties, we find that persuasive evidence supports Petitioner's obviousness contention that, at the time of the invention, a skilled artisan would have known the transaction processor may provide information to the lottery administration system of randomly determined lottery numbers associated with a pre-printed lottery ticket prior to the time the ticket is purchased at the POS. In particular, Szrek makes clear that

> [t]he ticket can be preprinted[11] . . . as a computer generated selection[] (quick pick)" and that "the preprinted ticket identifier 330 on the self-service terminal 130 or kiosk 130 could be constructed in a way that part of ticket identifier 330 could correspond to the bet combination 350 chosen by the players.

Ex. 1007, 3:29–31, 7:19–22 (footnote added). As a result, a skilled artisan would have appreciated that "the game provider system may learn [a] bet combination from the ticket identifier and authorize this bet." *Id.* at 7:26–28.

Patent Owner's arguments are unavailing because we find that they either misapprehend the evidence or are outweighed by the evidence to the contrary. For example, Patent Owner misapprehends Mr. Hutton's testimony allegedly conceding that Szrek's POS and back office do not send any wager or bet numbers to the lottery administration system. Although Mr. Hutton agreed that, in the exemplary embodiment disclosed by Szrek,

[11] Szrek describes "preprinted" as referring to a ticket "printed ahead of the ticket sale by a commercial printer capable of printing lottery tickets." Ex. 1007, 3:26–27.

the wager or bet numbers are not identified specifically as information sent to the lottery administration (Ex. 2004, 75:20–76:1), this testimony is limited to exemplary embodiment(s) disclosed and does not support the broader concession that Patent Owner alleges. Further, and contrary to Patent Owner's representation, Mr. Hutton disagreed with Patent Owner's broader contention that there is no sending of wager or bet selections at the time of purchase in Szrek—"Q. So in Szrek, there is no sending of wager or bet selections at the time of purchase, correct? A. **No.**" Ex. 2004, 77:8–12 (emphasis added).

Additionally, Szrek undermines Patent Owner's argument that Petitioner's contentions make "no sense" because the "quick pick" numbers associated with a pre-printed lottery ticket generated at a self-serve terminal are necessarily sent to the lottery administration before the ticket is scanned at the POS. Szrek does so by stating, "this type of ticket identifier assignment allows printing customer selected wagers on tickets 300 on self-service terminals 130 and in kiosks 130 *without game provider 250 connectivity*." Ex. 1007, 7:33–36 (emphasis added). Without connectivity, the lottery administration, in fact, could not have received the customer's quick pick lottery number prior to a ticket's activation at the POS terminal.

Therefore, we find Petitioner has shown by a preponderance of the evidence that there are no patentable differences between the subject matter Szrek discloses and the subject matter recited by claims 21 and 44 and determine that those claims would have been obvious to a skilled artisan at the time of the invention in view of Szrek.

j. Dependent Claims 22 and 45

Claim 22 depends from claim 7 and claim 45 depends from claim 33. Ex. 1001, 12:20–21, 14:12–13. Claims 22 and 45 recite, "wherein the retailer POS is online." *Id.* And Petitioner contends, because "online shopping and POS interfaces were ubiquitous and well known in the art," a skilled artisan at the time of the invention would have known to provide lottery tickets over the internet with an online POS and would have been motivated to do so "to expand the customer base by providing greater access and convenience." Pet. 74–75 (citing Ex. 1005 ¶ 118). Patent Owner argues that the proposed motivation lacks merit because "the only disclosed embodiment in Szrek requires the customer to return with both the preprinted ticket and the physical receipt to redeem a winning prize" and, therefore, modifying Szrek to utilize "an online POS would not provide greater access or convenience because the customer would still have to make a visit to the store." PO Resp. 86–87.

After studying the submissions by both parties, we find that a persuasive evidence supports Petitioner's obviousness contention that, at the time of the invention, the need to expand the customer base by providing greater access and convenience would have led a skilled artisan to modify Szrek to provide lottery tickets over the internet with an online POS. We find additional support for this determination from Szrek's recognition that the disclosed system may be part of a network. *See* Ex. 1007, 2:48–51. Additionally, Patent Owner's argument fails because Szrek expressly states that *the game provider system* may determine from an activation request alone whether to communicate information back to the store back office identifying both that the ticket is a winner and that the store is authorized to

make a winning payment. Ex. 1007, 6:44–51. Therefore, we find Petitioner has shown by a preponderance of the evidence that there are no patentable differences between the subject matter Szrek discloses and the subject matter recited by claims 22 and 45 and determine that those claims would have been obvious to a skilled artisan at the time of the invention in view of Szrek.

2. Claims 1–19, 21–29, 31–42, and 44–53 in View of Llach and Szrek

Petitioner asserts that the combination of Llach and Szrek teaches each limitation of claims 1–19, 21–29, 31–42, and 44–53, and supports this contention with detailed citations to the record. *See* Pet. 82–120. For the reasons discussed above (*see supra* § IV.C.1), we have already determined that the recited subject matter in those claims is unpatentable as being obvious in view of Szrek alone. Therefore, it is not necessary to reach Petitioner's alternative ground challenging the patentability of the same claims in view of the combined disclosures of Szrek and Llach. *See SAS Inst. v. Iancu*, 138 S. Ct. 1348, 1359 (2018) (holding that a petitioner "is entitled to a final written decision addressing all of the claims it has challenged"); *Boston Sci. Scimed, Inc. v. Cook Grp. Inc.*, 809 F. App'x 984, 990 (Fed. Cir. 2020) (nonprecedential) (stating that the "Board need not address issues that are not necessary to the resolution of the proceeding," such as "alternative arguments with respect to claims [the Board] found unpatentable on other grounds").

3. Claims 20 and 43 in View of Szrek and Gilmore

Claim 20 depends from claim 7 and claim 43 depends from claim 33. Ex. 1001, 12:10–13, 14:3–6. Claims 20 and 43 recite, "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." *Id.*

Although Szrek "discloses that tickets with user selected numbers or quick picks may be printed via a kiosk and purchased at the register," Petitioner acknowledges that Szrek "does not explicitly disclose[] generating the quick pick numbers at the time the ticket is purchased at the POS." Pet. 122. Nevertheless, Petitioner contends that Gilmore demonstrates that a skilled artisan fully appreciated that POS terminals could successfully provide the functionality of generating the quick pick numbers at the time of purchase. *Id.* at 122–24 (citing Ex. 1009 ¶¶ 63, Figs. 5, 6A; Ex. 1005 ¶¶ 204–205). And Petitioner contends that a skilled artisan would have been motivated to modify Szrek to allow the retailer POS to generate the quick pick numbers at the time of purchase in order to:

> 1) distribute the generation of numbers away from the central office as taught by Gilmore; 2) further reduce the need for a kiosk to print quick picks; 3) minimize the in lane wait time associated with the lottery administrator generating the numbers; and 4) provide each quick pick customer access to all the possible combinations of the current draw, a feature not possible when the random draw is already associated with the pre-printed tickets.

Id. at 124–25 (citing Ex. 2005 ¶ 206). Because "the generation of random numbers (quick pick) was ubiquitous in processors and relied upon well-known technologies," Petitioner contends that a skilled artisan would have understood modifying Szrek in this manner as having "a high likelihood of success." *Id.* at 125 (citing Ex. 1005 ¶ 207).

Patent Owner argues that there are two reasons Petitioner fails to establish the unpatentability of claims 20 and 43. "First, the Petition relies solely on Szrek to disclose the claimed transaction processor, but Szrek does

not disclose any transaction processor as properly construed." PO Resp. 61. "Second, [Petitioner's] proposed modification of Szrek with Gilmore is fundamentally incompatible with Szrek's preloaded ticket system." *Id.* Patent Owner argues that the proposed modification is incompatible because Szrek is allegedly centered around a system in which the pre-printed lottery tickets are "preloaded" and Gilmore discloses the use of specialized lottery printing devices at the POS terminal. *See id.* at 61–68.

After studying the submissions by both parties, we find that a preponderance of the evidence, as cited by Petitioner, supports Petitioner's contention that Szrek and Gilmore satisfy the elements recited in claims 20 and 43 and that a skilled artisan would have had a reason to combine the references' teachings. We adopt the supporting analysis in the Petition as our own in this Decision. Patent Owner's first argument regarding the lack of any disclosure of a transaction processor is unavailing for the detailed reasons explained in the context of the independent claims (*see supra* § IV.C.1). Patent Owner's second argument is also unavailing because it focuses on the references individually, and on specific embodiments within each, rather than what Szrek and Gilmore teach or suggest when viewed collectively and in their entirety. Therefore, we find Petitioner has shown by a preponderance of the evidence that there are no patentable differences between the subject matter of the combined teachings of Szrek and Gilmore and the subject matter recited by claims 20 and 43 and determine that those claims would have been obvious to a skilled artisan at the time of the invention in view of Szrek and Gilmore.

V. THE PARTIES' MOTIONS TO EXCLUDE

Patent Owner and Petitioner each filed a Motion to Exclude. Papers 37, 38. Patent Owner seeks to exclude Exhibit 1039, which is relied upon by Petitioner to challenge the patentability of the '894 patent claims in view of Llach and Szrek. *See generally* Paper 37. Petitioner seeks to exclude portions of Mr. Friedman's Declaration (Ex. 2001) that also address Petitioner's challenge to the patentability the '894 patent claims in view of Llach and Szrek. Because, for the reasons explained above, we do not address Petitioner's challenge based on Llach and Szrek, none of the materials sought to be excluded is relevant to the patentability determination in this proceeding. Therefore, we need not decide either party's Motion to Exclude.

Accordingly, we dismiss Patent Owner's and Petitioner's Motions to Exclude as moot.

VI. CONCLUSION[12]

For the foregoing reasons, Petitioner has demonstrated by a preponderance of the evidence that challenged claims 1–19, 21–42, and 44–53 are unpatentable as being obvious in view of Szrek and that claims 20 and 43 are unpatentable as being obvious in view of Szrek and Gilmore. We dismiss Patent Owner's and Petitioner's Motions to Exclude as moot.

In summary:

Claims	35 U.S.C. §	Reference(s)/ Basis	Claims Shown Unpatentable	Claims Not Shown Unpatentable
1–19, 21–42, 44–53	103	Szrek	1–19, 21–42, 44–53	
1–19, 21–42, 44–53	103	Llach, Szrek[13]		
20, 43	103	Szrek, Gilmore	20, 43	
Overall Outcome			1–53	

[12] Should Patent Owner wish to pursue amendment of the challenged claims in a reissue or reexamination proceeding subsequent to the issuance of this decision, we draw Patent Owner's attention to the April 2019 *Notice Regarding Options for Amendments by Patent Owner Through Reissue or Reexamination During a Pending AIA Trial Proceeding*. *See* 84 Fed. Reg. 16,654 (Apr. 22, 2019). If Patent Owner chooses to file a reissue application or a request for reexamination of the challenged patent, we remind Patent Owner of its continuing obligation to notify the Board of any such related matters in updated mandatory notices. *See* 37 C.F.R. § 42.8(a)(3), (b)(2).

[13] We do not address Petitioner's contention regarding the combination of Llach and Szrek because Szrek alone demonstrates the unpatentability of claims 1–19, 21–42, and 44–53.

VII. ORDER

Accordingly, it is:

In consideration of the foregoing, it is hereby:

ORDERED, based on a preponderance of the evidence, that claims 1–53 of U.S. Patent No. 10,769,894 B2 have been shown to be unpatentable;

FURTHER ORDERED that Patent Owner's Motion to Exclude (Paper 37) is dismissed as moot;

FURTHER ORDERED that Petitioner's Motion to Exclude (Paper 38) is dismissed as moot; and

FURTHER ORDERED, because this is a final written decision, the parties to this proceeding seeking judicial review of our Decision must comply with the notice and service requirements of 37 C.F.R. § 90.2.

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Paper 11
Date: March 17, 2021

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTERACTIVE COMMUNICATIONS INTERNATIONAL, INC.,
Petitioner,

v.

BLACKHAWK NETWORK, INC.,
Patent Owner.

PGR2020-00084
Patent 10,769,894 B2

Before LINDA E. HORNER, BART A. GERSTENBLITH, and FREDERICK C. LANEY, *Administrative Patent Judges*.

LANEY, *Administrative Patent Judge*.

DECISION
Granting Institution of Post-Grant Review
35 U.S.C. § 324

I. INTRODUCTION

Interactive Communications International, Inc. ("Petitioner") filed a Petition (Paper 2, "Pet.") requesting post-grant review ("PGR") of claims 1–53 of U.S. Patent No. 10,769,894 B2 (Ex. 1001, "the '894 patent"). Blackhawk Network, Inc. ("Patent Owner") filed a Preliminary Response (Paper 7, "Prelim. Resp."). In accordance with our prior authorization (Paper 8), Petitioner filed a Preliminary Reply to the Preliminary Response (Paper 9, "Prelim. Reply"), limited to addressing Patent Owner's arguments regarding the constructions of "pre-printed lottery ticket" and "draw information," and Patent Owner filed a Preliminary Sur-reply to Petitioner's Preliminary Reply (Paper 10, "Prelim. Sur-reply").

Exercising the authority delegated to the Board under 35 U.S.C. § 324 and 37 C.F.R. § 42.4(a), we may not institute a post-grant review unless "the information presented in the petition . . . , if such information is not rebutted, would demonstrate that it is more likely than not that at least 1 of the claims challenged in the petition is unpatentable." 35 U.S.C. § 324(a) (2019). For the reasons given below, Petitioner has established that it is more likely than not that at least one of the challenged claims of the '894 patent is unpatentable. Accordingly, we institute a post-grant review of claims 1–53 of the '894 patent on all grounds raised in the Petition.

Our findings and conclusions below are based on the record developed thus far. This is not a final decision as to the patentability of any challenged claim. Any final decision will be based on the full record developed during trial.

II. BACKGROUND

A. Related Matters

Petitioner and Patent Owner identify concurrently filed PGR2020-00085 as a related matter. Pet. 126; Paper 5 (Patent Owner's Mandatory Notice), 2. In addition, Petitioner identifies the following related applications and patent: 62/104,844; 16/280,629; 16/589,067; and US 9,865,135. Pet. 126 (citing Ex. 1032).

B. Real Parties in Interest

Petitioner identifies itself as the real party in interest. Pet. 125. Patent Owner identifies itself as the real party in interest. Paper 5, 2.

C. The '894 Patent

The '894 patent teaches that, broadly speaking, there are two types of lotteries: (1) "instant win lotteries where a printed ticket provides all of the lottery information;" and (2) a "draw-based lottery or 'online' lottery where a player makes a wager on a subsequently occurring event." Ex. 1001, 1:23–30. For the draw based lotteries, the '894 patent teaches that the typical ticket is printed using a lottery-specific terminal and specialized printing device that is wholly separate from the point of sale ("POS") terminal. *See id.* at 1:39–50.

The '894 patent teaches that, "[a]lthough 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." *Id.* at 1:50–54. A drawback of this system, according to the '894 patent, is that it requires a customer to wait in two separate lines (or at a minimum go to two separate locations) to purchase their goods and to purchase a lottery ticket,

when in a multi-lane environment. *Id.* at 1:54–58. "This is extremely inconvenient for most customers who simply bypass the lottery counter." *Id.* at 1:58–60. Other drawbacks the '894 patent teaches are that "[i]nstalling an approved printer or any other piece of specialized [lottery] hardware at every point of payment within a retail environment is cost prohibitive and not an effective use of capital" because "not all points of payment are open at all times" and the use of specialized hardware increases the responsibility and training required for a cashier. *Id.* at 1:61–2:2.

As a result, the '894 patent asserts that "[i]t 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" by using existing point of sale equipment and without requiring any additional specialized hardware. *Id.* at 2:7–17. And the '894 patent seeks to provide 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." *Id.* at Abstract.

The '894 patent describes, in the simplest of terms, a system and method that uses a "pre-printed lottery ticket," which acts as a uniquely identifiable "legal instrument," to initiate and facilitate the legal transaction necessary between a customer and a lottery administration body at a POS register to enable customers to purchase a chance at winning a prize associated with an upcoming lottery. Ex. 1001, 3:1–24. In a more detailed explanation of the invention, the '894 patent describes an embodiment with components of a POS, transaction processor and lottery system, as shown in Figure 6 below.

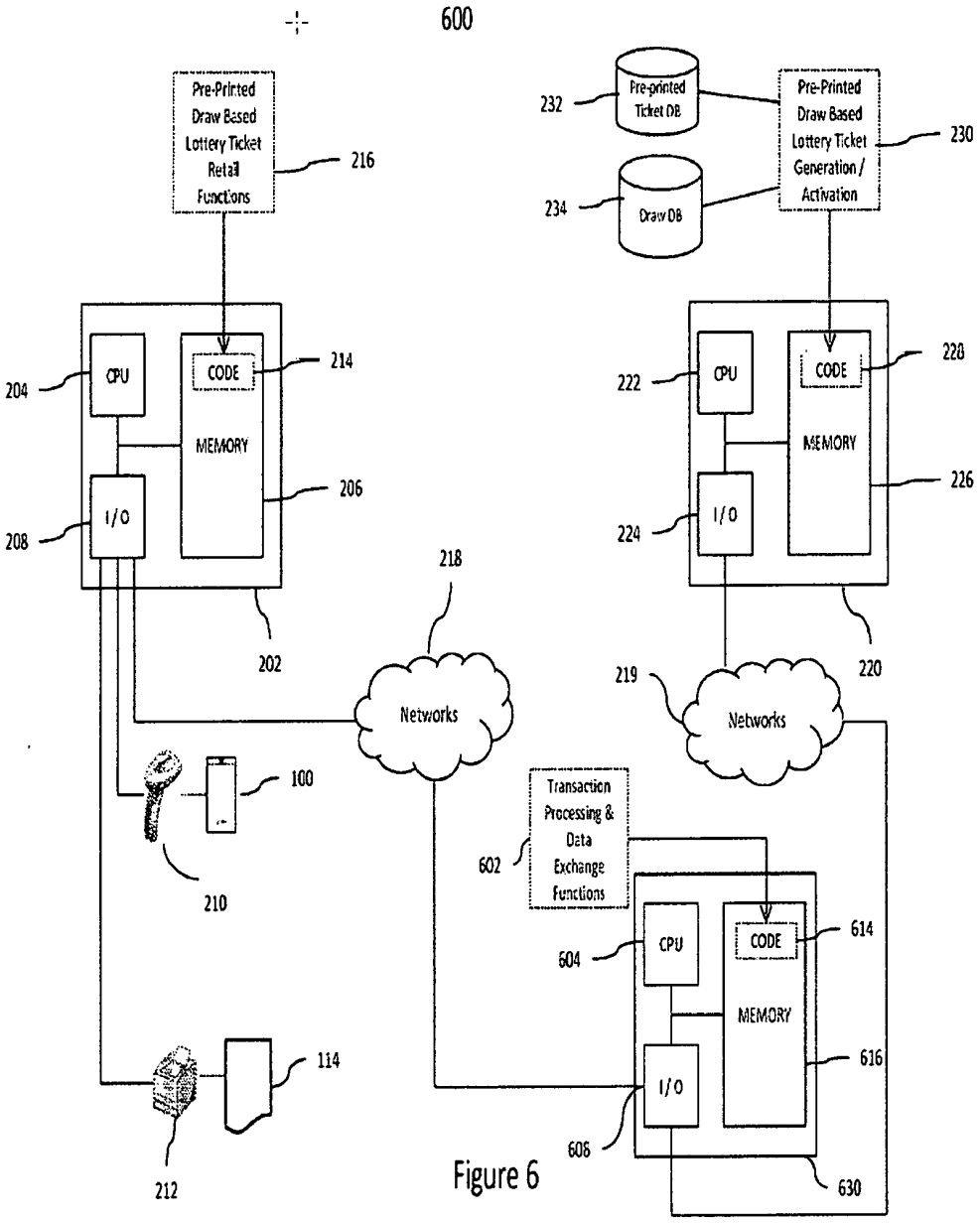


Figure 6

Ex. 1001, 2:34–35, Fig. 6. Figure 6 above "depicts components of a lottery system, point of sale environment and a transaction processor" that are "for purchasing a pre-printed lottery ticket." *Id.* at 8:3–6. As shown,

> 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.

Id. at 8:5–13.

The '894 patent states, "[t]he 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." *Id.* at 8:17–20. And the '894 patent teaches that "[t]he 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," including 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." *Id.* at 8:25–33.

The '894 patent describes the lottery system 220 as including "[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." *Id.* at 8:34–37. When the processing unit 222 executes instructions 228 stored in the memory unit 226, it "configure[s] the lottery system to provide pre-printed draw-based lottery ticket activation and cancellation functionality 230," in addition to having the functionality to "generate draw and wager information and associate the pre-printed ticket information in a draw information database 234." *Id.* at 8:37–40, 8:49–52.

The transaction processor system 630 is described by the '894 patent as including "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." *Id.* at 8:56–59. The memory unit 616 stores instructions that the CPU 604 executes to "provide transaction processing and data exchange functionality 602" with a plurality of different retailers to a single lottery system and enable the activation or cancellation of pre-printed lottery tickets to be performed at retailer's POS terminal 202. *Id.* at 8:59–67. "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." *Id.* at 9:27–29.

D. Illustrative Claims

Claims 1, 6, 7, 29, and 33 are the independent claims challenged in this proceeding, which includes two system claims (1 and 6) and three method claims (7, 29, and 33). Claims 1 and 7 are illustrative of the claimed subject matter and are reproduced below:

> 1. A transaction processor system comprising:
>
> at least one communication interface for communicating with other devices;
>
> at least one processing unit for executing instructions; and
>
> at least one memory unit for storing instructions, which when executed by the at least one processing unit causes the transaction processor system to (1) provide unique identification information from a pre-printed lottery ticket, (2) receive, from a lottery administration system, a determined draw information associated with the unique identification information, (3) provide, to the lottery administration system, payment confirmation for the pre-printed lottery ticket, and (4) facilitate provision of random draw details associated with the pre-printed lottery ticket.
>
> 7. 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 the transaction processor or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from the 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.

Ex. 1001, 10:30–44 (claim 1), 11:9–24 (claim 7).

E. The Asserted Grounds of Unpatentability and Declaration Evidence

Petitioner challenges the patentability of claims 1–53 of the '894 patent on the following grounds:

Claim(s) Challenged	35 U.S.C. §[1]	Reference(s)/Basis
1–19, 21–53	103	Szrek[2]
1–19, 21–29, 31–53	103	Llach,[3] Szrek
20, 43	103	Szrek, Gilmore[4]

[1] The Leahy-Smith America Invents Act ("AIA"), Pub. L. No. 112-29, 125 Stat. 284, 287–88 (2011), amended 35 U.S.C. § 103, effective March 16, 2013. Because the application from which the '894 patent issued was filed after this date, the AIA version of § 103 applies.
[2] U.S. Patent No. 7,627,497 B2, issued Dec. 1, 2009 (Ex. 1007, "Szrek").
[3] U.S. Patent Application Publication No. 2013/0041768 A1, published Feb. 14, 2013 (Ex. 1008, "Llach").
[4] U.S. Patent Application Publication No. 2005/0233797 A1, published Oct. 20, 2005 (Ex. 1009, "Gilmore").

Pet. 31. In addition to several alleged prior art references used to demonstrate relevant background knowledge of a skilled artisan at the time of the invention (*see* Pet. 19–31 (citing Exs. 1010–1028)), Petitioner supports its challenge with Declarations by Scott Loftesness (Ex. 1003) and Michael Hutton (Ex. 1005).

F. Level of Ordinary Skill in the Art

Petitioner proposes that a person of ordinary skill in the art ("POSA") at the time of the invention would have had "working knowledge of point of sale (POS) activation systems and/or lottery systems," which would have been gained "through a mixture of training and work experience." Pet. 19. In particular, Petitioner contends such mixed training and work experience would have come from "(i) having a Bachelor's degree in computer science, computer communications, electrical engineering, or equivalent degree, coupled with at least three years of experience; (ii) by obtaining a Master's degree in computer science, computer communications, or electrical engineering, but having less experience; or (iii) by having no formal degree, but having experience in the relevant field of at least six years." *Id.*; *see also* Ex. 1003 ¶ 96. Patent Owner "does not challenge" Petitioner's description of a POSA at this stage of the proceedings. Prelim. Resp. 2. For purposes of this Decision, we accept Petitioner's contention, which we find to be consistent with the scope and content of the '894 patent and the asserted prior art.

III. CLAIM CONSTRUCTION

In this post-grant review, claims are construed using the same claim construction standard that would be used to construe the claims in a civil action under 35 U.S.C. § 282(b). *See* 37 C.F.R. § 42.100(b) (2019). The

claim construction standard includes construing claims in accordance with the ordinary and customary meaning of such claims as understood by one of ordinary skill in the art at the time of the invention. *See id.*; *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312–14 (Fed. Cir. 2005) (en banc). In construing claims in accordance with their ordinary and customary meaning, we take into account the specification and prosecution history. *Phillips*, 415 F.3d at 1315–17.

If the specification "reveal[s] a special definition given to a claim term by the patentee that differs from the meaning it would otherwise possess[,] . . . the inventor's lexicography governs." *Phillips*, 415 F.3d at 1316 (citing *CCS Fitness, Inc. v. Brunswick Corp.*, 288 F.3d 1359, 1366 (Fed. Cir. 2002)). Another exception to the general rule that claims are given their ordinary and customary meaning is "when the patentee disavows the full scope of a claim term either in the specification or during prosecution." *Uship Intellectual Props., LLC v. United States*, 714 F.3d 1311, 1313 (Fed. Cir. 2013) (quoting *Thorner v. Sony Computer Entm't Am., LLC*, 669 F.3d 1362, 1365 (Fed. Cir. 2012)).

Additionally, only terms that are in controversy need to be construed, and these need be construed only to the extent necessary to resolve the controversy. *See Vivid Techs., Inc. v. Am. Sci. & Eng'g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999) (holding that "only those terms need be construed that are in controversy, and only to the extent necessary to resolve the controversy"); *Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017) (citing *Vivid Techs.* in the context of an *inter partes* review).

"Petitioner proposes that each claim term in the Challenged Claims be given its plain and ordinary meaning, and that no specific construction of any claim term is required because the prior art relied on in this Petition meets each of the claim terms under any reasonable construction." Pet. 18. Patent Owner disagrees. Prelim. Resp. 8. Patent Owner contends that "[t]he prior art supporting [Petitioner's] proposed grounds of unpatentability does not teach or suggest a 'pre-printed lottery ticket' when [that term and 'draw information'] are properly construed." *Id.* Patent Owner contends that "pre-printed lottery ticket" is properly defined "with a negative limitation that prohibits the inclusion of certain draw information—namely, draw date—on the pre-printed ticket" and that "draw information" is properly defined as "information that includes at least draw date." *Id.*

At this stage of the proceeding, however, we do not find it necessary to define expressly either "pre-printed lottery ticket" or "draw information" to determine whether the evidence cited in the Petition is sufficient to show it is more likely than not that the prior art discloses these limitations. This is so because, based on the current record, the evidence identified by Petitioner as disclosing a pre-printed lottery ticket and draw information appears sufficient, even if we were to accept Patent Owner's contentions. We explain more fully how we reached this determination below (*see* § IV.C.1.a), but in the context of our analysis of the recited elements in view of the cited prior art. Therefore, because resolving the present controversy does not require the express construction of any claim terms, we do not construe expressly any terms at this stage of the proceeding.

Nevertheless, we are at the initial stage of this proceeding and the parties are free to develop the record further to more clearly demonstrate a

controversy exists with those terms that we must resolve to determine the patentability of a challenged claim. We note, however, that neither party actually proposes a construction for "pre-printed lottery ticket." Pet. 18; Prelim. Resp. 2–12; Prelim. Reply 1–5; Prelim. Sur-reply 1–5. At most, Patent Owner proposes a construction that tells us what the term *does not* mean—it is not a pre-printed ticket that has a draw date on it—and Petitioner disputes that proposed construction. Prelim. Resp. 8; Prelim. Reply 1–5. Going forward, to the extent Patent Owner chooses to develop this argument, the parties should actually propose a construction for "pre-printed lottery ticket," which explains what the term means without only describing what it does not mean. Additionally, the parties should address whether Patent Owner's suggested negative limitation prohibiting the inclusion of a draw date on the pre-printed lottery ticket implicates precedent of the U.S. Court of Appeals for the Federal Circuit regarding "printed matter" and, if so, whether Patent Owner's negative limitation should be entitled to patentable weight. *See, e.g.*, *In re DiStefano*, 808 F.3d 845, 848–51 (Fed. Cir. 2015); *Praxair Distribution, Inc. v. Mallinckrodt Hosp. Prods. IP Ltd.*, 890 F.3d 1024, 1031–34 (Fed. Cir. 2018).

IV. ANALYSIS

Petitioner contends instituting a post-grant review is appropriate because claims 1–53 of the '894 patent are unpatentable under 35 U.S.C. § 103 in view of Szrek, either alone, with Llach, or with Gilmore. *See* Pet. 31, 37–82. In the Preliminary Response, Patent Owner disagrees institution is appropriate primarily because Szrek fails to disclose a "pre-printed lottery ticket," a term that is recited, either directly or indirectly, in each of the challenged claims. Prelim. Resp. 7–12. We have considered Petitioner's

and Patent Owner's arguments in view of the evidence of record. Based on the evidence presented to us at this time, Petitioner has demonstrated it is more likely than not that at least 1 claim of the '894 patent is unpatentable under 35 U.S.C. § 103 in view of Szrek.

A. Legal Principles

The question of obviousness involves resolving underlying factual determinations, including (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of ordinary skill in the art; and (4) when available, objective evidence of nonboviousness such as commercial success, long felt but unsolved needs, and failure of others. *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966); *see KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 407 (2007) ("While the sequence of these questions might be reordered in any particular case, the [*Graham*] factors define the inquiry that controls."). We note that neither party has provided an argument or evidence regarding any objective indicia of nonobviousness for us to consider at this stage of the proceeding. We note further that the level of ordinary skill in the art was addressed above (§ II.F), which defines the perspective from which we view the evidence considered for the remaining factors.

If "the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains," 35 U.S.C. § 103 renders the claim obvious. *KSR*, 550 U.S. at 406. The Court in *KSR* set forth "an expansive and flexible approach" to the question of obviousness. *Id.* at 415. Whether a patent claiming the combination of prior art elements would have

been obvious involves determining whether any improvement amounts to more than the predictable use of prior art elements according to their established functions. *Id.* at 417. Reaching this determination, however, requires more than merely showing that the prior art includes separate references covering each separate limitation in a challenged claim. *Unigene Labs., Inc. v. Apotex, Inc.*, 655 F.3d 1352, 1360 (Fed. Cir. 2011). Rather, obviousness additionally requires that a person of ordinary skill at the time of the invention "would have selected and combined those prior art elements in the normal course of research and development to yield the claimed invention." *Id.*

B. The Scope and Content of the Prior Art

Petitioner's unpatentability contentions rely on three prior art references: Szrek, Llach, and Gilmore. We address the teachings of each below.

1. Szrek

Szrek's stated goal "is to enable the secure sale of lottery tickets at general retail point of sale (POS) checkout points, such as standard cash registers, and other similar devices." Ex. 1007, 1:16–19. Szrek teaches that "[l]otteries and other gaming organizations [are] continuously look[ing] for ways to increase their lottery ticket sales" and that one known way to accomplish this is "by widening their market presence and improving [the] ticket sale experience for the public." *Id.* at 1:20–23. An obstacle with widening the market presence that Szrek seeks to address is created by how lottery tickets are traditionally sold. According to Szrek, "[t]raditionally lottery tickets [were] sold at the dedicated lottery terminals, usually located in small convenience stores and in supermarkets which is typically a single

terminal at a service desk." *Id.* at 1:23–26. Although studies show a dedicated lottery terminal placed at the regular POS lanes in a supermarket was well received by customers, such a configuration did not prove financially successful, partly because of the relatively high cost of in-line lottery terminals compared to the levels of sale per lane. *Id.* at 1:26–34. To address this obstacle, Szrek teaches that "there [was] consideration in the industry to effectuate lottery ticket sales by existing store cash registers." *Id.* at 1:37–38.

However, Szrek states, because of the wide variety of hardware and software used for cash registers, the conventional thinking was that developing a solution would be "difficult if not impossible" without significant security, operational, and printing problems. *Id.* at 1:50–60, 1:63–66. Szrek teaches that skilled artisans viewed regular cash register paper stock as inadequate for lottery ticket use "because it is insecure, non-durable and non-uniform from manufacturer to manufacturer." *Id.* at 1:57–60. These paper requirements existed because it was "understood in the industry that a lottery ticket is considered a bearer's bond," which serves as "proof of a valid transaction and of the bet wagered." *Id.* at 2:4–6. As a result, "[l]ottery tickets usually contain[ed] information about [the] wagered bet, date when [the] ticket was purchased and date of [the] game draw, selling entity information . . . and a unique transaction identifier." *Id.* at 2:6–10. Thus, Szrek states that "there is a demand for the ability to sell lottery tickets at cash registers." *Id.* at 2:60–61.

Szrek discloses a method and system for selling lottery tickets at POS registers, which "completely obviates the need for the local printing of lottery tickets at the point of sale" because "[o]nly a receipt of [the] lottery

transaction is printed locally at the cash register which does not need to be printed in as secure fashion as a lottery ticket." Ex. 1007, 5:21–25. To carry out the disclosed system and method, Szrek states, "it is assumed that an environment is provided where the cash register is capable of communicating with the game provider (directly or indirectly) and the game provider system (or some other system on behalf of [the] game provider system) is authorizing [the] cash register's lottery transactions," which may be "stored in [the] game provider system or in another system." *Id.* at 3:14–20.

Szrek describes a "novel" aspect of the disclosed method is that, "instead of printing the lottery ticket, from a legitimate and authorized game provider, on the cash register, the ticket is preprinted (printed ahead of the ticket sale . . .)." *Id.* at 3:22–28. Szrek teaches that the preprinted ticket contains many elements of a traditional lottery ticket, including bet selections, unique ticket identifier, barcode that includes ticket identifier, duration for number of eligible draws (if activated), [and] ticket price. *Id.* at 5:65–6:2. However, the preprinted ticket "does not have a play value until it is activated at the cash register." *Id.* at 3:38–40.

Szrek teaches that the cash register activates the ticket by scanning the ticket barcode, which "originates a transaction to the game provider requesting ticket activation" and, in response, the game provider authorizes the activation as well as provides the lottery product description, price, and the activation receipt identifier. *Id.* at 3:41–45, 4:56–64. Once the preprinted ticket is activated, the cash register prints a receipt, which may include product type, the original preprinted ticket identifier, activation identifier, security codes, an activation price, and a valid draw identifier,

such as draw number or draw time. *Id.* at 6:54–59. "Because [the] lottery ticket is preprinted in a secure fashion, and only an activation receipt for the transaction is printed at [the] cash register, the [preprinted] ticket could be regarded as secure." *Id.* at 3:55–57. As a result, Szrek teaches that the preprinted ticket may be used as a valid bearer's bond only once the ticket is activated and the cash register receipt serves only as proof that the ticket was activated. *Id.* at 4:26–31.

2. Llach

Llach "relates to a processing and activation system providing consumers with the ability to purchase a stored value card, i.e., a gift card, of various affiliated or non-affiliated service providers with additional value added beyond the purchase price." Ex. 1008 ¶ 2. Llach describes a processing and activation system that includes "a stored value card transaction processor [that] receives an activation or redemption request," which "comprises . . . at least one of a card identification, a point of sale terminal identification, a merchant identification, and a time of activation." *Id.* ¶ 4. The stored value card transaction processor compares the card identification, the POS terminal identification, the merchant identification, and the time of activation to data that is stored to determine if the card to be activated or redeemed is eligible for a value added award. *Id.* If eligible, the processor then transmits a modified request to a card issuer authorization system and receives a response from the card issuer authorization system. *Id.* The processor then transmits the response to the POS terminal indicating the card has been determined to be eligible and authorized for the value added award. *Id.*

3. Gilmore

Gilmore relates to a "system for selling game tickets for purchase by a game player within a store." Ex. 1009, code (57). Gilmore describes the system as including "a point of sale terminal in communication with a game monitor that detects inputted game selection data and determines therefrom the number and type of game tickets to be played" and "a ticket dispensing system in communication with the game monitor." *Id.* Gilmore describes that, when the game monitor detects the activation of a predetermined terminal key of the POS terminal, it "dispenses the desired number and type of game tickets from the ticket dispensing system." *Id.*

C. Any Differences Between the Claimed Subject Matter and the Prior Art

Petitioner contends: (1) no patentable differences exist between what Szrek discloses to a skilled artisan and the subject matter of claims 1–19 and 21–53; (2) no patentable differences exist between what Llach and Szrek together disclose to a skilled artisan and the subject matter of claims 1–19, 21–29, and 31–53; and (3) no patentable differences exist between what Szrek and Gilmore together disclose to a skilled artisan and the subject matter of claims 20 and 43. Pet. 31, 33–125. We address each contention below.

1. Claims 1–19 and 21–53 in View of Szrek

a. Independent Claims 1, 6, 7, 29, and 33

Independent claim 1 of the '894 patent recites a "transaction processor system," including a "communication interface for communicating with other devices," a "processing unit for executing instructions," and a "memory unit for storing instructions." Ex. 1001, 10:30–34. Petitioner

contends Szrek discloses to a skilled artisan this recited system in its description of Figure 2, reproduced below as annotated by Petitioner. Pet. 37–40 (citing Ex. 1007, 3:14–20, 4:19–25, Figs. 1, 2; Ex. 1005 ¶¶ 52–54).

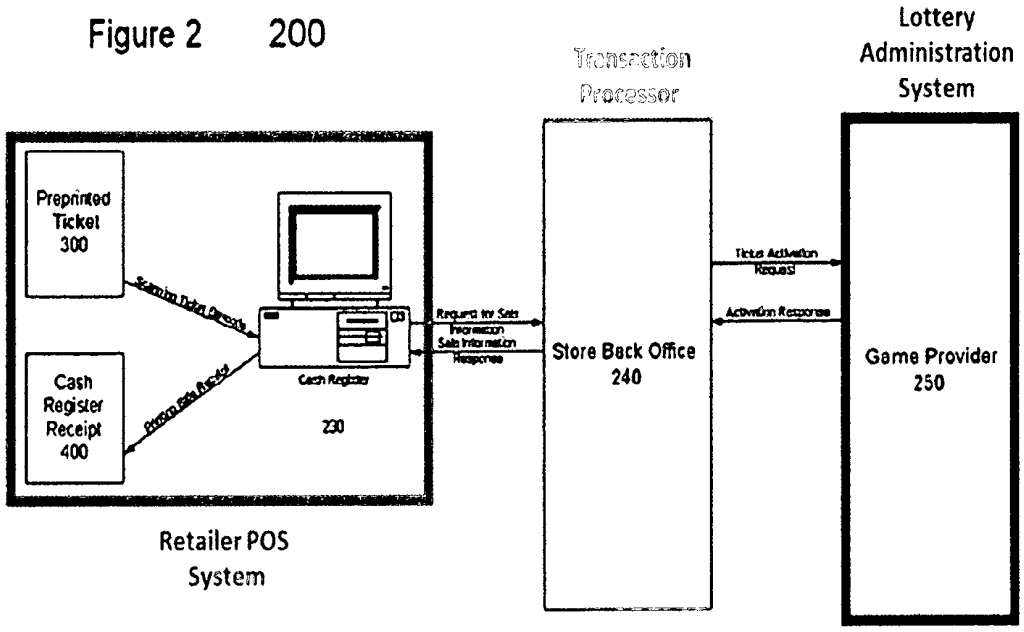


Figure 2 above illustrates "a diagrammatic view of the logical process of activation of [a] lottery ticket via [a] cash register" and Petitioner's annotations identify a "retailer POS system" (as preprinted ticket 300, cash register receipt 400, and cash register 230), a "transaction processor" (as store back office 240), and a "lottery administration system" (as game provider 250). Ex. 1007, 5:44–45; Pet. 40.

Szrek notes "it is assumed that an environment is provided where the cash register [230] is capable of communicating with the game provider system [250] (directly or indirectly) and the game provider system [250] (or some other system on behalf of [the] game provider system) is authorizing [the] cash register's lottery transactions." *Id.* at 3:14–19. Szrek states that

the activation can "be done on the cash register by scanning [a] ticket bar code . . . . [and,] [a]fter the ticket identifier is obtained, an authorization request is sent to the game provider . . . indirectly via the store 'back office' [240]." *Id.* at 4:19–25. Szrek additionally describes the logical process of activation as follows:

> The store clerk scans ticket 300 like any other product. Normally when a barcode 310 is scanned for any merchandise, the checkout register 230 application looks up the merchandise price in database or checks the price by using some algorithmic interface. In case of the ticket 300 . . . , this request will be transformed into transactional request to the game provider 250 who verifies if this [ticket] 300 was already activated. If not, it will activate this ticket by marking a status or state of corresponding identifier or record in the computer 40 memory . . . or it may even create a record with the corresponding identifier. If the ticket 300 was already activated and ticket 300 did not participate yet in the lottery drawing, the transaction would be denied.

Id. at 6:28–44.

Petitioner contends that, from Szrek's description and illustration of the disclosed activation process of a lottery ticket using a checkout register, a skilled artisan would have recognized that "the store back office 240 includes a transaction processor system comprising communication interfaces for communicating with the cash register 230 and the game provider 250, at least one processing unit for executing instructions, and at least one memory unit for storing instructions." Pet. 40 (citing Ex. 1005 ¶ 54).

Additionally, claim 1 of the '894 patent recites that, when the instructions stored in the transaction processor system's memory are executed by its processing unit, the transaction processor system:

"(1) provide[s] unique identification information from a pre-printed lottery ticket, (2) receive[s], from a lottery administration system, a determined draw information associated with the unique identification information, (3) provide[s], to the lottery administration system, payment confirmation for the pre-printed lottery ticket, and (4) facilitate[s] provision of random draw details associated with the pre-printed lottery ticket." Ex. 1001, 10:35–44. Petitioner contends that Szrek's description of the activation process for a lottery ticket using a POS register evidences to a skilled artisan that the transaction processor system includes stored instructions that cause its processor to perform each of the four functions claim 1 recites. Pet. 40–49 (citing Ex. 1007, 3:53–57, 4:28–29, 5:52–6:9, 6:28–38, 6:44–47, 6:54–61, 7:6–8, Figs. 2–4; Ex. 1005 ¶¶ 55–65).

First, Petitioner contends "Szrek discloses that the store back office 240 (*transaction processor system*) provides unique identification information from a pre-printed lottery ticket 300 to the game provider 250 (*lottery administration system*)." *Id.* at 41. As support, Petitioner points out Szrek describes using a preprinted ticket 300 that has a unique ticket identifier 330 and a barcode 310 that includes the unique ticket identifier 330, as depicted in Figure 3, and contends that "[w]hen ticket 300 is scanned at the POS terminal (cash register 230), a transaction request to activate the ticket comprising the unique ticket identifier 330 from the barcode 310 is received by the transaction processor (store back office 240) which then provides the transaction request to the lottery administration system (game provider 250)." *Id.* at 42–43 (citing Ex. 1007, 5:52–6:9, 6:28–38, Figs. 2, 3; Ex. 1005 ¶¶ 56–57); *see also* Ex. 1007, 4:56–67.

Although Patent Owner does not dispute Petitioner's contentions regarding the activation process disclosed by Szrek, Patent Owner disagrees lottery ticket 300 discloses a "pre-printed lottery ticket." Prelim. Resp. 11–12. Patent Owner contends that a pre-printed lottery ticket, as that term is properly construed in view of the Specification of the '894 patent, "prohibits the inclusion of certain draw information—namely, draw date—on the pre-printed ticket." *Id.* at 8–11. Patent Owner argues that ticket 300 in Szrek "runs afoul of [this] negative limitation" because it is shown to include draw information 340 on the pre-printed ticket. *Id.* at 11.

On this record, we do not find any deficiencies with Petitioner relying on Szrek's ticket 300 to disclose the "pre-printed lottery ticket" that the challenged claims recite. As an initial matter, we find ambiguous Patent Owner's use of the phrase "*certain* information" to identify what is prohibited from being on the pre-printed ticket. The scope of the information Patent Owner prohibits is unclear. Looking past this uncertainty, and understanding the proposed prohibition to exclude specifically draw date information from being on the pre-printed ticket, we still find that this negative limitation does not create a patentable distinction between Szrek's pre-printed ticket 300 and the claimed pre-printed lottery ticket.

Szrek describes "Draw Info 340" shown in Figure 3 as "duration for number of eligible draws (if activated) 340." Ex. 1007, 6:1–2. By this description, Draw Info 340 appears to identify information regarding the quantity of drawings for which an activated ticket is valid within a specific period of time, which is different than a draw date. Thus, it does not appear, on this record, that Draw Info 340 includes a draw date.

Notably, at this stage of the proceedings, Patent Owner simply relies on Figure 3 showing something labeled "Draw Info 340" on ticket 300, without addressing what Szrek specifically describes as being the information represented by that illustration. Our understanding that Draw Info 340 is not intended to refer to a draw date is consistent with the fact that, when Szrek wanted to describe a draw date on a lottery ticket, it did so. For example, when describing a typical lottery ticket printed with specialized lottery equipment, Szrek states that "[l]ottery tickets usually contain information about wagered bet, date when the ticket was purchased and *date of game draw*, selling entity information . . . and a unique transaction identifier." *Id.* at 2:6–10 (emphasis added). In contrast, when describing the pre-printed tickets 300, Szrek makes a point of stating that the tickets 300 only contain *many*, but not all, of the elements of a traditional lottery ticket and excludes from the list of elements on ticket 300 any mention of a date of game draw. *See id.* at 5:65–6:6.

Second, considering the next recited function, Petitioner contends "Szrek discloses that the transaction processor (store back office 240) receives activation receipt information (*determined draw information*) associated with the unique identification information" in the form of "an 'Activation Response' from the lottery administration system (game provider 250)." Pet. 45 (citing Ex. 1007, 3:53–57, Fig. 2; Ex. 1005 ¶ 59); *see also* Ex. 1007, 4:56–67. As further support, Petitioner points to Szrek's description of the cash register receipt for a successful transaction associated with a pre-printed ticket 300, as shown in Figure 4, which includes a valid draw identifier 460, such as the draw number and draw time, which is

associated with the original pre-printed ticket identifier 330. *Id.* at 46–47 (citing Ex. 1007, 6:54–61, Fig. 4; Ex. 1005 ¶¶ 60–61).

For the third function, Petitioner contends that "Szrek discloses that the transaction processor (store back office 240) provides payment confirmation to the lottery administration system (game provider 250)." Pet. 48. As support, Petitioner identifies Szrek's teaching that a "preprinted ticket is not eligible to win unless payment and activation occurs" and that game provider 250 is able to determine whether a particular ticket is a winner. *Id.* (citing Ex. 1007, 4:28–29, 6:44–47). Thus, Petitioner argues, a skilled artisan would have understood "Szrek discloses providing payment confirmation to the lottery administration system" because, "in order for the lottery administration system (game provider 250) to authorize payment of a winning prize, the transaction processor system 240 must have provided, to the lottery administration system (game provider 250), payment confirmation for the pre-printed lottery ticket." *Id.* at 48–49 (citing Ex. 1005 ¶¶ 62–64).

Fourth, for the last recited function of claim 1, Petitioner points to Figure 2 and the receipt generated by the POS register as showing Szrek discloses to a skilled artisan that the transaction processor (store back office 240) facilitates providing random draw details associated with the pre-printed ticket 300. Pet. 49 (citing Ex. 1007, 3:53–57, 6:54–61, Figs. 2, 4; Ex. 1005 ¶ 65); *see also* Ex. 1007, 4:56–67. In particular, Petitioner points to the fact that Szrek's description of the cash register receipt for a successful transaction associated with a pre-printed ticket 300, as shown in Figure 4, includes a valid draw identifier 460, such as the draw number and

draw time, which is associated with the original pre-printed ticket identifier 330. Ex. 1007, 6:54–61, Fig. 4.

For the remaining independent claims 6, 7, 29, and 33, which include substantially similar elements to claim 1, Petitioner contends that Szrek discloses the recited elements for substantially the same reasons detailed for claim 1. Pet. 52–62, 79–80. At this stage, Patent Owner does not separately dispute Petitioner's contentions regarding these independent claims. We determine, based on the current record, that Petitioner has established it is more likely than not that independent claims 1, 6, 7, 29, and 33 would have been obvious to a skilled artisan in view of Szrek.

b. Dependent Claims 2–5, 8–19, 21–28, 30–32, and 34–53

Petitioner asserts that the Szrek discloses to a skilled artisan each of the additional limitations of dependent claims 2–5, 8–19, 21–28, 30–32, and 34–53 (many of which are duplicative but for the fact that they depend from different claims), and supports these contentions with detailed citations to the record for all the claims except claim 43. Pet. 49–52, 62–79, 81–82. Claim 43 is the exception because Petitioner fails to provide any argument or evidence showing that Szrek alone discloses the additional elements recited. *See generally id.* At this stage, Patent Owner does not separately dispute Petitioner's contentions regarding these dependent claims. We determine, based on the current record, that Petitioner has established it is more likely than not that claims 2–5, 8–19, 21–28, 30–32, 34–42, and 44–53 would have been obvious in view of Szrek.

2. Claims 1–19, 21–29, and 31–53 in View of Llach and Szrek

Petitioner asserts that the cited combination of Llach and Szrek teaches each limitation of claims 1–19, 21–29, and 31–53, and supports this contention with detailed citations to the record for all the claims except claim 43. *See* Pet. 82–120. Claim 43 is the exception because Petitioner fails to provide any argument or evidence showing that Szrek alone disclosed the additional elements recited. *See generally id.* Petitioner relies on Llach as teaching a transaction computer that exchanges information between a POS system and an administration system in order to activate a card. *See id.* at 88–98 (citing Ex. 1008 ¶¶ 18, 26, 27, 34, 37, 38, 41, 74, Figs. 1, 2A, 6; Ex. 1005 ¶¶ 142–147). Petitioner's reasoning for why an ordinarily skilled artisan would have modified Llach's system to allow POS registers to sell pre-printed lottery tickets, as taught by Szrek, is to enable POS systems to sell pre-printed lottery tickets at checkout in a manner transparent to the customer and "would merely be the application of the same system/method associated with a particular type of product to a similar type of product." *Id.* at 99 (citing Ex. 1005 ¶ 151). Apart from the arguments regarding Szrek addressed above, Patent Owner does not address this combination of prior art or Petitioner's proposed reasoning in the Preliminary Response. On the current record, we determine that Petitioner has established that it is more likely than not that claims 1–19, 21–29, 31–42, and 44–53 would have been obvious in view of Llach and Szrek.

3. Claims 20 and 43 in View of Szrek and Gilmore

Petitioner asserts, with detailed citations to the record, that the combined teachings of Szrek and Gilmore disclose each of the additional limitations of dependent claims 20 and 43. Pet. 120–25. We further

determine that Petitioner has articulated reasons to combine the teachings of the references in the proposed manner that are adequate and supported by rational underpinnings. *See* Pet. 124–25. At this stage, Patent Owner does not separately dispute Petitioner's contentions for claims 20 and 43. We determine, based on the current record, that Petitioner has established it is more likely than not that claims 20 and 43 would have been obvious in view of Szrek and Gilmore.

V. CONCLUSION

For the foregoing reasons, Petitioner has demonstrated it is more likely than not that at least 1 of the challenged claims of the '894 patent is unpatentable. Our analysis is based on the preliminary record developed thus far and may change after the record is developed fully, during trial.

VI. ORDER

Accordingly, it is:

ORDERED that, pursuant to 35 U.S.C. § 324, post-grant review of claims 1–53 of the '894 patent is instituted as to each ground set forth in the Petition; and

FURTHER ORDERED that, pursuant to 35 U.S.C. § 324 and 37 C.F.R. § 42.4(b), post-grant review of the '894 patent shall commence on the entry date of this Order, and notice is hereby given of the institution of a trial.

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Paper 8
Date: March 17, 2021

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTERACTIVE COMMUNICATIONS INTERNATIONAL, INC.,
Petitioner,

v.

BLACKHAWK NETWORK, INC.,
Patent Owner.

PGR2020-00085
Patent 10,769,894 B2

Before LINDA E. HORNER, BART A. GERSTENBLITH, and FREDERICK C. LANEY, *Administrative Patent Judges*.

LANEY, *Administrative Patent Judge*.

DECISION
Denying Institution of Post-Grant Review
35 U.S.C. § 325(d)

I. INTRODUCTION

Interactive Communications International, Inc. ("Petitioner") filed a Petition (Paper 2, "Pet.") requesting post-grant review ("PGR") of claims 1–53 of U.S. Patent No. 10,769,894 B2 (Ex. 1001, "the '894 patent"). Blackhawk Network, Inc. ("Patent Owner") filed a Preliminary Response (Paper 7, "Prelim. Resp.").

We have authority to determine whether to institute a post-grant review. 35 U.S.C. § 324(a) (2018); 37 C.F.R. § 42.4(a) (2019). Having considered the parties' submissions, and for the reasons explained below, we exercise discretion under 35 U.S.C. § 325(d) to deny institution of post-grant review.

II. BACKGROUND

A. Related Matters

Petitioner and Patent Owner identify concurrently filed PGR2020-00084 as a related matter. Pet. 75; Paper 5 (Patent Owner's Mandatory Notice), 2. In addition, Petitioner identifies the following related applications and patent: 62/104,844; 16/280,629; 16/589,067; and US 9,865,135. Pet. 75 (citing Ex. 1032).

B. Real Parties in Interest

Petitioner identifies itself as the real party in interest. Pet. 75. Patent Owner identifies itself as the real party in interest. Paper 5, 2.

C. The '894 Patent

The '894 patent teaches that, broadly speaking, there are two types of lotteries: (1) "instant win lotteries where a printed ticket provides all of the lottery information;" and (2) a "draw-based lottery or 'online' lottery where a player makes a wager on a subsequently occurring event." Ex. 1001,

1:23–30. For the draw-based lotteries, the '894 patent teaches that the typical ticket is printed using a lottery-specific terminal and specialized printing device that is wholly separate from the point of sale ("POS") terminal. *See id.* at 1:39–50.

The '894 patent teaches that, "[a]lthough 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." *Id.* at 1:50–54. A drawback of this system, according to the '894 patent, is that it requires a customer to wait in two separate lines (or at a minimum go to two separate locations) to purchase their goods and to purchase a lottery ticket, when in a multi-lane environment. *Id.* at 1:54–58. "This is extremely inconvenient for most customers who simply bypass the lottery counter." *Id.* at 58–60. Other drawbacks the '894 patent teaches are that "[i]nstalling an approved printer or any other piece of specialized [lottery] hardware at every point of payment within a retail environment is cost prohibitive and not an effective use of capital" because "not all points of payment are open at all times," and the use of specialized hardware increases the responsibility and training required for a cashier. *Id.* at 1:61–2:2.

As a result, the '894 patent asserts that "[i]t 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" by using existing point of sale equipment and without requiring any additional specialized hardware. *Id.* at 2:7–17. And the '894 patent seeks to provide 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." *Id.* at Abstract.

The '894 patent describes, in the simplest of terms, a system and method that uses a "pre-printed lottery ticket," which acts as a uniquely identifiable "legal instrument," to initiate and facilitate the legal transaction necessary between a customer and a lottery administration body at a POS register to enable customers to purchase a chance at winning a prize associate with an upcoming lottery. Ex. 1001, 3:1–24. In a more detailed explanation of the invention, the '894 patent describes an embodiment with components of a POS, transaction processor and lottery system, as shown in Figure 6 below. Ex. 1001, 2:34–35, Fig. 6.

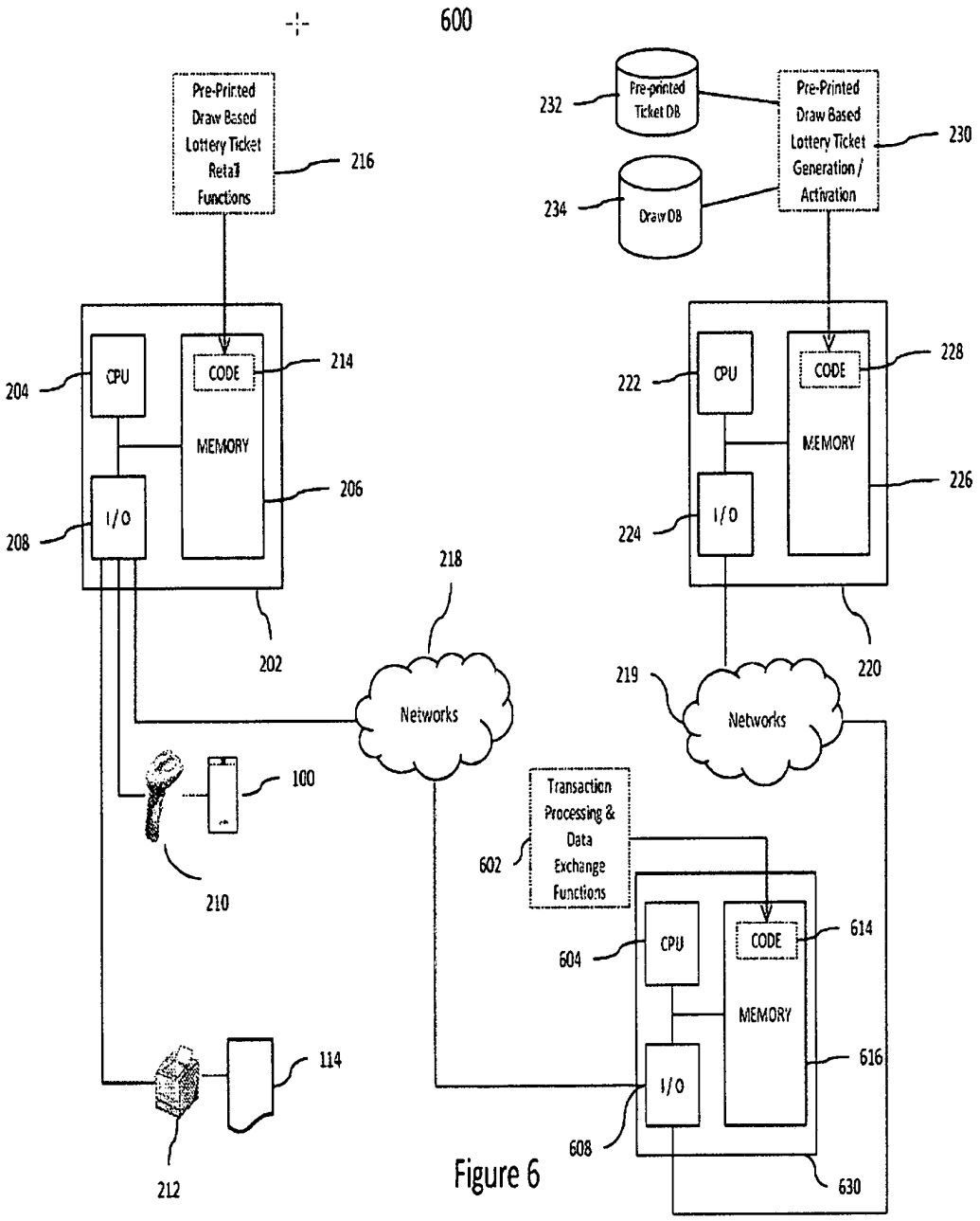


Figure 6

Figure 6 above "depicts components of a lottery system, point of sale environment and a transaction processor" that are "for purchasing a pre-printed lottery ticket." *Id.* at 8:3–6. As shown,

> 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.

Id. at 8:5–13.

The '894 patent states, "[t]he 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." *Id.* at 8:17–20. And the '894 patent teaches that "[t]he 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," including 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." *Id.* at 8:25–33.

The '894 patent describes the lottery system 220 as including "[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." *Id.* at 8:34–37. When the processing unit 222 executes instructions 228 stored in the memory unit 226, it "configure[s] the lottery system to provide pre-printed draw-based lottery ticket activation and cancellation functionality 230," in addition to having the functionality to "generate draw and wager information and associate the pre-printed ticket information in a draw information database 234." *Id.* at 8:37–40, 8:49–52.

The transaction processor system 630 is described by the '894 patent as including "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." *Id.* at 8:56–59. The memory unit 616 stores instructions that the CPU 604 executes to "provide transaction processing and data exchange functionality 602" with a plurality of different retailers to a single lottery system and enable the activation or cancellation of pre-printed lottery tickets to be performed at retailer's POS terminal 202. *Id.* at 8:59–67. "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." *Id.* at 9:27–29.

D. Illustrative Claims

Claims 1, 6, 7, 29, and 33 are the independent claims challenged in this proceeding, which includes two system claims (1 and 6) and three method claims (7, 29, and 33). Claims 1 and 7 are illustrative of the claimed subject matter and are reproduced below:

1. A transaction processor system comprising:

at least one communication interface for communicating with other devices;

at least one processing unit for executing instructions; and

at least one memory unit for storing instructions, which when executed by the at least one processing unit causes the transaction processor system to (1) provide unique identification information from a pre-printed lottery ticket, (2) receive, from a lottery administration system, a determined draw information associated with the unique identification information, (3) provide, to the lottery administration system, payment confirmation for the pre-printed lottery ticket, and (4) facilitate provision of random draw details associated with the pre-printed lottery ticket.

> 7. 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 the transaction processor or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from the 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.

Ex. 1001, 10:30–44 (claim 1), 11:9–24 (claim 7).

E. The Asserted Ground of Unpatentability and Declaration Evidence

Petitioner challenges the patentability of claims 1–53 of the '894 patent on the following ground:

Claim(s) Challenged	35 U.S.C. §	Reference(s)/Basis
1–53	101	Patent Ineligible Subject Matter

Pet. 1, 11. Petitioner supports its challenge with Declarations by Scott Loftesness (Ex. 1003) and Michael Hutton (Ex. 1005).

F. Level of Ordinary Skill in the Art

Petitioner proposes that a person of ordinary skill in the art ("POSA") at the time of the invention would have had "working knowledge of point of sale (POS) activation systems and/or lottery systems," which would have been gained "through a mixture of training and work experience." Pet. 22. In particular, Petitioner contends such mixed training and work experience

would have come from "(i) having a Bachelor's degree in computer science, computer communications, electrical engineering, or equivalent degree, coupled with at least three years of experience; (ii) by obtaining a Master's degree in computer science, computer communications, or electrical engineering, but having less experience; or (iii) by having no formal degree, but having experience in the relevant field of at least six years." *Id.* at 22–23 (citing Ex. 1003 ¶ 96). Patent Owner does not dispute Petitioner's description of a POSA. *See generally* Prelim. Resp. For purposes of this Decision, we accept Petitioner's contention, which we find to be consistent with the scope and content of the '894 patent.

G. Eligibility for Post-Grant Review

The PGR provisions of the Leahy-Smith America Invents Act ("AIA")[1] apply only to patents subject to the first inventor to file provisions of the AIA. AIA § 6(f)(2)(A). Specifically, the first inventor to file provisions apply to any application for patent, and to any patent issuing thereon, that contains or contained at any time a claim to a claimed invention that has an effective filing date on or after March 16, 2013. AIA § 3(n)(1). Furthermore, "[a] petition for a post-grant review may only be filed not later than the date that is 9 months after the date of the grant of the patent or of the issuance of a reissue patent (as the case may be)." 35 U.S.C. § 321(c); *see also* 37 C.F.R. § 42.202(a) (setting forth the same).

Petitioner asserts that the '894 patent is available for post-grant review. Pet. 11. Patent Owner does not challenge this assertion. *See generally* Prelim. Resp. The '894 patent issued from an application filed on

[1] Pub L. No. 112-29, 125 Stat. 284 (2011).

December 6, 2017, and claims earliest priority to a provisional application filed on January 18, 2015, which is after March 16, 2013. Ex. 1001, codes (22), (60). The Petition was filed on September 12, 2020 (*see* Paper 4 (Notice of Filing Date Accorded Petition and Time for Filing Patent Owner Preliminary Response), 1), which is within nine months after September 8, 2020, the issue date of the '894 patent (*see id.* at code (45)). On this record, we determine that the '894 patent is eligible for post-grant review.

III. ANALYSIS

As noted above, the sole challenge Petitioner asserts against claims 1–53 of the '894 patent in the Petition is under 35 U.S.C. § 101. Pet. 42–71. Patent Owner uses its Preliminary Response to make three arguments: (1) discretionary denial of this Petition is appropriate under 35 U.S.C. § 324(a) because Petitioner has concurrently filed another petition challenging the same claims of the '894 patent (Prelim. Resp. 4); (2) discretionary denial of the Petition is appropriate under 35 U.S.C. § 325(d) because Petitioner's challenge raises the same issues that were "fully considered during prosecution of the application that issued as the '894 patent" (*id.* at 8, 11); and (3) "PTAB judges, including the judges of this panel, have not been properly appointed under the Constitution's Appointments Clause (Article II, Section 2, Clause 2), and therefore are without authority to institute or adjudicate a PGR in this matter" (*id.* at 19–20). Petitioner presents contrary arguments about why discretionary denial of the Petition is not appropriate under either 35 U.S.C. §§ 324(a) or 325(d). Pet. 71–74; Paper 3 (Petitioner's Reasons for Parallel Petitions and Ordering of Petitions), 1–5.

Because, after reviewing the record and the parties' arguments, we find denial of post-grant review in this case is appropriate under 35 U.S.C. § 325(d), our discussion below is limited to addressing this issue and we do not reach the other issues raised by the parties.

A. Legal Principles

Section 325(d) provides that the Director may elect not to institute[2] a proceeding if the challenge to the patent is based on matters previously presented to the Office. 35 U.S.C. § 325(d) states, in pertinent part:

> In determining whether to institute or order a proceeding under this chapter, chapter 30, or chapter 31, the Director may take into account whether, and reject the petition or request because, the same or substantially the same prior art or arguments previously were presented to the Office.

The Board recently explained a two-part framework that the Board uses under § 325(d):

> (1) whether the same or substantially the same art previously was presented to the Office or whether the same or substantially the same arguments previously were presented to the Office; and
>
> (2) if either condition of first part of the framework is satisfied, whether the petitioner has demonstrated that the Office erred in a manner material to the patentability of challenged claims.

Advanced Bionics, LLC v. MED-EL Elektromedizinische Geräte GmbH, IPR2019-01469, Paper 6 at 8 (PTAB Feb. 13, 2020) (precedential). The *Becton, Dickinson*[3] factors, which address discretion to deny institution when a petition presents the same or substantially the same prior art or

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[2] The Board institutes trial on behalf of the Director. 37 C.F.R. § 42.4(a).
[3] *Becton, Dickinson & Co. v. B. Braun Melsungen AG*, IPR2017-01586, Paper 8 (PTAB Dec. 15, 2017) (precedential as to § III.C.5, first paragraph) ("*Becton, Dickinson*").

arguments previously presented to the Office, are instructive also. *Id.* ("[T]he *Becton, Dickinson* factors provide useful insight into how to apply the framework under 35 U.S.C. § 325(d)." (Footnote omitted)).

The Board explained further in *Advanced Bionics* that "[i]f a condition in the first part of the framework is satisfied and the petitioner fails to make a showing of material error, the Director generally will exercise discretion not to institute." *Id.* at 8–9. Importantly, when evaluating whether an error is material, we do not review *de novo* the Examiner's decision and determine simply whether we disagree with the treatment of the arguments made during prosecution. Instead, *Advanced Bionics* instructs that our evaluation considers the reasonableness of the Examiner's actions because even "[i]f reasonable minds can disagree regarding the purported treatment of the art or arguments, it cannot be said that the Office erred in a manner material to patentability." *Id.* at 9. This approach is intended to reflect a deference to the previous Office evaluations of the evidence of record unless *material* error is shown. *Id.* ("At bottom, this framework reflects a commitment to defer to previous Office evaluations of the evidence of record unless material error is shown.").

In this case, the ground of unpatentability relevant to the § 325(d) inquiry is not based on prior art. Rather, it is based on unpatentability of the challenged claims under 35 U.S.C. § 101. Thus, an issue relevant to this case is whether the arguments presented in the Petition are the same or substantially the same arguments previously presented to the Office. To answer this question, we compare the issues addressed by the Office during examination of the '894 patent with the arguments presented in the Petition.

B. Prosecution History of the '894 Patent

On September 3, 2019, following a "Second Preliminary Amendment" filed by the applicant to present the challenged claims for patentability review by the Office in Application No. 15/833, 566 ("the '566 application") (*see* Ex. 1002, 147–55), the Examiner rejected the claims "as being directed to ineligible subject matter" by "follow[ing] the procedure explained in the Federal Register notice titled 2014 Interim Guidance on Patent Subject Matter Eligibility (79 FR 74618)." Ex. 1002, 119–20. Although the claims were found to be drawn to one of the statutory categories of invention, the Examiner explained that "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." *Id.* at 120. This investigation was guided by Steps 2A and 2B of the eligibility analysis provided in the 2014 Interim Guidance on Patent Subject Matter Eligibility ("2014 Interim Guidance"). *Id.* at 120–22.

Under Step 2A, the Examiner found the claims to be "directed to the abstract idea of lottery game over a computer network." *Id.* at 123. The Examiner explained, when analyzed as a whole, the claims are "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." *Id.* at 124. The Examiner stated further that the claims "describe[] an abstract concept similar to those found by the courts [to] be

abstract, such as a fundamental economic practice and method of organizing human activity." *Id.*

Under Step 2B, the Examiner found "no element or combination of elements [found in the claims] is sufficient to ensure the claim as a whole amounts to significantly more that the abstract idea itself." *Id.* The Examiner explained that "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." *Id.*

In response to this rejection, noting that the Office's 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed. Reg. 50 (Jan. 7, 2019) ("2019 Revised Eligibility Guidance"), applied to the prosecution, Patent Owner submitted extensive arguments relying on the 2019 Revised Eligibility Guidance to traverse the rejection under 35 U.S.C. § 101. Ex. 1002, 90–113. The Examiner responded to Patent Owner's arguments by stating that they were "fully considered" and found to be "persuasive." *Id.* at 69. As a result, the Examiner withdrew the rejection of the claims as being directed to patent ineligible subject matter under 35 U.S.C. § 101. *Id.* And after a further response by Patent Owner to overcome the remaining rejections, based on different statutory grounds, the Examiner allowed claims 23–75 of the '566 application, which issued as claims 1–53 of the '894 patent. *Id.* at 11–15.

C. Arguments Presented in the Petition

Petitioner argues "the prosecution record establishes that the arguments raised in the Petition are not the same or substantially similar to

those previously raised during prosecution." Pet. 73. Petitioner argues that the Examiner was never given an opportunity to consider arguments based on the correct reading of the law because "the Patent Owner invited the [E]xaminer to err by misrepresenting the relevant law." *Id.* Patent Owner did so, Petitioner argues, by "stressing generic computer components, such as a transaction processor and processing unit, as the reason why the claims are not abstract and presenting legally insufficient reasons for why the claims were directed to an inventive concept." *Id.* Petitioner argues that the Examiner "did not raise any arguments set forth in [its] Petition, nor did the [E]xaminer properly apply the two-part framework of [*Alice Corp. v. CLS Bank International*, 573 U.S. 208 (2014)]." *Id.* And Petitioner argues that the Examiner clearly erred by "allowing the claims to issue over § 101" because "every one of the arguments that the Patent Owner asserted under either prong one or prong two of *Alice*, has previously been rejected by Federal Circuit precedent or are directly contrary to the [2019 Eligibility Guidance]." *Id.* at 74.

D. Whether the Same or Substantially the Same Arguments Previously Were Presented to the Office

On the record before us, we find the Office addressed substantially the same arguments that the Petition raises. The Examiner considered and presented the issue of whether claims 1–53 recite eligible subject matter under 35 U.S.C. § 101. Ex. 1002, 119–24. Although evaluating this issue initially using the 2014 Interim Guidance, the Examiner expressly considered the arguments that claims 1–53 recite a judicial exception — i.e., a certain method of organizing human activity, such as engaging in lawful wagering, which is an abstract idea — and that the claims are recited at a

high level of generality that fails to impose meaningful limitations to impart patent-eligibility. *Id.* In addition, relying on the 2019 Revised Eligibility Guidance, Patent Owner squarely presented arguments for the Examiner to consider regarding whether the claims recite a judicial exception; whether the claims integrate the judicial exception into a practical application; and whether the claims provide an inventive concept. *Id.* at 90–112. Petitioner acknowledges, at least implicitly, that the Examiner considered these arguments by arguing that the Examiner erred in determining the claims satisfied *any* of the steps that the 2019 Revised Eligibility Guidance set forth for evaluating subject matter eligibility of the claims. Pet. 42–51. Moreover, the Examiner expressly represented that Patent Owner's "arguments . . . with respect to . . . [the] 35 USC 101 rejection[] ha[d] been fully considered." Ex. 1002, 69.

Petitioner now argues in the Petition that these same claims recite a judicial exception, and more specifically an abstract idea in the category of certain methods of organizing human activity, such as "selling and activating random draw lottery tickets" and "the exchange of data . . . in connection with the sale and activation of random draw lottery tickets," without incorporating the judicial exception into a practical application. Pet. 52–63. In addition, Petitioner argues that the claims fail to provide an inventive concept. *See id.* at 63–71.

Because the recited language of the claims considered during prosecution is the same as the challenged claims, and because the Petition presents the same issues for evaluating the eligibility of the claimed subject matter as were presented previously for the Examiner to consider, we do not discern any meaningful differences between the arguments. Although some

differences exist between the *reasoning* that is provided to support the arguments presented in the Petition and the rejection provided by the Office during prosecution, we find that the arguments themselves are at least substantially the same. Therefore, we find that the Petition presents substantially the same arguments previously presented to the Office under § 325(d).

E. Whether Petitioner Demonstrates Sufficiently That the Office Materially Erred

Petitioner argues that "the examiner engaged in clear error in allowing the claims to issue." Pet. 44. In particular, Petitioner argues the Examiner "erred in accepting Patent Owner's argument that the recited 'transaction processor' and 'processing unit' constituted a 'particular machine' or 'special purpose computer' such that the abstract idea is integrated into a practical application," under Prong Two of Step 2A of the 2019 Revised Eligibility Guidance. *Id.* at 45. Petitioner argues that "[i]n the absence of anything in the patent requiring specialized software, the claimed transaction processor and processing unit are *necessarily* general purpose processors." *Id.* at 45–46. The Examiner erred, according to Petitioner, because the claims are nothing more than a general purpose computer that merely executes the judicial exception and cannot qualify as integrating the judicial exception into a practical application. *Id.* at 46.

As discussed above, the Examiner withdrew the rejection under § 101 of claims 1–53 in response to Patent Owner's arguments under the 2019 Revised Eligibility Guidance. Ex. 1002, 90–112.

The challenged claims recite either a "transaction processor system" (i.e., claims 1–6) or a "method for providing a lottery ticket for a random

draw" (i.e., claims 7–53). Ex. 1001, 10:30–44, 10:62–11:24, 12:37–48, 12:58–13:6. The combination of additional elements recited for system claims include a processing unit providing, via a communication interface, unique identification information and payment information for a pre-printed lottery ticket, receiving draw information associated with the unique identification information, and facilitating the provision of random draw details associated with the pre-printed lottery ticket. *Id.* at 10:31–44, 10:63–11:8. The combination of additional elements recited for the method claims include the steps of receiving, by a transaction processor, a transaction request from a retailer point of sale (POS) to activate a pre-printed lottery ticket, providing, by the transaction processor or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from the retailer POS without the use of lottery hardware, 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. *Id.* at 11:9–24, 12:37–48, 12:58–13:6. The '894 patent teaches that a transaction processor and method with these additional elements overcomes "barriers to lottery organizations expanding their sales within multi-lane retail environments" by allowing draw-based tickets to be sold through a retailer POS without the use of additional hardware to generate or print tickets. *Id.* at 1:15–18, 1:65–66, 2:18–20. In other words, the '894 patent teaches that the additional elements improve the functionality of the retailer POS registers.

When considering whether Petitioner has shown that the Office erred in a manner material to patentability, we are mindful that we must find the

alleged error to be something more than a decision by the Examiner for which "reasonable minds can disagree." *Advanced Bionics*, IPR2019-01469, Paper 6 at 9. Petitioner's contention that the Examiner erred by finding that the challenged claims recite eligible subject matter under 35 U.S.C. § 101 does not rise to this level. Rather, reasonable minds can disagree about whether the challenged claims integrate the judicial exception into a practical application. The Examiner's finding that the challenged claims integrate the judicial exception into a practical application, under Prong Two of Step 2A of the 2019 Revised Eligibility Guidance, was reasonable.

Specifically, the additional elements of the claims recite a specific manner for a customer to purchase a lottery ticket at a POS register based on the unique identification associated with a pre-printed lottery ticket, which provides a specific improvement over prior systems and methods because it enables 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 without the use of additional, specialized lottery hardware to generate or print the ticket. Thus, the Examiner could have reasonably found the claims patent-eligible because they are not directed solely to the recited judicial exception.

As a result, we are not persuaded the decision to withdraw the § 101 rejection, after considering the 2019 Revised Eligibility Guidance, evidences that the Examiner erred in a manner material to patentability. Petitioner's argument as to unpatentability, under 35 U.S.C. § 101, raises an issue on which we find reasonable minds can differ.

F. Determination Summary

For the reasons set forth above, we find the Petition presents substantially the same arguments that were presented previously to the Office, and that Petitioner has not shown the Office erred in a manner material to patentability. Thus, we exercise discretion under 35 U.S.C. § 325(d) to deny institution.

IV. CONCLUSION

For the foregoing reasons, we do not institute post-grant review.

V. ORDER

Accordingly, it is:

ORDERED that, pursuant to 35 U.S.C. § 325(d), we do not institute post-grant review and the Petition is *denied.*

For PETITIONER:

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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/833,566	09/08/2020	10769894	4556.23102	1833

15608 7590 08/19/2020

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

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

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

The Patent Term Adjustment is 209 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

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

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

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

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

Gino Giunti, Sault Ste. Marie, CANADA;
Blackhawk Network Inc., Pleasanton, CA;

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PART B - FEE(S) TRANSMITTAL

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

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

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15608 7590 08/15/2020
Blackhawk Network, Inc.
3131 McKinney Avenue
Suite 100
Dallas, TX 75204

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

Jerry C. Harris Jr.	(Typed or printed name)
/Jerry C. Harris Jr./	(Signature)
August 6, 2020	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/833,566	12/06/2017	Gino Giunti	4556.23102	1833

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

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	$1000	$0.00	$0.00	$1000	09/15/2020

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

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

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

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-09 or more recent) attached. **Use of a Customer Number is required.**

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

1 Jerry C. Harris Jr.
2
3

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

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

(A) NAME OF ASSIGNEE	(B) RESIDENCE: (CITY and STATE OR COUNTRY)
Blackhawk Network, Inc.	Pleasanton, California

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

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

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

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☐ Applicant asserting small entity status. See 37 CFR 1.27

☐ Applicant changing to regular undiscounted fee status.

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Authorized Signature /Jerry C. Harris Jr./ Date August 6, 2020

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

Electronic Patent Application Fee Transmittal

Application Number:	15833566
Filing Date:	06-Dec-2017
Title of Invention:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS
First Named Inventor/Applicant Name:	Gino Giunti
Filer:	Jerry Harris/Michelle Horvath
Attorney Docket Number:	4556.23102

Filed as Large Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
UTILITY APPL ISSUE FEE	1501	1	1000	1000

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	**1000**

Electronic Acknowledgement Receipt

EFS ID:	40208136
Application Number:	15833566
International Application Number:	
Confirmation Number:	1833
Title of Invention:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS
First Named Inventor/Applicant Name:	Gino Giunti
Customer Number:	15608
Filer:	Jerry Harris/Michelle Horvath
Filer Authorized By:	Jerry Harris
Attorney Docket Number:	4556.23102
Receipt Date:	06-AUG-2020
Filing Date:	06-DEC-2017
Time Stamp:	08:12:01
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$1000
RAM confirmation Number	E202086913213268
Deposit Account	100435
Authorized User	Michelle Horvath

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

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37 CFR 1.17 (Patent application and reexamination processing fees)

37 CFR 1.19 (Document supply fees)

37 CFR 1.20 (Post Issuance fees)

37 CFR 1.21 (Miscellaneous fees and charges)

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Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Issue Fee Payment (PTO-85B)	15833566_IssueFeeTransmittal.pdf	475198 4b5e0f3c8c39374cc6f9389f9aaece4c6476a1f7	no	1
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30194 2d3f8994b9a95fb118db41821ce52bb93a09d39b	no	2
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If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

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

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

New International Application Filed with the USPTO as a Receiving Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOTICE OF ALLOWANCE AND FEE(S) DUE

15608 7590 06/15/2020

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

EXAMINER	
PANDYA, SUNIT	
ART UNIT	PAPER NUMBER
3649	

DATE MAILED: 06/15/2020

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/833,566	12/06/2017	Gino Giunti	4556.23102	1833

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

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	$1000	$0.00	$0.00	$1000	09/15/2020

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

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

HOW TO REPLY TO THIS NOTICE:

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

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

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

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

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

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

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

PART B - FEE(S) TRANSMITTAL

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

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

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

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

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

15608 7590 06/15/2020

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

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

Certificate of Mailing or Transmission

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

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/833,566	12/06/2017	Gino Giunti	4556.23102	1833

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

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	$1000	$0.00	$0.00	$1000	09/15/2020

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

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

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

❑ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-09 or more recent) attached. **Use of a Customer Number is required.**

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

1 _____
2 _____
3 _____

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

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

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

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

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

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

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

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

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

❑ Applicant certifying micro entity status. See 37 CFR 1.29

❑ Applicant asserting small entity status. See 37 CFR 1.27

❑ Applicant changing to regular undiscounted fee status.

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

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

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/833,566	12/06/2017	Gino Giunti	4556.23102	1833

15608 7590 06/15/2020

Blackhawk Network, Inc.
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Dallas, TX 75204

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

DATE MAILED: 06/15/2020

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

Notice of Allowability	Application No. 15/833,566	Applicant(s) Giunti, Gino	
	Examiner SUNIT PANDYA	Art Unit 3649	AIA (FITF) Status Yes

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

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

1. ☑ This communication is responsive to Response after final filed on 4/27/20.
   ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

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

3. ☑ The allowed claim(s) is/are 23-75 . As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see **http://www.uspto.gov/patents/init_events/pph/index.jsp** or send an inquiry to **PPHfeedback@uspto.gov.**

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

   Certified copies:

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

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

   * Certified copies not received: _____ .

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

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

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

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

Attachment(s)

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

/SUNIT PANDYA/
Primary Examiner, Art Unit 3649

DETAILED ACTION

Notice of Pre-AIA or AIA Status

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

Terminal Disclaimer

The terminal disclaimer filed on 6/2/20 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent No. 9,865,135 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Examiner's Reasons for Allowance

In response to the amendments filed on 4/27/20, claims 23-75 are allowed. The following is an examiner's statement of reasons for allowance:

The claims as currently presented are allowed because no references, or reasonable combination thereof could be found, which disclose, suggest or teach, the recited features of the independent claims 26, 31-32, 51 & 55. The prior art fails to disclose or teach a transaction processor system comprising, at least one communication interface for communicating with other devices; at least one processing unit for executing instructions; and at least one memory unit for storing instructions, which when executed by the at least one processing unit causes the transaction processor system to (1) provide unique identification information from a pre-printed

lottery ticket, (2) receive a determined draw information associated with the unique identification information, (3) provide payment confirmation for the pre-printed lottery ticket, and (4) facilitate provision of random draw details associated with the pre-printed lottery ticket. As required by the independent claims.

The closest prior art appears to be Sandvick (US Patent 9,251,663) in view of Yacenda (US Patent 6,322,446). Sandvick discloses lottery ticket activation and processing terminal, which dispenses activated or non-activated instant-winner lottery tickets without the simultaneous reading of the ticket so that no completed play data or progressive jackpot is provided at time of dispensing. Instead, the customer would have the option to obtain the outcome determination information (both for the basic instant-winner ticket game and a progressive instant-winner game) for the particular ticket at the lottery ticket and processing unit included in or with the machine (or attached to or located near) or at any other applicable terminal (such as their mobile device or personal computer). Yacenda teaches a database in an agent server for storing the player and ticket information and the security or serial numbers issued by the state lottery administrator in association with each lottery ticket; and a screening unit in the agent server, having criteria required by the state pre-stored therein, for verifying that each player satisfies the criteria prior to transmitting the ticket information to the state lottery administrator. The lottery agent system further includes a verification unit in the agent server for verifying criteria including a minimum age and residency within the border of the state. However, the combination of Sandvick and Yacenda fails to disclose or teach all the recited claim limitations of the independent claims. Consequently, claims 23-75 are allowed.

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

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

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	15/833,566	Giunti, Gino
	Examiner	**Art Unit**
	SUNIT PANDYA	3649

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

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

NONE		**Total Claims Allowed:**	
(Assistant Examiner)	(Date)	53	
/SUNIT PANDYA/ Primary Examiner, Art Unit 3649	05 June 2020	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1

U.S. Patent and Trademark Office — Part of Paper No.: 20200602

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	15/833,566	Giunti, Gino
	Examiner	**Art Unit**
	SUNIT PANDYA	3649

INTERNATIONAL CLASSIFICATION				
CLAIMED				
A63F	/	13	/	00

NON-CLAIMED				
	/		/	

US ORIGINAL CLASSIFICATION	
CLASS	**SUBCLASS**
463	42

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

NONE		**Total Claims Allowed:**	
(Assistant Examiner)	(Date)	53	
/SUNIT PANDYA/ Primary Examiner, Art Unit 3649	05 June 2020	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1

U.S. Patent and Trademark Office

Part of Paper No.: 20200602

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	15/833,566	Giunti, Gino
	Examiner	**Art Unit**
	SUNIT PANDYA	3649

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

CLAIMS

Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
	1		11		21	6	31	20	41	29	51	39	61	50	71
	2		12		22	7	32	21	42	30	52	40	62	51	72
	3		13	8	23	11	33	22	43	31	53	41	63	42	73
	4		14	9	24	12	34	23	44	32	54	43	64	52	74
	5		15	10	25	13	35	24	45	33	55	44	65	53	75
	6		16	1	26	15	36	25	46	34	56	45	66		
	7		17	2	27	14	37	26	47	35	57	46	67		
	8		18	3	28	16	38	27	48	36	58	47	68		
	9		19	4	29	17	39	28	49	38	59	48	69		
	10		20	5	30	18	40	19	50	37	60	49	70		

NONE		**Total Claims Allowed:**	
(Assistant Examiner)	(Date)	53	
/SUNIT PANDYA/ Primary Examiner, Art Unit 3649	05 June 2020	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1

U.S. Patent and Trademark Office

Part of Paper No.: 20200602

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	15/833,566	Giunti, Gino
	Examiner	Art Unit
	SUNIT PANDYA	3649

CPC - Searched*		
Symbol	Date	Examiner
G07F17/30	06/05/2020	SP

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner

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

Search Notes		
Search Notes	Date	Examiner
Conducted text searches in EAST	08/29/2019	SP
Updated prior searches in EAST	02/24/2020	SP
Prior searches updated in EAST, see attached notes	06/05/2020	SP

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	15/833,566	Giunti, Gino
	Examiner	Art Unit
	SUNIT PANDYA	3649

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner
G07F	17/34, 17/3244, 17/3213, 17/3258, 17/3267, 17/329, 17/326, 17/3225, 17/3248, 17/3255, 17/3211, 17/3246, 17/3276, 17/3209, 17/323, 17/3239, 17/3262, 17/3288, 17/32, 17/3293, 17/3227, 17/3251, 17/3269, 17/3204, 17/3223, 17/3218, 17/3237, 17/3272, 17/3295, 17/3241, 17/42, 17/3253, 17/3265, 17/3274, 17/3281, 17/3283	06/05/2020	SP
A63F	3/0605, 13/12, 2250/64, 3/0645, 13/30, 13/45, 3/062, 3/081, 13/46, 13/70, 13/77, 13/80, 1/00, 2300/409, 3/065, 3/0665, 9/24, 2003/086, 2300/577, 3/00082, 3/06, 3/064, 3/0655, 3/08	06/05/2020	SP

Bibliographic Data

Application No: 15/833,566

Foreign Priority claimed: ○ Yes ◉ No

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

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

Title: METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS

FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
12/06/2017	463	3649	4556.23102
RULE			

APPLICANTS

Blackhawk Network Inc., Pleasanton, CA,

INVENTORS

Gino Giunti Sault Ste. Marie, CANADA

CONTINUING DATA

This application is a CON of 14679028 04/06/2015 PAT 9865135

14679028 has PRO of 62104844 01/18/2015

FOREIGN APPLICATIONS

IF REQUIRED, FOREIGN LICENSE GRANTED**

12/22/2017

STATE OR COUNTRY

CANADA

ADDRESS

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

FILING FEE RECEIVED

$1,760

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
		"14679028"	US-PGPUB; USPAT	OR	OFF	2017/09/15 22:33
L3	355	((internet or online) with lottery with ticket with draw$4) and ((unique or individual) with identif$7)	US-PGPUB; USPAT	OR	ON	2020/06/05 18:52
L4	62	online with lottery with ticket with draw$4 and (pre adj print$3)	US-PGPUB; USPAT	OR	ON	2020/06/05 18:53
L5	60	4 AND ((G07F17/32 OR G07F17/3244 OR G07F17/329 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 G07F17/42 OR G07F17/3202 OR G07F17/3251 OR G07F17/3218 OR G07F17/3209 OR G07F17/3225 OR G07F17/3237 OR G07F17/3253 OR G07F17/3272 OR G07F17/3211 OR G07F17/3223 OR G07F17/3241 OR G07F17/3286).CPC.)	US-PGPUB; USPAT	OR	ON	2020/06/05 18:53
L6	40	4 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 G06Q20/202 OR G06Q20/209 OR G06Q20/045 OR G06Q20/108 OR G06Q30/0207 OR G06Q30/06 OR G06Q10/101 OR G06Q10/06 OR G06Q20/00 OR G06Q20/354).CPC.)	US-PGPUB; USPAT	OR	ON	2020/06/05 18:54
L7	22	4 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	2020/06/05 18:54
L8	4	4 AND ((G07C15/006 OR G07C15/005 OR G06F16/214 OR G06F16/258 OR G07G5/00).CPC.)	US-PGPUB; USPAT	OR	ON	2020/06/05 18:54
L9	9	("2010/0093419").URPN.	USPAT	OR	OFF	2020/06/05 18:54
L10	15	("10275980" | "20030114213" | "20040023711" | "20040193464" | "20050194741" | "20090101714" |	US-PGPUB;	OR	OFF	2020/06/05 18:55

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L11	50	("4815741" | "5007641" | "5216595" | "5239165" | "5451052" | "5560610" | "5588649" | "5772511" | "5871398" | "5897625" | "6119099" | "6267670").PN. OR ("6899621").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2020/06/05 18:55
L12	8	((lottery with ticket) with (pre adj print$3)) and L11	US-PGPUB; USPAT	OR	ON	2020/06/05 18:55
L13	88	("1905659" | "20010036855" | "20020162850" | "20030114211" | "20030120381" | "20030153381" | "20030204288" | "20030216164" | "20040176154" | "20040193464" | "20040227000" | "20040242309" | "20050014552" | "20050023346" | "20050059463" | "20050190533" | "20050250572" | "20050280210" | "20060012116" | "20060246992" | "20060273156" | "20080208696" | "20110087369" | "20160203669" | "2219650" | "2252720" | "2325054" | "2776007" | "2970784" | "3481520" | "3794228" | "3894669" | "4094451" | "4202468" | "4284221" | "4397410" | "4515321" | "4586639" | "4688708" | "4697726" | "4716799" | "4730762" | "4844369" | "4982337" | "5074566" | "5113758" | "5133615" | "5158293" | "5160076" | "5215383" | "5216595" | "5222624" | "5239165" | "5256863" | "5408417" | "5503318" | "5569082" | "5709603" | "5833104" | "5836498" | "5882260" | "5927583" | "6029851" | "6056289" | "6168521" | "6267670" | "6351688" | "6405924" | "6582304" | "6824464" | "6887153" | "6899621" | "6899622" | "7263411" | "7383099" | "7740243" | "7756742" | "8290816" | "8293816" | "8554365" | "9339121").PN. OR ("10229466").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2020/06/05 18:56
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S2	0	("2016/0210808").URPN.	USPAT	OR	OFF	2016/12/28 14:55

S3	14	online with lottery with ticket with draw	USPAT	OR	OFF	2016/12/28 14:55
S4	28	online with lottery with ticket with draw$4	USPAT	OR	OFF	2016/12/28 14:55
S5	211	online with lottery with ticket with draw$4	US-PGPUB; USPAT	OR	ON	2016/12/28 14:55
S6	1	online with lottery with ticket with draw$4 with unique with identif$7	US-PGPUB; USPAT	OR	ON	2016/12/28 14:56
S7	3	online with lottery with ticket with draw$4 same (unique with identif$7)	US-PGPUB; USPAT	OR	ON	2016/12/28 14:56
S9	22	"5241487"	US-PGPUB; USPAT	OR	ON	2016/12/28 18:28
S10	16	("2006/0160602").URPN.	USPAT	OR	OFF	2016/12/29 15:09
S11	10	("2009/0227320").URPN.	USPAT	OR	OFF	2016/12/29 18:12
S12	8	("2010/0093421").URPN.	USPAT	OR	OFF	2016/12/29 18:15
S13	53	("20010026610" | "20010039204" | "20020006821" | "20020082085" | "20020093190" | "20020100785" | "20020143625" | "20020166882" | "20030003985" | "20030023547" | "20030104857" | "20030139212" | "20030187793" | "20030228910" | "20040030920" | "20040183748" | "20040259626" | "20050026694" | "20060046838" | "20060052153" | "20060071046" | "20060080170" | "20060160602" | "20060247970" | "20060259361" | "20070060285" | "20070088459" | "20070192784" | "20070198432" | "20080167060" | "20090042631" | "20120015700" | "4191376" | "4398708" | "4832341" | "5119295" | "5365575" | "5573110" | "5787156" | "5887906" | "6044135" | "6267670" | "6424703" | "6497408" | "6533274" | "6929544" | "6938019" | "7093130" | "7162433" | "7630986" | "7749078" | "7976373" | "8113950").PN. OR ("8219497").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/12/29 18:15
S14	67	("20030050109" | "20040049463" | "20040204215" | "20040259631" |	US-PGPUB;	OR	OFF	2016/12/29 18:32

		"20050233797" | "20050239534" | "20050262338" | "20060035695" | "20060035697" | "20060178187" | "20060211470" | "20060247000" | "20060287051" | "20070060284" | "20070113280" | "20070129144" | "20080058057" | "20090023490" | "20090037311" | "20090137304" | "20090206156" | "20090227320" | "20090236417" | "20090253481" | "20090280886" | "20100025491" | "20100062822" | "20100093419" | "20100113124" | "20100121719" | "20100190541" | "4882473" | "5327485" | "5398932" | "5471039" | "5709603" | "5791990" | "5935000" | "5996997" | "5997044" | "6024641" | "6146272" | "6154172" | "6178510" | "6277026" | "6322446" | "6379742" | "6383078" | "6435408" | "6491215" | "6776337" | "6869358" | "6875105" | "7008317" | "7155014" | "7815502" | "7819747" | "7959502" | "7988550" | "7988551" | "8033905" | "8047917" | "8109828" | "8241100").PN. OR ("8408986").URPN.	USPAT; USOCR			
S15	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	2016/12/29 18:41
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
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	US-PGPUB; USPAT	OR	ON	2016/12/29 19:10

		G07F17/3251 OR G07F17/42 OR G07F17/3225 OR G07F17/3211 OR G07F17/3218 OR G07F17/3223 OR G07F17/3286).CPC.)				
S18	29	S16 AND ((G06Q50/34 OR G06Q30/02 OR G06Q30/0209 OR G06Q30/0212 OR G06Q30/0213 OR G06Q30/0222 OR G06Q30/0225 OR G06Q30/0226 OR G06Q30/0234 OR G06Q30/0236 OR G06Q30/0238 OR G06Q30/0239 OR G06Q20/108 OR G06Q20/045 OR G06Q10/06 OR G06Q20/00 OR G06Q20/202 OR G06Q20/209).CPC.)	US-PGPUB; USPAT	OR	ON	2016/12/29 19:10
S19	18	S16 AND ((A63F13/00 OR A63F3/0645 OR A63F3/065 OR A63F2003/086 OR A63F3/06 OR A63F3/08 OR A63F9/24).CPC.)	US-PGPUB; USPAT	OR	ON	2016/12/29 19:10
S20	3	S16 AND ((G06F17/303 OR G06F17/30569 OR G07C15/006 OR G07G5/00).CPC.)	US-PGPUB; USPAT	OR	ON	2016/12/29 19:11
S21	1	"14937371"	US-PGPUB; USPAT	OR	ON	2017/01/03 18:16
S22	125	("4191376" | "4398708" | "4725079" | "5317135" | "5398932" | "5505449" | "5613680" | "5749784" | "5772510" | "5791990").PN. OR ("5935000").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2017/06/15 14:27
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
S24	86	("5398932" | "5417424" | "5722890" | "6024641" | "6146272" | "6154172").PN. OR ("6322446").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2017/06/15 14:27
S25	10	("2009/0227320").URPN.	USPAT	OR	OFF	2017/06/15 14:28
S26	53	("20010026610" | "20010039204" | "20020006821" | "20020082085" | "20020093190" | "20020100785" | "20020143625" | "20020166882" | "20030003985" | "20030023547" | "20030104857" | "20030139212" | "20030187793" | "20030228910" | "20040030920" | "20040183748" | "20040259626" | "20050026694" | "20060046838" | "20060052153" | "20060071046" | "20060080170" | "20060160602" | "20060247970" | "20060259361" | "20070060285" | "20070088459" | "20070192784" |	US-PGPUB; USPAT; USOCR	OR	OFF	2017/06/15 14:28

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S27	67	("20030050109" | "20040049463" | "20040204215" | "20040259631" | "20050233797" | "20050239534" | "20050262338" | "20060035695" | "20060035697" | "20060178187" | "20060211470" | "20060247000" | "20060287051" | "20070060284" | "20070113280" | "20070129144" | "20080058057" | "20090023490" | "20090037311" | "20090137304" | "20090206156" | "20090227320" | "20090236417" | "20090253481" | "20090280886" | "20100025491" | "20100062822" | "20100093419" | "20100113124" | "20100121719" | "20100190541" | "4882473" | "5327485" | "5398932" | "5471039" | "5709603" | "5791990" | "5935000" | "5996997" | "5997044" | "6024641" | "6146272" | "6154172" | "6178510" | "6277026" | "6322446" | "6379742" | "6383078" | "6435408" | "6491215" | "6776337" | "6869358" | "6875105" | "7008317" | "7155014" | "7815502" | "7819747" | "7959502" | "7988550" | "7988551" | "8033905" | "8047917" | "8109828" | "8241100").PN. OR ("8408986").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2017/06/15 14:29
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" |	US-PGPUB; USPAT; USOCR	OR	OFF	2017/06/15 14:29

		"8308162" | "8337288" | "8408986").PN. OR ("8784180").URPN.				
S29	234	online with lottery with ticket with draw$4	US-PGPUB; USPAT	OR	ON	2017/09/15 16:38
S30	492	online same lottery same ticket same draw$4	US-PGPUB; USPAT	OR	ON	2017/09/15 16:38
S31	929	(online same lottery same ticket)and draw$4	US-PGPUB; USPAT	OR	ON	2017/09/15 16:39
S32	929	(online same lottery same ticket) and draw$4	US-PGPUB; USPAT	OR	ON	2017/09/15 16:39
S33	929	(online same lottery same ticket) and draw$4	US-PGPUB; USPAT	OR	ON	2017/09/16 15:10
S34	498	(online same lottery same ticket) and verif$5	US-PGPUB; USPAT	OR	ON	2017/09/16 15:10
S35	1,098	(online same lottery) and verif$5	US-PGPUB; USPAT	OR	ON	2017/09/16 17:07
S36	234	online with lottery with ticket with draw$4	US-PGPUB; USPAT	OR	ON	2017/09/17 23:32
S37	228	S36 AND ((G07F17/34 OR G07F17/3244 OR G07F17/3213 OR G07F17/3258 OR G07F17/3267 OR G07F17/329 OR G07F17/326 OR G07F17/3225 OR G07F17/3248 OR G07F17/3255 OR G07F17/3211 OR G07F17/3246 OR G07F17/3276 OR G07F17/3209 OR G07F17/323 OR G07F17/3239 OR G07F17/3262 OR G07F17/3288 OR G07F17/32 OR G07F17/3293 OR G07F17/3227 OR G07F17/3251 OR G07F17/3269 OR G07F17/3204 OR G07F17/3223 OR G07F17/3218 OR G07F17/3237 OR G07F17/3272 OR G07F17/3295 OR G07F17/3241 OR G07F17/42 OR G07F17/3253 OR G07F17/3265 OR G07F17/3274 OR G07F17/3281 OR G07F17/3283).CPC.)	US-PGPUB; USPAT	OR	ON	2017/09/17 23:32
S38	44	S36 AND ((G06Q50/34 OR G06Q30/02 OR G06Q30/0209 OR G06Q30/0212 OR G06Q30/0213 OR G06Q30/0222 OR G06Q30/0225 OR G06Q30/0226 OR G06Q30/0234 OR G06Q30/0236 OR	US-PGPUB; USPAT	OR	ON	2017/09/17 23:34

		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.)				
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	1,780	human with body with organ with function$4	US-PGPUB; USPAT	OR	ON	2019/08/28 12:32
S58	16	human with body with organ with function$4 with observ$4	US-PGPUB; USPAT	OR	ON	2019/08/28 12:33
S59	319	human with body with organ with function$4	USPAT	OR	OFF	2019/08/28 12:34
S60	665	human with body with organ with function$4	USPAT	OR	ON	2019/08/28 12:34
S61	1	human with body with organ with function$4 with visual	USPAT	OR	ON	2019/08/28 12:35
S62	14	human with body with organ with function$4 with (view$4 or visual)	US-PGPUB; USPAT	OR	ON	2019/08/28 12:35
S63	2	("2008/0233549").URPN.	USPAT	OR	OFF	2019/08/28 12:37
S64	50	("20020119433" | "20020173778" | "20020198516" | "20030197716" | "20040059321" | "20040088650" | "20040213437" | "20040215719" | "20060004745" | "20060036619" | "20070196007" | "20080001968" | "20080091780" | "20080233549" | "20090024365" | "20090089154" | "20090287331" | "20100100364" |	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
S67	19	((internet or online) with lottery with ticket with draw$4) same (unique with identif$7)	US-PGPUB; USPAT	OR	ON	2020/02/21 15:45
S68	19	((internet or online) with lottery with ticket with draw$4) same ((unique or individual) with identif$7)	US-PGPUB; USPAT	OR	ON	2020/02/21 15:46
S69	0	("2020/0043278").URPN.	USPAT	OR	OFF	2020/02/21 15:55
S71	18	("2009/0227320").URPN.	USPAT	OR	OFF	2020/02/21 15:57

EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L15	0	online with lottery with ticket with draw$4 with unique with identif$7 with predetermin$4	USPAT	OR	ON	2020/06/05 18:59
S40	0	online with lottery with ticket with draw$4 with unique with identif$7	USPAT	OR	ON	2017/09/17 23:43
S41	0	"15070954"	USPAT	OR	ON	2017/09/18 11:42
S42	1	"15070954"	US-PGPUB; USPAT	OR	ON	2017/09/18 11:42
S43	12	"11353920"	US-PGPUB; USPAT	OR	ON	2017/09/18 12:31

6/5/2020 6:59:14 PM
C:\Users\spandya\Documents\EAST\Workspaces\15833566.wsp

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Gino Giunti	Group Art Unit:	3649
Serial No.	15/833,566	Examiner:	Sunit Pandya
Filed:	December 6, 2017	Confirmation No.:	1833
For:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS		

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

CERTIFICATE OF EFS-WEB FILING

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

04/27/2020
(Date submitted)

/Kathleen Weese/
Kathleen Weese

AMENDMENTS AND RESPONSE TO FINAL OFFICE ACTION DATED FEBRUARY 27, 2020

Dear Sir:

In response to the Final Office Action dated February 27, 2020 (the "Final Office Action), Applicant respectfully requests consideration of 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.

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

Remarks/Arguments begin on page 13 of this paper.

OK TO ENTER: /S.P/
06/11/2020

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

Electronic Petition Request	**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT**
Application Number	15833566
Filing Date	06-Dec-2017
First Named Inventor	Gino Giunti
Attorney Docket Number	4556.23102
Title of Invention	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS

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

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

Owner	Percent Interest
Blackhawk Network Inc.	100%

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

9865135

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

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

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

○ I certify, in accordance with 37 CFR 1.4(d)(4), that the terminal disclaimer fee under 37 CFR 1.20(d) required for this terminal disclaimer has already been paid in the above-identified application.	

Applicant claims the following fee status:

○ Small Entity

○ Micro Entity

◉ Regular Undiscounted

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

◉ An attorney or agent registered to practice before the Patent and Trademark Office who is of record in this application

Registration Number 66822

○ A sole inventor

○ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors as evidenced by the power of attorney in the application

○ A joint inventor; all of whom are signing this request

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

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

Electronic Patent Application Fee Transmittal

Application Number:	15833566
Filing Date:	06-Dec-2017
Title of Invention:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS
First Named Inventor/Applicant Name:	Gino Giunti
Filer:	Jerry Harris/Kathleen Weese
Attorney Docket Number:	4556.23102

Filed as Large Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
STATUTORY OR TERMINAL DISCLAIMER	1814	1	160	160
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	**160**

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

Application No.: 15833566

Filing Date: 06-Dec-2017

Applicant/Patent under Reexamination: Giunti

Electronic Terminal Disclaimer filed on June 2, 2020

☒ APPROVED

This patent is subject to a terminal disclaimer

☐ DISAPPROVED

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

U.S. Patent and Trademark Office

Electronic Acknowledgement Receipt

EFS ID:	39602801
Application Number:	15833566
International Application Number:	
Confirmation Number:	1833
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:	4556.23102
Receipt Date:	02-JUN-2020
Filing Date:	06-DEC-2017
Time Stamp:	15:29:09
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$160
RAM confirmation Number	E202062F29050667
Deposit Account	
Authorized User	

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

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Terminal Disclaimer-Filed (Electronic)	eTerminal-Disclaimer.pdf	33407 4e463e8fb8d53b1c55d4cfb44f764065e424bc28	no	2
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30376 ca0d986eb37ecf4d7c58427265261115676557d8	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	63783		

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/833,566	12/06/2017	Gino Giunti	4556.23102	1833

15608 7590 04/28/2020

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

EXAMINER	
PANDYA, SUNIT	

ART UNIT	PAPER NUMBER
3649	

NOTIFICATION DATE	DELIVERY MODE
04/28/2020	ELECTRONIC

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

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

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

wppatents@wickphillips.com

Applicant-Initiated Interview Summary	**Application No.** 15/833,566	**Applicant(s)** Giunti, Gino	
	Examiner SUNIT PANDYA	**Art Unit** 3649	**AIA (FITF) Status** Yes

All participants (applicant, applicants representative, PTO personnel):

(1) SUNIT PANDYA. (3) _____.

(2) Jerry Harris. (4) _____.

Date of Interview: 23 April 2020.

Type: ☑ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☐ No.
If Yes, brief description: _____.

Issues Discussed ☐101 ☐112 ☐102 ☐103 ☑Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: 1.

Identification of prior art discussed: NA.

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

The Examiner and Mr. Harris discussed the claims and the double patenting rejection in the application. The applicant suggested possibly filing Terminal Disclaimer, which would overcome the double patenting rejection..

Applicant recordation instructions: The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview.

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/SUNIT PANDYA/ Primary Examiner, Art Unit 3649	

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) 1.133 Interviews
Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.
All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiners responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicants correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:
- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:
1) A brief description of the nature of any exhibit shown or any demonstration conducted,-
2) an identification of the claims discussed,
3) an identification of the specific prior art discussed,
4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
6) a general indication of any other pertinent matters discussed, and
7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicants record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiners version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, Interview Record OK on the paper recording the substance of the interview along with the date and the examiners initials.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Gino Giunti	§	
		§	Group Art Unit: 3649
Serial No.	15/833,566	§	
		§	Examiner: Sunit Pandya
Filed:	December 6, 2017	§	
		§	Confirmation No.: 1833
For:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS	§	

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

CERTIFICATE OF EFS-WEB FILING

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

04/27/2020
(Date submitted)

/Kathleen Weese/
Kathleen Weese

AMENDMENTS AND RESPONSE TO FINAL OFFICE ACTION DATED FEBRUARY 27, 2020

Dear Sir:

In response to the Final Office Action dated February 27, 2020 (the "Final Office Action), Applicant respectfully requests consideration of 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.

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

Remarks/Arguments begin on page 13 of this paper.

THE CLAIMS

Listing of claims:

1.-22. (Canceled)

23. (Previously Presented) The method of claim 32, further comprising facilitating, by the transaction processor, provision of random draw details, wherein provision of the random draw details comprises delivery of the random draw details in response to a scan of the pre-printed lottery ticket on existing lottery terminals or self-serve ticket checkers.

24. (Previously Presented) The method of claim 32, further comprising facilitating, by the transaction processor, provision of random draw details, wherein provision of the random draw details comprises delivery of the random draw details in response to an entry or scanning of the pre-printed lottery ticket's unique identifier into a website.

25. (Previously Presented) The method of claim 32, further comprising facilitating, by the transaction processor, provision of random draw details, wherein provision of the random draw details comprises delivery of the random draw details in response to an entry or scanning of the pre-printed lottery ticket's unique identifier into a mobile application.

26. (Previously Presented) A transaction processor system comprising:

at least one communication interface for communicating with other devices;

at least one processing unit for executing instructions; and

at least one memory unit for storing instructions, which when executed by the at least one processing unit causes the transaction processor system to (1) provide unique identification information from a pre-printed lottery ticket, (2) receive, from a lottery administration system, a determined draw information associated with the unique identification information, (3) provide, to the lottery administration system, payment confirmation for the pre-printed lottery ticket, and (4) facilitate provision of random draw details associated with the pre-printed lottery ticket.

27. (Previously Presented) The transaction processor system of claim 26, wherein facilitate provision of random draw details comprises receiving, from the lottery administration system, an image or data package containing at least the random draw details.

28. (Previously Presented) The transaction processor system of claim 26, wherein facilitate provision of random draw details comprises delivery of the random draw details in response to a scan of the pre-printed lottery ticket.

29. (Previously Presented) The transaction processor system of claim 26, wherein facilitate provision of random draw details comprises delivery of the random draw details in response to entry of the pre-printed lottery ticket's unique identifier into a website.

30. (Previously Presented) The transaction processor system of claim 26, wherein facilitate provision of random draw details comprises delivery of the random draw details in response to entry of the pre-printed lottery ticket's unique identifier into a mobile application.

31. (Previously Presented) A transaction processor system comprising:

at least one communication interface for communicating with other devices;

at least one processing unit for executing instructions; and

at least one memory unit for storing instructions, which when executed by the at least one processing unit causes the transaction processor system to (1) provide unique identification information from a pre-printed lottery ticket, (2) receive a determined draw information associated with the unique identification information, (3) provide payment confirmation for the pre-printed lottery ticket, and (4) facilitate provision of random draw details associated with the pre-printed lottery ticket.

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

(c) receiving, 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.

33. (Previously Presented) The method of claim 32, 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.

34. (Previously Presented) The method of claim 32, 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.

35. (Previously Presented) The method of claim 32, further comprising receiving unique product information associated with the pre-printed lottery ticket.

36. (Previously Presented) The method of claim 32, further comprising retrieving unique identification information associated with the pre-printed lottery ticket from the received product information.

37. (Previously Presented) The method of claim 35, 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.

38. (Previously Presented) The method of claim 32, further comprising validating the received transaction request.

39. (Previously Presented) The method of claim 38, wherein validating the received identification information comprises verifying that the product information corresponds to identification information associated with a pre-printed lottery ticket.

40. (Previously Presented) The method of claim 39, wherein validating the transaction information includes verifying that the product is validly distributed by the retailer.

41. (Previously Presented) The method of claim 32, 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.

42. (Previously Presented) The method of claim 32, 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.

43. (Previously Presented) The method of claim 32, wherein the retailer POS is online.

44. (Previously Presented) The method of claim 32, wherein at least one of the two or more codes comprise a barcode.

45. (Previously Presented) The method of claim 44, wherein the barcode comprises a first party information and a second party information.

46. (Previously Presented) The method of claim 44, wherein the barcode comprises a universal product code and pre-printed lottery ticket information.

47. (Previously Presented) The method of claim 32, wherein the pre-printed lottery ticket contains information used to redeem a winning prize.

48. (Previously Presented) The method of claim 32, wherein the lottery administration system generates wagers for the pre-printed lottery ticket and a draw date is assigned to the wagers.

49. (Previously Presented) The method of claim 32, wherein lottery numbers are entered in a draw.

50. (Previously Presented) The method of claim 38, wherein the validation comprises age validation.

51. (Previously Presented) 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.

52. (Currently Amended) The method of claim 51, wherein the unique identification information is provided by ~~a~~ the retailer.

53. (Currently Amended) The method of claim 51, wherein the unique identification information is provided by ~~a~~ the transaction processor.

54. (Previously Presented) The method of claim 51, 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.

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

(c) receiving, 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.

56. (Previously Presented) The method of claim 55, 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.

57. (Previously Presented) The method of claim 55, 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.

58. (Previously Presented) The method of claim 55, further comprising receiving unique product information associated with the pre-printed lottery ticket.

59. (Previously Presented) The method of claim 55, further comprising retrieving unique identification information associated with the pre-printed lottery ticket from the received product information.

60. (Previously Presented) The method of claim 58, 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.

61. (Previously Presented) The method of claim 55, further comprising validating the received transaction request.

62. (Previously Presented) The method of claim 61, wherein validating the received identification information comprises verifying that the product information corresponds to identification information associated with a pre-printed lottery ticket.

63. (Previously Presented) The method of claim 62, wherein validating the transaction information includes verifying that the product is validly distributed by the retailer.

64. (Previously Presented) The method of claim 55, 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.

65. (Previously Presented) The method of claim 55, 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.

66. (Previously Presented) The method of claim 55, wherein the retailer POS is online.

67. (Previously Presented) The method of claim 55, wherein at least one of the one or more codes comprise a barcode.

68. (Previously Presented) The method of claim 67, wherein the barcode comprises a first party information and a second party information.

69. (Previously Presented) The method of claim 67, wherein the barcode comprises a universal product code and pre-printed lottery ticket information.

70. (Previously Presented) The method of claim 55, wherein the pre-printed lottery ticket contains information used to redeem a winning prize.

71. (Previously Presented) The method of claim 55, wherein the lottery administration system generates wagers for the pre-printed lottery ticket and a draw date is assigned to the wagers.

72. (Previously Presented) The method of claim 55, wherein lottery numbers are entered in a draw.

73. (Previously Presented) The method of claim 61, wherein the validation comprises age validation.

74. (Previously Presented) The method of claim 55, wherein said pre-printed lottery ticket comprises two or more codes.

75. (Previously Presented) The method of claim 74, 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.

REMARKS/ARGUMENTS

Status of Claims

Claims 32, 52, 53, and 55 are currently amended to address antecedent basis issues,

Claims 23-31, 33-51, 54, 56-75 were previously presented.

Claims 1-22 are canceled.

Claims 23-75 are currently pending in this application.

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

Withdrawal of Prior Art and Section 101 Subject Matter Rejections

Applicant thanks the Examiner for withdrawing the prior art and 35 U.S.C. § 101 subject matter rejections of the Office Action dated September 3, 2019.

Non-Statutory Double Patenting

Claims 23-50 stand rejected on the ground of non-statutory double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 9,865,135. Pursuant to the Examiner Interview conducted on April 23, 2020, wherein Applicant's representative and the Examiner agreed that the pending statutory double patenting rejections could be withdrawn based on amendments to the claims of co-pending Application No. 16/280,629, Applicant hereby submits a terminal disclaimer to address the non-statutory double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 9,865,135.

Claim Rejections – 35 U.S.C. § 101

Claims 51-75 stand provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-19 of co-pending Application No. 16/280,629.

Pursuant to the discussion between the Applicant's representative and the Examiner during the Examiner Interview dated April 23, 2020, Applicant has amended the claims of co-pending Application No. 16/280,629 to overcome the pending 35 U.S.C. Section 101 double patenting rejections in the instant case.

Applicant has amended co-pending Application No. 16/280,629 independent claims 1 and 20 to delete the following element "wherein said pre-printed lottery ticket comprises two or more codes." Applicant respectfully submits that the instant amendments to co-pending Application No. 16/280,629's independent claims 1 and 20 effectively address the instant Section 101 double patenting rejections of claims 51-75, as instant claims 51-75 all recite that the pre-printed lottery ticket comprises codes. *See supra*. As such, none of the instant claims and none of the claims of co-pending Application No. 16/280,629 recite identical claim language, i.e., none of the claims are directed to the same invention. For ease of reference, co-pending Application No. 16/280,629 amended claims 1-19 recite:

> 1. (Currently Amended) A method for providing a manufactured, pre-printed lottery ticket for a random draw comprising:
>
> (a) receiving, by a transaction processor, a transaction request from a retailer point of sale (POS) to activate ~~a~~ the manufactured, pre-printed lottery ticket;
>
> (b) providing, by a transaction processor or retailer, to a lottery administration system unique identification information associated with pre-printed lottery ticket information received from a retailer POS without the use of lottery hardware; and
>
> (c) receiving, by the transaction processor or retailer, from the lottery administration system, indication that draw information

has been associated with the manufactured, pre-printed lottery ticket;

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

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

3. (Currently Amended) The method of claim 1, wherein draw information is made available on a printed receipt; by scanning a code on the manufactured, pre-printed lottery ticket; or by entering a unique identifier associated with the manufactured, pre-printed lottery ticket into an online website or mobile application.

4. (Currently Amended) The method of claim 1, further comprising receiving unique product information associated with the manufactured, pre-printed lottery ticket.

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

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

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

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

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

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

8. (Currently Amended) The method of claim 7, wherein validating the received identification information comprises verifying that the product information corresponds to identification information associated with the manufactured, ~~a~~ pre-printed lottery ticket.

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

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

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

12. (Original) The method of claim 1, wherein the retailer POS is online.

13. (Currently Amended) The method of claim 1, wherein the manufactured, pre-printed lottery ticket ~~at least one of the two or more codes~~ comprises a barcode.

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

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

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

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

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

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

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

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

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

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

Applicant thanks the Examiner for his thoughtful analysis and consideration of the instant application.

CONCLUSION

Consideration of the foregoing amendments and remarks, reconsideration of the application, and withdrawal of the rejections are respectfully requested by Applicant. No new matter is introduced by way of the amendment. It is believed that each ground of rejection raised in the Final Office Action dated February 27, 2020 dated has been fully addressed. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account Number 60-2317 of Wick Phillips Gould & Martin, LLP, Texas. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

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

Respectfully submitted,
WICK PHILLIPS GOULD & MARTIN, LLP

Date: April 27, 2020

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

ATTORNEY FOR APPLICANT

3131 McKinney Avenue, Suite 100
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Electronic Acknowledgement Receipt

EFS ID:	39274202
Application Number:	15833566
International Application Number:	
Confirmation Number:	1833
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:	4556.23102
Receipt Date:	27-APR-2020
Filing Date:	06-DEC-2017
Time Stamp:	14:56:21
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		042720_ResponseFOA.pdf	85874 bf64585f40b79c8f968e321694d2ac2fb1b9da6f	yes	18

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Response After Final Action	1	1
	Claims	2	12
	Applicant Arguments/Remarks Made in an Amendment	13	18
Warnings:			
Information:			
	Total Files Size (in bytes):	85874	

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.
15/833,566	12/06/2017	Gino Giunti	4556.23102	1833

15608 7590 02/27/2020

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

EXAMINER	
PANDYA, SUNIT	

ART UNIT	PAPER NUMBER
3649	

NOTIFICATION DATE	DELIVERY MODE
02/27/2020	ELECTRONIC

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

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

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

wppatents@wickphillips.com

Office Action Summary	Application No. 15/833,566	Applicant(s) Giunti, Gino	
	Examiner SUNIT PANDYA	Art Unit 3649	AIA (FITF) Status Yes

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

Period for Reply

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

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

Status

1)☑ Responsive to communication(s) filed on 12/3/19.

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

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

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

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

Disposition of Claims*

5) ☑ Claim(s) 23-75 is/are pending in the application.

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

6) ☐ Claim(s) _____ is/are allowed.

7) ☑ Claim(s) 23-75 is/are rejected.

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

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

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

Application Papers

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

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

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

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

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

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

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

Attachment(s)

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

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

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

4) ☐ Other: _____.

DETAILED ACTION

Notice of Pre-AIA or AIA Status

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

Response to Amendment

This action is in response to the amendments filed on 12/3/19 wherein the examiner acknowledges that claims 23-75 are currently pending.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

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

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

Claims 23-50 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 9,865,135. Although the claims at issue are not identical, they are not patentably distinct from each other because the current application substantially claims the same limitations as the patent, except for one missing limitation. The current application fails to claim “scanning at a point of sale

terminal a pre-printed lottery ticket". It would have been obvious for one with ordinary skill in the art, at the time of applicant's invention to have included a scanner to scan the information related to the pre-printed lottery ticket, thus streamlining the upload system to the lottery administrator.

A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process... may obtain a patent therefor..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the claims that are directed to the same invention so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

Claims 51-75 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-19 of copending Application No. 16/280,629 (reference application). This is a provisional statutory double patenting rejection since the claims directed to the same invention have not in fact been patented.

Response to Arguments

Applicant's arguments, filed 12/3/20, with respect to 35 USC 102 and 35 USC 101 rejections have been fully considered and are persuasive. The rejections have been withdrawn.

Conclusion

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

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

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

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	15/833,566	Giunti, Gino
	Examiner	Art Unit
	SUNIT PANDYA	3649

CPC - Searched*		
Symbol	Date	Examiner

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner

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

Search Notes		
Search Notes	Date	Examiner
Conducted text searches in EAST	08/29/2019	SP
Updated prior searches in EAST	02/24/2020	SP

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Gino Giunti	Group Art Unit:	3649
Serial No.	15/833,566	Examiner:	Sunit Pandya
Filed:	December 6, 2017	Confirmation No.:	1833
For:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS		

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

CERTIFICATE OF EFS-WEB FILING

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

12/03/2019
(Date submitted)

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

AMENDMENTS AND RESPONSE TO OFFICE ACTION DATED SEPTEMBER 3, 2019

Dear Sir:

In response to the Office Action dated September 3, 2019 (the "Office Action), Applicant respectfully requests consideration of the following.

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

Remarks/Arguments begin on page 13 of this paper.

THE CLAIMS

Listing of claims:

1.-22. (Canceled)

23. (Previously Presented) The method of claim 32, further comprising facilitating, by the transaction processor, provision of random draw details, wherein provision of the random draw details comprises delivery of the random draw details in response to a scan of the pre-printed lottery ticket on existing lottery terminals or self-serve ticket checkers.

24. (Previously Presented) The method of claim 32, further comprising facilitating, by the transaction processor, provision of random draw details, wherein provision of the random draw details comprises delivery of the random draw details in response to an entry or scanning of the pre-printed lottery ticket's unique identifier into a website.

25. (Previously Presented) The method of claim 32, further comprising facilitating, by the transaction processor, provision of random draw details, wherein provision of the random draw details comprises delivery of the random draw details in response to an entry or scanning of the pre-printed lottery ticket's unique identifier into a mobile application.

26. (Previously Presented) A transaction processor system comprising:

at least one communication interface for communicating with other devices;

at least one processing unit for executing instructions; and

at least one memory unit for storing instructions, which when executed by the at least one processing unit causes the transaction processor system to (1) provide unique identification information from a pre-printed lottery ticket, (2) receive, from a lottery administration system, a determined draw information associated with the unique identification information, (3) provide, to the lottery administration system, payment confirmation for the pre-printed lottery ticket, and (4) facilitate provision of random draw details associated with the pre-printed lottery ticket.

27. (Previously Presented) The transaction processor system of claim 26, wherein facilitate provision of random draw details comprises receiving, from the lottery administration system, an image or data package containing at least the random draw details.

28. (Previously Presented) The transaction processor system of claim 26, wherein facilitate provision of random draw details comprises delivery of the random draw details in response to a scan of the pre-printed lottery ticket.

29. (Previously Presented) The transaction processor system of claim 26, wherein facilitate provision of random draw details comprises delivery of the random draw details in response to entry of the pre-printed lottery ticket's unique identifier into a website.

30. (Previously Presented) The transaction processor system of claim 26, wherein facilitate provision of random draw details comprises delivery of the random draw details in response to entry of the pre-printed lottery ticket's unique identifier into a mobile application.

31. (Previously Presented) A transaction processor system comprising:

at least one communication interface for communicating with other devices;

at least one processing unit for executing instructions; and

at least one memory unit for storing instructions, which when executed by the at least one processing unit causes the transaction processor system to (1) provide unique identification information from a pre-printed lottery ticket, (2) receive a determined draw information associated with the unique identification information, (3) provide payment confirmation for the pre-printed lottery ticket, and (4) facilitate provision of random draw details associated with the pre-printed lottery ticket.

32. (Previously Presented) 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.

33. (Previously Presented) The method of claim 32, 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.

34. (Previously Presented) The method of claim 32, 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.

35. (Previously Presented) The method of claim 32, further comprising receiving unique product information associated with the pre-printed lottery ticket.

36. (Previously Presented) The method of claim 32, further comprising retrieving unique identification information associated with the pre-printed lottery ticket from the received product information.

37. (Previously Presented) The method of claim 35, 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.

38. (Previously Presented) The method of claim 32, further comprising validating the received transaction request.

39. (Previously Presented) The method of claim 38, wherein validating the received identification information comprises verifying that the product information corresponds to identification information associated with a pre-printed lottery ticket.

40. (Previously Presented) The method of claim 39, wherein validating the transaction information includes verifying that the product is validly distributed by the retailer.

41. (Previously Presented) The method of claim 32, 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.

42. (Previously Presented) The method of claim 32, 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.

43. (Previously Presented) The method of claim 32, wherein the retailer POS is online.

44. (Previously Presented) The method of claim 32, wherein at least one of the two or more codes comprise a barcode.

45. (Previously Presented) The method of claim 44, wherein the barcode comprises a first party information and a second party information.

46. (Previously Presented) The method of claim 44, wherein the barcode comprises a universal product code and pre-printed lottery ticket information.

47. (Previously Presented) The method of claim 32, wherein the pre-printed lottery ticket contains information used to redeem a winning prize.

48. (Previously Presented) The method of claim 32, wherein the lottery administration system generates wagers for the pre-printed lottery ticket and a draw date is assigned to the wagers.

49. (Previously Presented) The method of claim 32, wherein lottery numbers are entered in a draw.

50. (Previously Presented) The method of claim 38, wherein the validation comprises age validation.

51. (Previously Presented) 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.

52. (Previously Presented) The method of claim 51, wherein the unique identification information is provided by a retailer.

53. (Previously Presented) The method of claim 51, wherein the unique identification information is provided by a transaction processor.

54. (Previously Presented) The method of claim 51, 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.

55. (Previously Presented) 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 one or more codes.

56. (Previously Presented) The method of claim 55, 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.

57. (Previously Presented) The method of claim 55, 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.

58. (Previously Presented) The method of claim 55, further comprising receiving unique product information associated with the pre-printed lottery ticket.

59. (Previously Presented) The method of claim 55, further comprising retrieving unique identification information associated with the pre-printed lottery ticket from the received product information.

60. (Previously Presented) The method of claim 58, 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.

61. (Previously Presented) The method of claim 55, further comprising validating the received transaction request.

62. (Previously Presented) The method of claim 61, wherein validating the received identification information comprises verifying that the product information corresponds to identification information associated with a pre-printed lottery ticket.

63. (Previously Presented) The method of claim 62, wherein validating the transaction information includes verifying that the product is validly distributed by the retailer.

64. (Previously Presented) The method of claim 55, 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.

65. (Previously Presented) The method of claim 55, 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.

66. (Previously Presented) The method of claim 55, wherein the retailer POS is online.

67. (Previously Presented) The method of claim 55, wherein at least one of the one or more codes comprise a barcode.

68. (Previously Presented) The method of claim 67, wherein the barcode comprises a first party information and a second party information.

69. (Previously Presented) The method of claim 67, wherein the barcode comprises a universal product code and pre-printed lottery ticket information.

70. (Previously Presented) The method of claim 55, wherein the pre-printed lottery ticket contains information used to redeem a winning prize.

71. (Previously Presented) The method of claim 55, wherein the lottery administration system generates wagers for the pre-printed lottery ticket and a draw date is assigned to the wagers.

72. (Previously Presented) The method of claim 55, wherein lottery numbers are entered in a draw.

73. (Previously Presented) The method of claim 61, wherein the validation comprises age validation.

74. (Previously Presented) The method of claim 55, wherein said pre-printed lottery ticket comprises two or more codes.

75. (Previously Presented) The method of claim 74, 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.

REMARKS/ARGUMENTS

Status of Claims

Claims 23-75 were previously presented.

Claims 1-22 are canceled.

Claims 23-75 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 January 11, 2018.

Double Patenting

Claims 23-50 stand rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 9,865,135. Applicant will address these double-patenting rejections in due course, i.e., upon the withdrawal of all 35 U.S.C. §§ 101, 102, and 103 rejections.

Claim Rejections – 35 U.S.C. § 102

Claims 23-75 stand rejected under 35 U.S.C. 102(a)(1) as being anticipated by 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:

> Claims 26 & 31: **Sandvick discloses** a transaction processor system comprising, at least one communication interface for communicating with other devices at least one processing unit for executing instructions (figure 6) and at least one memory unit for storing instructions, which when executed by the at least one processing unit causes the transaction processor system to (figure 6) provide unique identification information from a pre-printed lottery ticket (figure 11), **receive, from a lottery administration system, a determined draw information associated with the unique identification information** (cols. 14-16:23-49), provide, to the lottery administration system, payment confirmation for the pre-printed lottery ticket, and **facilitate provision of random draw details associated with the pre-printed lottery ticket** (cols. 16-17: 50-49) . . . . Claims 32, 40, 51-53, 55, 63 & 74-75: **Sandvick discloses providing a lottery ticket for a random draw comprising**, receiving, by a transaction processor, a transaction request from a retailer point of sale (POS) 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).

See Office Action at 11-12 (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 claims 26, 31, 32, 51, and 55; therefore, *Sandvick* cannot anticipate claims 26, 31, 32, 51, and 55, 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 23-75.

Claim Rejections – 35 U.S.C. § 103

Claims 50 and 73 stand rejected under 35 U.S.C. 103 as being unpatentable over *Sandvick* as applied to 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 claims 26, 31, 32, 51, and 55. *See supra*. The Office Action does not cite *Yacenda* as disclosing elements absent from *Sandvick*. *See* Office Action at 13-14. Based on the foregoing, the Office Action does not establish a *prima facie* case of obviousness as to claims 50 and 73. *See* MPEP § 2143. As such, Applicant respectfully submits that claims 50 and 73 are presented in condition for allowance.

Claim Rejections – 35 U.S.C. § 101

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

Claims 23-75 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 claims 26, 31, 32, 51, and 55 recite:

> 26. A transaction processor system comprising:
> at least one communication interface for communicating with other devices;
> at least one processing unit for executing instructions; and
> at least one memory unit for storing instructions, which when executed by the at least one processing unit causes **the transaction processor** system to (1) provide unique identification information from a pre-printed lottery ticket, (2) receive, from a lottery administration system, a determined draw information associated with the unique identification information, (3) provide, to the lottery administration system, payment confirmation for the pre-printed lottery ticket, and (4) facilitate provision of random draw details associated with the pre-printed lottery ticket.
>
> 31. A transaction processor system comprising:
> at least one communication interface for communicating with other devices;
> at least one processing unit for executing instructions; and
> at least one memory unit for storing instructions, which when executed by the at least one processing unit causes the **transaction processor** system to (1) provide unique identification information from a pre-printed lottery ticket, (2) receive a determined draw information associated with the unique identification information, (3) provide payment confirmation for the pre-printed lottery ticket, and (4) facilitate provision of random draw details associated with the pre-printed lottery ticket.
>
> 32. 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.
>
> 51. 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.
>
> 55. 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 one or more codes.

See claims 26, 31, 32, 51, and 55, *supr*a (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 1/0 interface(s) 608 for communicating with devices external to the transaction processor system630. Instructions 604 stored in the memory unit 616, when executed by the processing unit 604 provide transaction processing and data exchange functionality 602. The functionality 602 may process transactions and exchange data from a plurality of different retailers to a single lottery system. Instructions 602 may include any functionality necessary for the successful exchange of data and the activation or cancellation of the pre-printed ticket.').

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 claims 26, 31, 32, 51, and 55 are reproduced below:

> 26. A transaction processor system comprising:
> at least one communication interface for communicating with other devices;
> **at least one processing unit for executing instructions**; and
> at least one memory unit for storing instructions, **which when executed by the at least one processing unit causes the transaction processor system to** (1) provide unique identification information from a pre-printed lottery ticket, (2) receive, from a lottery administration system, a determined draw information associated with the unique identification information, (3) provide, to the lottery administration system, payment confirmation for the pre-

printed lottery ticket, and (4) facilitate provision of random draw details associated with the pre-printed lottery ticket.

31. A transaction processor system comprising:

at least one communication interface for communicating with other devices;

at least one processing unit for executing instructions; and

at least one memory unit for storing instructions, **which when executed by the at least one processing unit causes the transaction processor system to** (1) provide unique identification information from a pre-printed lottery ticket, (2) receive a determined draw information associated with the unique identification information, (3) provide payment confirmation for the pre-printed lottery ticket, and (4) facilitate provision of random draw details associated with the pre-printed lottery ticket.

32. 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.

51. 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.

> 55. 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 one or more codes.

See claims 26, 31, 32, 51, and 55, *supr*a (emphasis added).

As can be seen, the claims require a "processing unit" and/or a "transaction processor" to effectuate the claim language. *See id.* As detailed in the Specification:

> The transaction processor system 630 may include a central processing unit (CPU) 604, memory unit 616 and 1/0 interface(s) 608 for communicating with devices external to the transaction processor system630. **Instructions 604 stored in the memory unit 616, when executed by the processing unit 604 provide transaction processing and data exchange functionality 602**. The functionality 602 may process transactions and exchange data from a plurality of different retailers to a single lottery system. Instructions 602 may include any functionality necessary for the successful exchange of data and the activation or cancellation of the pre-printed ticket.

Application at ¶ [0046] (emphasis added).

Based on the foregoing, Applicant contends the instant claims' "processing unit" and/or "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 "processing unit" and/or a "transaction processor" which are 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 Office Action's identified abstract idea, "engaging in lawful wagering," 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. 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

[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., independent claims 26, 31, 32, 51, and 55) 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*.

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 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.*

Applicant's independent claims 26, 31, 32, 51, and 55 are reproduced below:

> 26. A transaction processor system comprising:
> at least one communication interface for communicating with other devices;

[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.'').

at least one processing unit for executing instructions; and

at least one memory unit for storing instructions, **which when executed by the at least one processing unit causes the transaction processor system to** (1) provide unique identification information from a pre-printed lottery ticket, (2) receive, from a lottery administration system, a determined draw information associated with the unique identification information, (3) provide, to the lottery administration system, payment confirmation for the pre-printed lottery ticket, and (4) facilitate provision of random draw details associated with the pre-printed lottery ticket.

31. A transaction processor system comprising:

at least one communication interface for communicating with other devices;

at least one processing unit for executing instructions; and

at least one memory unit for storing instructions, **which when executed by the at least one processing unit causes the transaction processor system to** (1) provide unique identification information from a pre-printed lottery ticket, (2) receive a determined draw information associated with the unique identification information, (3) provide payment confirmation for the pre-printed lottery ticket, and (4) facilitate provision of random draw details associated with the pre-printed lottery ticket.

32. 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.

51. 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.
>
> 55. 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 one or more codes.

See claims 26, 31, 32, 51, and 55, *supr*a (emphasis added).

As can be seen, the claims require performance by a "processing unit" and/or a "transaction processor" to effectuate the claim language. *See id.* As detailed in the Specification:

> The transaction processor system 630 may include a central processing unit (CPU) 604, memory unit 616 and 1/0 interface(s) 608 for communicating with devices external to the transaction processor system630. **Instructions 604 stored in the memory unit 616, when executed by the processing unit 604 provide transaction processing and data exchange functionality 602**. The functionality 602 may process transactions and exchange data from a plurality of different retailers to a single lottery system. Instructions 602 may include any functionality necessary for the successful exchange of data and the activation or cancellation of the pre-printed ticket.

Application at ¶ [0046] (emphasis added).

Based on the foregoing, Applicant contends the instant claims' "processing unit" and/or "transaction processor" results in the instant claims' 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 23-75 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. Itis also desirable to merchandise draw based tickets in such a way that the customer experience is enhanced with the purchase convenience while increasing product awareness and impulse lottery purchases**. Currently, online lottery products are produced by a lottery terminal or similar hardware. When an online lottery ticket, such as a ticket to a draw taking place at a later time, is purchased, a ticket is generated and printed by the lottery terminal and printer. **A system is described further herein that provides the ability to include online lottery tickets that can be placed in a customer's shopping cart and paid for during the normal checkout process without the use of specialized hardware such as lottery terminals, ticket printers or customized devices at the point of purchase for the purpose of producing the lottery ticke**t. Since no specialized hardware is required, it is possible to pay for the online lottery tickets at any point of purchase. For example, at a grocery store, the online lottery tickets may be purchased at each check-out lane without requiring lottery terminals or hardware at each lane and as such, **the incorporation of the purchasing at multiple lanes may be cost effective. In addition to the ability to purchase online lottery tickets at a point of sale without additional specialized lottery hardware, the systems and methods allow the online lottery ticket to be displayed and purchased as a common in-store product making the purchase of an online ticket common practice for the customer and the retailer**.

See Application at ¶¶ [0004]-[0019] (emphasis added). As can be seen from the above-recited portion of the Specification, the instant claims are directed to a specific improvement to technologies in the marketplace, e.g., addressing business challenges of meeting customers' growing demands for random draw based lottery tickets while simultaneously allowing lottery ticket retailers to configure their legacy technologies and systems to sell random draw based lottery tickets at any point of sale register. *See id.* Such technological improvements are patent eligible. *See Bascom Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 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 23-75 under 35 U.S.C. 101 is respectfully requested.

CONCLUSION

Consideration of the foregoing amendments and remarks, reconsideration of the application, and withdrawal of the rejections are respectfully requested by Applicant. No new matter is introduced by way of the amendment. It is believed that each ground of rejection raised in the Office Action dated September 3, 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: December 3, 2019

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

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Electronic Acknowledgement Receipt

EFS ID:	37917663
Application Number:	15833566
International Application Number:	
Confirmation Number:	1833
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:	4556.23102
Receipt Date:	03-DEC-2019
Filing Date:	06-DEC-2017
Time Stamp:	18:43:36
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		Response_to_OA_dated_090319.pdf	512302 4e677ea4a6502e7a1491c4791c4a57fd9ce37083	yes	42

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
	Claims	2	12
	Applicant Arguments/Remarks Made in an Amendment	13	42
Warnings:			
Information:			
	Total Files Size (in bytes):	512302	

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 15/833,566	Filing Date 12/06/2017	☐ To be Mailed

ENTITY: ☑ LARGE ☐ SMALL ☐ MICRO

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA		RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A		N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A		N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A		N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*		x $80 =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*		x $420 =	
☐ 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	12/03/2019	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 53	Minus	** 53	= 0		x $100 =	0
	Independent (37 CFR 1.16(h))	* 5	Minus	*** 5	= 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".	/SHARON D HARRIS/
*** 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.
15/833,566	12/06/2017	Gino Giunti	4556.23102	1833

15608 7590 09/03/2019

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

EXAMINER	
PANDYA, SUNIT	

ART UNIT	PAPER NUMBER
3649	

NOTIFICATION DATE	DELIVERY MODE
09/03/2019	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

Office Action Summary	Application No. 15/833,566	Applicant(s) Giunti, Gino	
	Examiner SUNIT PANDYA	Art Unit 3649	AIA (FITF) Status Yes

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

Period for Reply

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

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

Status

1)☐ Responsive to communication(s) filed on _____.

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

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

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

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

Disposition of Claims*

5) ☑ Claim(s) 23-75 is/are pending in the application.

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

6) ☐ Claim(s) _____ is/are allowed.

7) ☑ Claim(s) 23-75 is/are rejected.

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

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

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

Application Papers

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

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

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

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

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

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

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

Attachment(s)

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

2) ☑ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) Paper No(s)/Mail Date 1/11/18.

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

4) ☐ Other: _____.

DETAILED ACTION

Notice of Pre-AIA or AIA Status

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

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.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 1/11/18 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 23-75 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 that 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.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

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

provisions of the AIA. A terminal disclaimer must be signed in compliance with 37 CFR 1.321(b).

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

Claims 23-50 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 9,865,135. Although the claims at issue are not identical, they are not patentably distinct from each other because the current application substantially claims the same limitations as the patent, except for one missing limitation. The current application fails to claim “scanning at a point of sale terminal a pre-printed lottery ticket”. It would have been obvious for one with ordinary skill in the art, at the time of applicant’s invention to have included a scanner to scan the information related to the pre-printed lottery ticket, thus streamlining the upload system to the the lottery administrator.

A rejection based on double patenting of the “same invention” type finds its support in the language of 35 U.S.C. 101 which states that “whoever invents or discovers any new and useful process... may obtain a patent therefor...” (Emphasis

added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the claims that are directed to the same invention so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

Claims 51-75 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-19 of copending Application No. 16/280,629 (reference application). This is a provisional statutory double patenting rejection since the claims directed to the same invention have not in fact been patented.

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 23-75 are rejected under 35 U.S.C. 102(a)(1) as being anticipated by Sandvick (US Patent 9,251,663).

Claims 26 & 31: Sandvick discloses a transaction processor system comprising, at least one communication interface for communicating with other devices at least one processing unit for executing instructions (figure 6) and at least one

memory unit for storing instructions, which when executed by the at least one processing unit causes the transaction processor system to (figure 6) provide unique identification information from a pre-printed lottery ticket (figure 11), receive, from a lottery administration system, a determined draw information associated with the unique identification information (cols. 14-16:23-49), provide, to the lottery administration system, payment confirmation for the pre-printed lottery ticket, and facilitate provision of random draw details associated with the pre-printed lottery ticket (cols. 16-17: 50-49).

Claims 27-28: Sandvick discloses receiving, from the lottery administration system, an image or data package containing at least the random draw details (cols. 16-17: 50-69) and delivery of the random draw details in response to a scan of the pre-printed lottery ticket (figures 3-5).

Claims 29-30, 43 & 66: Sandvick discloses delivery of the random draw details in response to entry of the pre-printed lottery ticket's unique identifier into a website (col. 18: 1-60, wherein the website can be accessed via computer or mobile device).

Claims 32, 40, 51-53, 55, 63 & 74-75: Sandvick discloses providing a lottery ticket for a random draw comprising, receiving, by a transaction processor, a transaction request from a retailer point of sale (POS) 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).

Claims 23-25: Sandvick discloses delivery of the random draw details in response to a scan of the pre-printed lottery ticket on existing lottery terminals or self-serve ticket checkers via internet (figure 9 & col. 16: 21-34).

Claims 33 & 56: 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).

Claims 34, 54 & 57: Sandvick discloses 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 (figures 3-5).

Claims 35 & 58: Sandvick discloses receiving unique product information associated with the pre-printed lottery ticket (col. 15: 33-55).

Claims 36 & 59: Sandvick discloses retrieving unique identification information associated with the pre-printed lottery ticket from the received product information (col. 13: 45-6).

Claims 37 & 60: 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).

Claims 38 & 61: Sandvick discloses validating the received transaction request (col. 15:29-50).

Claims 39 & 62: Sandvick discloses verifying that the product information corresponds to identification information associated with a pre-printed lottery ticket (col. 15: 33-55).

Claims 41-42 & 64-65: Sandvick disclose 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 (cols. 14-15: 44-65).

Claims 44-46 & 67-69: Sandvick discloses at least one of the two or more codes comprise a barcode/product code (figures 3-5), which further includes a first party information and a second party information (cols. 13-15).

Claims 47 & 70: Sandvick discloses that the pre-printed lottery ticket contains information used to redeem a winning prize (col. 16: 50-40).

Claims 48-49 & 71-72: Sandvick discloses the lottery administration system generates wagers for the pre-printed lottery ticket and a draw date is assigned to the wagers (figures 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.

Claims 50 & 73 are 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).

Claims 50 & 73: Sandvick discloses providing a lottery ticket for a random draw comprising, receiving, by a transaction processor, a transaction request from a retailer point of sale (POS) 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). Sandvick, however, fails to disclose age verification. 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

Notice of References Cited	Application/Control No. 15/833,566	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					
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FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	15/833,566	Giunti, Gino
	Examiner	Art Unit
	SUNIT PANDYA	3649

CPC - Searched*		
Symbol	Date	Examiner

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner

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

Search Notes		
Search Notes	Date	Examiner
Conducted text searches in EAST	08/29/2019	SP

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

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
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S3	14	online with lottery with ticket with draw	USPAT	OR	OFF	2016/12/28 14:55
S4	28	online with lottery with ticket with draw$4	USPAT	OR	OFF	2016/12/28 14:55
S5	211	online with lottery with ticket with draw$4	US-PGPUB; USPAT	OR	ON	2016/12/28 14:55
S6	1	online with lottery with ticket with draw$4 with unique with identif$7	US-PGPUB; USPAT	OR	ON	2016/12/28 14:56
S7	3	online with lottery with ticket with draw$4 same (unique with identif$7)	US-PGPUB; USPAT	OR	ON	2016/12/28 14:56
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S11	10	("2009/0227320").URPN.	USPAT	OR	OFF	2016/12/29 18:12
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Incomm Ex. 1033, Page 256 of 375

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S17	49	S16 AND ((G07F17/32 OR G07F17/329 OR G07F17/3244 OR G07F17/3255 OR G07F17/3258 OR G07F17/3288 OR G07F17/34 OR G07F17/323 OR G07F17/3248 OR G07F17/3246 OR G07F17/3276 OR G07F17/3293 OR G07F17/3202 OR G07F17/3251 OR G07F17/42 OR G07F17/3225 OR G07F17/3211 OR G07F17/3218 OR G07F17/3223 OR G07F17/3286).CPC.)	US-PGPUB; USPAT	OR	ON	2016/12/29 19:10

S18	29	S16 AND ((G06Q50/34 OR G06Q30/02 OR G06Q30/0209 OR G06Q30/0212 OR G06Q30/0213 OR G06Q30/0222 OR G06Q30/0225 OR G06Q30/0226 OR G06Q30/0234 OR G06Q30/0236 OR G06Q30/0238 OR G06Q30/0239 OR G06Q20/108 OR G06Q20/045 OR G06Q10/06 OR G06Q20/00 OR G06Q20/202 OR G06Q20/209).CPC.)	US-PGPUB; USPAT	OR	ON	2016/12/29 19:10
S19	18	S16 AND ((A63F13/00 OR A63F3/0645 OR A63F3/065 OR A63F2003/086 OR A63F3/06 OR A63F3/08 OR A63F9/24).CPC.)	US-PGPUB; USPAT	OR	ON	2016/12/29 19:10
S20	3	S16 AND ((G06F17/303 OR G06F17/30569 OR G07C15/006 OR G07G5/00).CPC.)	US-PGPUB; USPAT	OR	ON	2016/12/29 19:11
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S30	492	online same lottery same ticket same draw$4	US-PGPUB; USPAT	OR	ON	2017/09/15 16:38
S31	929	(online same lottery same ticket)and draw$4	US-PGPUB; USPAT	OR	ON	2017/09/15 16:39
S32	929	(online same lottery same ticket) and draw$4	US-PGPUB; USPAT	OR	ON	2017/09/15 16:39
S33	929	(online same lottery same ticket) and draw$4	US-PGPUB; USPAT	OR	ON	2017/09/16 15:10
S34	498	(online same lottery same ticket) and verif$5	US-PGPUB; USPAT	OR	ON	2017/09/16 15:10
S35	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
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S45	303	(pre adj print$3) with lottery with ticket	US-PGPUB; USPAT	OR	ON	2019/04/01 16:37
S46	15	((pre adj print$3) with lottery with ticket) with POS	US-PGPUB; USPAT	OR	ON	2019/04/01 16:40
S47	17	(lottery with ticket) with (pre adj print$3) with (identif$7 with (number$4 or informat$4))	US-PGPUB; USPAT	OR	OFF	2019/08/21 14:19
S48	19	(lottery with ticket) with (pre adj print$3) with (identif$7 with (number$4 or informat$4))	US-PGPUB; USPAT	OR	ON	2019/08/21 14:56
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S54	218	"6,241,606"	US-PGPUB; USPAT	OR	ON	2019/08/21 16:44
S55	2	"15833566"	US-PGPUB; USPAT	OR	OFF	2019/08/27 18:19
S56	862	human with body with organ with function$4	US-PGPUB; USPAT	OR	OFF	2019/08/28 12:32
S57	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
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S66	1	"14679028"	USPAT	OR	OFF	2019/08/28 17:01

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Incomm Ex. 1033, Page 262 of 375

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

PTO/SB/08a (03-15)
Approved for use through 07/31/2016. 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	15833566
Filing Date	2017-12-06
First Named Inventor	Gino Giunti
Art Unit	3649
Examiner Name	N/A
Attorney Docket Number	4556.23102

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	5935000		1999-08-10	Sanchez III	
	2	6322446	A1	2001-11-27	Yacenda	
	3	8219497	B2	2012-07-10	Crues	
	4	8408986	B2	2013-04-02	Irwin, et al.	
	5	8784180	B2	2014-07-22	Stanek	

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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	20090227320	A1	2009-09-10	McBride	

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

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	15833566
Filing Date	2017-12-06
First Named Inventor	Gino Giunti
Art Unit	3649
Examiner Name	N/A
Attorney Docket Number	4556.23102

	2	20100093421	A1	2010-04-15	Nyman, et al.	

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Examiner Initial*	Cite No	Foreign Document Number[3]	Country Code[2]	Kind Code[4]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T[5]
	1							

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Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T[5]
	1	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	08/29/2019

*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.

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

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	15833566
Filing Date	2017-12-06
First Named Inventor	Gino Giunti
Art Unit	3649
Examiner Name	N/A
Attorney Docket Number	4556.23102

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)	2018-01-11
Name/Print	Jerry C. Harris, Jr.	Registration Number	66822

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

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

Privacy Act Statement

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

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

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

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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.

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PTO/SB/06 (09-11)
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 15/833,566	Filing Date 12/06/2017	☐ To be Mailed

ENTITY: ☑ LARGE ☐ SMALL ☐ MICRO

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA		RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A		N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A		N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A		N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*		x $80 =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*		x $420 =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).				
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))					
* If the difference in column 1 is less than zero, enter "0" in column 2.				TOTAL	

APPLICATION AS AMENDED - PART II

		(Column 1)		(Column 2)	(Column 3)			
AMENDMENT	02/19/2019	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 53	Minus	** 28	= 25		x $100 =	2500
	Independent (37 CFR 1.16(h))	* 5	Minus	*** 3	= 2		x $460 =	920
	☐ Application Size Fee (37 CFR 1.16(s))							
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							
							TOTAL ADD'L FEE	3420

		(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".	/DORIAN EVANS/
*** 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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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Blackhawk Network, Inc.	§		
		§	Group Art Unit:	3649
Serial No.	15/833,566	§		
		§	Examiner:	Sunit Pandya
Filed:	December 6, 2017	§		
		§	Confirmation No.:	1833
For:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS	§		

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

CERTIFICATE OF SUBMISSION

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

2/19/2019
(Date of Submission)

/Kathleen Weese/
Kathleen Weese

SECOND PRELIMINARY AMENDMENT

Sir:

Prior to examination, Applicant respectfully requests the following amendments to the above-identified patent application.

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

Remarks are on page 10 of this paper.

AMENDMENTS TO THE CLAIMS

Listing of Claims:

1.-22. (Canceled)

23. (Currently Amended) The method of claim ~~1~~32, ~~wherein~~ further comprising facilitating, by the transaction processor, ~~the~~ provision of ~~the~~ random draw details, wherein provision of the random draw details comprises delivery of the random draw details in response to a scan of the pre-printed lottery ticket on existing lottery terminals or self-serve ticket checkers.

24. (Currently Amended) The method of claim ~~1~~32, ~~wherein~~ further comprising facilitating, by the transaction processor, ~~the~~ provision of ~~the~~ random draw details, wherein provision of the random draw details comprises delivery of the random draw details in response to ~~the~~ an entry or scanning of the pre-printed lottery ticket's unique identifier into a website.

25. (Currently Amended) The method of claim ~~1~~32, ~~wherein~~ further comprising facilitating, by the transaction processor, ~~the~~ provision of ~~the~~ random draw details, wherein provision of the random draw details comprises delivery of the random draw details in response to ~~the~~ an entry or scanning of the pre-printed lottery ticket's unique identifier into a mobile application.

26. (Previously Presented) A transaction processor system comprising:

at least one communication interface for communicating with other devices;

at least one processing unit for executing instructions; and

at least one memory unit for storing instructions, which when executed by the at least one processing unit causes the transaction processor system to (1) provide unique identification information from a pre-printed lottery ticket, (2) receive, from a lottery administration system, a determined draw information associated with the unique identification information, (3) provide, to the lottery administration system, payment confirmation for the pre-printed lottery ticket, and (4) facilitate provision of random draw details associated with the pre-printed lottery ticket.

27. (Previously Presented) The transaction processor system of claim 26, wherein facilitate provision of random draw details comprises receiving, from the lottery administration system, an image or data package containing at least the random draw details.

28. (Previously Presented) The transaction processor system of claim 26, wherein facilitate provision of random draw details comprises delivery of the random draw details in response to a scan of the pre-printed lottery ticket.

29. (Previously Presented) The transaction processor system of claim 26, wherein facilitate provision of random draw details comprises delivery of the random draw details in response to entry of the pre-printed lottery ticket's unique identifier into a website.

30. (Previously Presented) The transaction processor system of claim 26, wherein facilitate provision of random draw details comprises delivery of the random draw details in response to entry of the pre-printed lottery ticket's unique identifier into a mobile application.

31. (Previously Presented) A transaction processor system comprising:

at least one communication interface for communicating with other devices;

at least one processing unit for executing instructions; and

at least one memory unit for storing instructions, which when executed by the at least one processing unit causes the transaction processor system to (1) provide unique identification information from a pre-printed lottery ticket, (2) receive a determined draw information associated with the unique identification information, (3) provide payment confirmation for the pre-printed lottery ticket, and (4) facilitate provision of random draw details associated with the pre-printed lottery ticket.

32. (New) 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.

33. (New) The method of claim 32, 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.

34. (New) The method of claim 32, 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.

35. (New) The method of claim 32, further comprising receiving unique product information associated with the pre-printed lottery ticket.

36. (New) The method of claim 32, further comprising retrieving unique identification information associated with the pre-printed lottery ticket from the received product information.

37. (New) The method of claim 35, 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.

38. (New) The method of claim 32, further comprising validating the received transaction request.

39. (New) The method of claim 38, wherein validating the received identification information comprises verifying that the product information corresponds to identification information associated with a pre-printed lottery ticket.

40. (New) The method of claim 39, wherein validating the transaction information includes verifying that the product is validly distributed by the retailer.

41. (New) The method of claim 32, 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.

42. (New) The method of claim 32, 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.

43. (New) The method of claim 32, wherein the retailer POS is online.

44. (New) The method of claim 32, wherein at least one of the two or more codes comprise a barcode.

45. (New) The method of claim 44, wherein the barcode comprises a first party information and a second party information.

46. (New) The method of claim 44, wherein the barcode comprises a universal product code and pre-printed lottery ticket information.

47. (New) The method of claim 32, wherein the pre-printed lottery ticket contains information used to redeem a winning prize.

48. (New) The method of claim 32, wherein the lottery administration system generates wagers for the pre-printed lottery ticket and a draw date is assigned to the wagers.

49. (New) The method of claim 32, wherein lottery numbers are entered in a draw.

50. (New) The method of claim 38, wherein the validation comprises age validation.

51. (New) 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.

52. (New) The method of claim 51, wherein the unique identification information is provided by a retailer.

53. (New) The method of claim 51, wherein the unique identification information is provided by a transaction processor.

54. (New) The method of claim 51, 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.

55. (New) 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 one or more codes.

56. (New) The method of claim 55, 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.

57. (New) The method of claim 55, 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.

58. (New) The method of claim 55, further comprising receiving unique product information associated with the pre-printed lottery ticket.

59. (New) The method of claim 55, further comprising retrieving unique identification information associated with the pre-printed lottery ticket from the received product information.

60. (New) The method of claim 58, 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.

61. (New) The method of claim 55, further comprising validating the received transaction request.

62. (New) The method of claim 61, wherein validating the received identification information comprises verifying that the product information corresponds to identification information associated with a pre-printed lottery ticket.

63. (New) The method of claim 62, wherein validating the transaction information includes verifying that the product is validly distributed by the retailer.

64. (New) The method of claim 55, 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.

65. (New) The method of claim 55, 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.

66. (New) The method of claim 55, wherein the retailer POS is online.

67. (New) The method of claim 55, wherein at least one of the one or more codes comprise a barcode.

68. (New) The method of claim 67, wherein the barcode comprises a first party information and a second party information.

69. (New) The method of claim 67, wherein the barcode comprises a universal product code and pre-printed lottery ticket information.

70. (New) The method of claim 55, wherein the pre-printed lottery ticket contains information used to redeem a winning prize.

71. (New) The method of claim 55, wherein the lottery administration system generates wagers for the pre-printed lottery ticket and a draw date is assigned to the wagers.

72. (New) The method of claim 55, wherein lottery numbers are entered in a draw.

73. (New) The method of claim 61, wherein the validation comprises age validation.

74. (New) The method of claim 55, wherein said pre-printed lottery ticket comprises two or more codes.

75. (New) The method of claim 74, 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.

REMARKS

Status of Claims

Claims 1-22 have been canceled.

Claims 23-25 have been amended.

Claims 26-31 were previously presented.

Claims 32-75 are new.

Claims 23-75 are currently pending in this application.

No new matter is introduced by way of this amendment. Applicant hereby request examination of the presently claimed application.

Claim Amendments

Support for the instant claim amendments and new clams is found in the Specification. *See* Application at ¶¶ [0029]-[0044].

CONCLUSION

Applicant respectfully submits that the present application as amended is in condition for examination. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting this correction, he is encouraged to telephone the undersigned at the telephone number given below.

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.

Respectfully submitted,
WICK PHILLIPS GOULD & MARTIN, LLP

Date: February 19, 2019

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

ATTORNEY FOR APPLICANT

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Electronic Patent Application Fee Transmittal

Application Number:	15833566
Filing Date:	06-Dec-2017
Title of Invention:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS
First Named Inventor/Applicant Name:	Gino Giunti
Filer:	Jerry Harris/Kathleen Weese
Attorney Docket Number:	4556.23102

Filed as Large Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
CLAIMS IN EXCESS OF 20	1202	33	100	3300
INDEPENDENT CLAIMS IN EXCESS OF 3	1201	2	460	920
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	**4220**

Electronic Acknowledgement Receipt

EFS ID:	35192938
Application Number:	15833566
International Application Number:	
Confirmation Number:	1833
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:	4556.23102
Receipt Date:	19-FEB-2019
Filing Date:	06-DEC-2017
Time Stamp:	17:24:00
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$4220
RAM confirmation Number	022019INTEFSW17244000
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		021919_SecondPreliminaryAmendment.pdf	111261 22fab4401af5d580b89a8d3478254f0d4ebdeb21	yes	11

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Preliminary Amendment	1	1
	Claims	2	9
	Applicant Arguments/Remarks Made in an Amendment	10	11

Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	32017 be6766c23dd12387d0f55c83165e0c6f7fd62805	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	143278		

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

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Blackhawk Network, Inc.	§		
		§	Group Art Unit:	3649
Serial No.	15/833,566	§		
		§	Examiner:	Sunit Pandya
Filed:	December 6, 2017	§		
		§	Confirmation No.:	1833
For:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS	§		

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

CERTIFICATE OF SUBMISSION

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

11/26/2018
(Date of Submission)

/Kathleen Weese/
Kathleen Weese

PRELIMINARY AMENDMENT

Sir:

Prior to examination, Applicant respectfully requests the following amendments to the above-identified patent application.

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

Remarks are on page 7 of this paper.

AMENDMENTS TO THE CLAIMS

Listing of Claims:

1. (Currently Amended) A method ~~of generating~~for providing a lottery ticket for a random draw comprising:

~~receiving at~~providing, by a transaction processor, to a lottery administration system, unique identification information from a pre-printed lottery ticket;

~~determining at~~receiving, by the ~~lottery administration system draw information for a subsequent draw being held;~~

~~associating at~~transaction processor, from the lottery administration system ~~the~~, a determined draw information associated with the unique identification information;

~~receiving at~~providing, by the transaction processor, to the lottery administration system, payment confirmation for the pre-printed lottery ticket; and

~~transmitting from~~facilitating, by the ~~lottery administration~~transaction processor, provision of random draw details associated with the pre-printed lottery ticket.

2. (Original) The method of claim 1, wherein receiving the unique identification information comprises receiving the unique identification information over a secure communication channel from a point of sale (POS) system.

3. (Canceled)

4. (Currently Amended) The method of claim 1 ~~or 2 or 3~~, further comprising receiving product information of the pre-printed lottery ticket along with the unique identification information.

5. (Currently Amended) The method of claim 1 ~~or 2 or 3~~, further comprising retrieving product information of the pre-printed lottery ticket using the ~~received~~ unique identification information.

6. (Currently Amended) The method of claim 4 ~~or 5~~, wherein the product information indicates 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. (Currently Amended) The method of ~~any one of claims~~ claim 1 ~~to 6~~, further comprising:

validating the ~~received~~ unique identification information.

8. (Currently Amended) The method of claim 7, wherein validating the ~~received~~ unique identification information comprises verifying that the unique identification information corresponds to ~~unique~~ identification information associated with a pre-printed lottery ticket.

9. (Currently Amended) The method of claim 8, wherein validating the ~~received~~ unique identification information further comprises verifying that the unique identification information

corresponds to ~~unique~~ identification information associated with one of a plurality of pre-printed lottery tickets distributed to the vendor of the pre-printed lottery ticket.

10. (Currently Amended) The method of ~~any one of claims~~claim 1 ~~to 9~~, wherein ~~determining the~~receiving draw information comprises ~~generating~~receiving at least one random number for ~~the~~a subsequent draw.

11. (Currently Amended) The method of ~~any one of claims~~claim 1 ~~to 9~~, wherein ~~determining the~~receiving the determined draw information comprises:

~~generating~~receiving at least one random number; and

~~determining~~receiving the next available draw date.

12. (Currently Amended) The method of ~~any one of claims~~claim 1 ~~to 11~~, wherein ~~associating~~facilitating the ~~determined~~provision of the random draw ~~information with the unique identification information~~details comprises ~~storing the associated draw information and unique identification information in a database of the lottery administration system~~receiving, by the transaction processor, an image or data package containing at least the random draw details.

13.-22. (Canceled)

23. (New) The method of claim 1, wherein facilitating the provision of the random draw details comprises delivery of the random draw details in response to a scan of the pre-printed lottery ticket on existing lottery terminals or self-serve ticket checkers.

24. (New) The method of claim 1, wherein facilitating the provision of the random draw details comprises delivery of the random draw details in response to the entry or scanning of the pre-printed lottery ticket's unique identifier into a website.

25. (New) The method of claim 1, wherein facilitating the provision of the random draw details comprises delivery of the random draw details in response to the entry or scanning of the pre-printed lottery ticket's unique identifier into a mobile application.

26. (New) A transaction processor system comprising:

at least one communication interface for communicating with other devices;

at least one processing unit for executing instructions; and

at least one memory unit for storing instructions, which when executed by the at least one processing unit causes the transaction processor system to (1) provide unique identification information from a pre-printed lottery ticket, (2) receive, from a lottery administration system, a determined draw information associated with the unique identification information, (3) provide, to the lottery administration system, payment confirmation for the pre-printed lottery ticket, and (4) facilitate provision of random draw details associated with the pre-printed lottery ticket.

27. (New) The transaction processor system of claim 26, wherein facilitate provision of random draw details comprises receiving, from the lottery administration system, an image or data package containing at least the random draw details.

28. (New) The transaction processor system of claim 26, wherein facilitate provision of random draw details comprises delivery of the random draw details in response to a scan of the pre-printed lottery ticket.

29. (New) The transaction processor system of claim 26, wherein facilitate provision of random draw details comprises delivery of the random draw details in response to entry of the pre-printed lottery ticket's unique identifier into a website.

30. (New) The transaction processor system of claim 26, wherein facilitate provision of random draw details comprises delivery of the random draw details in response to entry of the pre-printed lottery ticket's unique identifier into a mobile application.

31. (New) A transaction processor system comprising:

at least one communication interface for communicating with other devices;

at least one processing unit for executing instructions; and

at least one memory unit for storing instructions, which when executed by the at least one processing unit causes the transaction processor system to (1) provide unique identification information from a pre-printed lottery ticket, (2) receive a determined draw information associated with the unique identification information, (3) provide payment confirmation for the pre-printed lottery ticket, and (4) facilitate provision of random draw details associated with the pre-printed lottery ticket.

REMARKS

Status of Claims

Claims 1 and 4-12 have been amended.

Claim 2 is original.

Claims 3 and 13-22 have been canceled.

Claims 23-31 are new.

Claims 1, 2, 4-12, and 23-31 are currently pending in this application.

No new matter is introduced by way of this amendment. Applicant hereby request examination of the presently claimed application.

Claim Amendments

Support for the instant claim amendments and new clams is found in the Specification. *See* Application at ¶¶ [0039]-[0042].

CONCLUSION

Applicant respectfully submits that the present application as amended is in condition for examination. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting this correction, he is encouraged to telephone the undersigned at the telephone number given below.

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.

Respectfully submitted,
WICK PHILLIPS GOULD & MARTIN, LLP

Date: November 26, 2018

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

ATTORNEY FOR APPLICANT

5700 Granite Parkway, Suite 330
Plano, Texas 75024
(214) 297-0250 (Telephone)
(214) 297-0284 (Facsimile)

Electronic Acknowledgement Receipt

EFS ID:	34395484
Application Number:	15833566
International Application Number:	
Confirmation Number:	1833
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:	4556.23102
Receipt Date:	26-NOV-2018
Filing Date:	06-DEC-2017
Time Stamp:	16:57:20
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		112618_PreliminaryAmendment.pdf	104447 7077984d11295ac5d426c9e194ffd7b3e88d8cf4	yes	8

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Preliminary Amendment	1	1
	Claims	2	6
	Applicant Arguments/Remarks Made in an Amendment	7	8
Warnings:			
Information:			
	Total Files Size (in bytes):	104447	

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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.

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PTO/SB/06 (09-11)
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 15/833,566	Filing Date 12/06/2017	☐ To be Mailed

ENTITY: ☑ LARGE ☐ SMALL ☐ MICRO

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA		RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A		N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A		N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A		N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*		x $80 =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*		x $420 =	
☐ 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	11/26/2018	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 20	Minus	** 28	= 0		x $100 =	0
	Independent (37 CFR 1.16(h))	* 3	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	

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 15/833,566

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), (i), 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(i))	28 minus 20 =	* 8			OR	x 100 =	800
INDEPENDENT CLAIMS (37 CFR 1.16(h))	3 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))							820
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APPLICATION AS AMENDED - PART II

		(Column 1)		(Column 2)	(Column 3)	SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE($)	ADDITIONAL FEE($)		RATE($)	ADDITIONAL FEE($)
AMENDMENT A	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))									
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

		(Column 1)		(Column 2)	(Column 3)					
		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE($)	ADDITIONAL FEE($)		RATE($)	ADDITIONAL FEE($)
AMENDMENT B	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))									
	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.
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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
15/833,566	12/06/2017	3649	3020	4556.23102	22	3

CONFIRMATION NO. 1833

UPDATED FILING RECEIPT

15608
Blackhawk Network, Inc.
5700 Granite Parkway
Suite 330
Plano, TX 75024

OC000000101885597

Date Mailed: 08/29/2018

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Inventor(s)

Gino Giunti, Sault Ste. Marie, CANADA;

Applicant(s)

Blackhawk Network Inc., Pleasanton, CA;

Power of Attorney: The patent practitioners associated with Customer Number 15608

Domestic Priority data as claimed by applicant

This application 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.

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The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 15/833,566**

Projected Publication Date: Not Applicable

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

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
15/833,566	12/06/2017	Gino Giunti	4556.23102

CONFIRMATION NO. 1833

PUBLICATION NOTICE

15608
Blackhawk Network, Inc.
5700 Granite Parkway
Suite 330
Plano, TX 75024

OC00000098582137

Title:METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS

Publication No.US-2018-0096558-A1
Publication Date:04/05/2018

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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.

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(Not for submission under 37 CFR 1.99)

Application Number	15833566
Filing Date	2017-12-06
First Named Inventor	Gino Giunti
Art Unit	3649
Examiner Name	N/A
Attorney Docket Number	4556.23102

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
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	2	6322446	A1	2001-11-27	Yacenda	
	3	8219497	B2	2012-07-10	Crues	
	4	8408986	B2	2013-04-02	Irwin, et al.	
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	1	20090227320	A1	2009-09-10	McBride	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	15833566
	Filing Date	2017-12-06
	First Named Inventor	Gino Giunti
	Art Unit	3649
	Examiner Name	N/A
	Attorney Docket Number	4556.23102

	2	20100093421	A1	2010-04-15	Nyman, et al.	

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NON-PATENT LITERATURE DOCUMENTS Remove

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T[5]
	1	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 Add

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	15833566
	Filing Date	2017-12-06
	First Named Inventor	Gino Giunti
	Art Unit	3649
	Examiner Name	N/A
	Attorney Docket Number	4556.23102

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)	2018-01-11
Name/Print	Jerry C. Harris, Jr.	Registration Number	66822

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

Privacy Act Statement

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

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

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

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

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

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

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

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

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

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

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

Electronic Acknowledgement Receipt

EFS ID:	31474386
Application Number:	15833566
International Application Number:	
Confirmation Number:	1833
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:	4556.23102
Receipt Date:	11-JAN-2018
Filing Date:	06-DEC-2017
Time Stamp:	14:41:53
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Form (SB08)	011118_IDS_Form.pdf	1035312 f4af4b2e0b8095a5bcfaef98c0b8918e36a209c9	no	4

Warnings:

Information:					
2	Non Patent Literature	62104844_FilingReceiptSpec.pdf	972557 693c91f33c75b43af1af4774748e7dbde5ae1570	no	25
Warnings:					
Information:					
			Total Files Size (in bytes):	2007869	

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.

Electronic Patent Application Fee Transmittal

Application Number:	15833566
Filing Date:	06-Dec-2017
Title of Invention:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS
First Named Inventor/Applicant Name:	Gino Giunti
Filer:	Jerry Harris/Kathleen Weese
Attorney Docket Number:	4556.23102

Filed as Large Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
CLAIMS IN EXCESS OF 20	1202	6	80	480
MULTIPLE DEPENDENT CLAIMS	1203	1	780	780
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	**1260**

Electronic Acknowledgement Receipt

EFS ID:	31435435
Application Number:	15833566
International Application Number:	
Confirmation Number:	1833
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:	4556.23102
Receipt Date:	08-JAN-2018
Filing Date:	06-DEC-2017
Time Stamp:	15:18:38
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$1260
RAM confirmation Number	010918INTEFSW15193300
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	Fee Worksheet (SB06)	fee-info.pdf	32001 ed36700e4db7b2082e69ab4249a3e4a64af6927f	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	32001		

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
15/833,566	12/06/2017	3714	1760	4556.23102	22	3

CONFIRMATION NO. 1833

FILING RECEIPT

15608
Blackhawk Network, Inc.
C/O Wick Phillips Gould & Martin, LLP
3131 McKinney Avenue, Suite 100
Dallas, TX 75204

OC000000098272961

Date Mailed: 12/26/2017

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: The patent practitioners associated with Customer Number 15608

Domestic Priority data as claimed by applicant

This application 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: No

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: 12/22/2017

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 15/833,566**

Projected Publication Date: 04/05/2018

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 AssetsControl, 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.

MULTIPLE DEPENDENT CLAIM FEE CALCULATION SHEET

Substitute for Form PTO-1360
(For use with Form PTO/SB/06)

Application Number	Filing Date
15833566	

Applicant(s) Gino Giunti

* May be used for additional claims or amendments

CLAIMS	AS FILED		AFTER FIRST AMENDMENT		AFTER SECOND AMENDMENT	
	Indep	Depend	Indep	Depend	Indep	Depend
1	1					
2		1				
3		1				
4		3				
5		3				
6		(1)				
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8		(1)				
9		(1)				
10		(1)				
11		(1)				
12		(1)				
13		(1)				
14		(1)				
15	1					
16	1					
17		2				
18		(1)				
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Total Indep	3		0		0	
Total Depend	25	↵	0	↵	0	↵
Total Claims	28		0		0	

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	Indep	Depend	Indep	Depend	Indep	Depend
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 15/833,566

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	280
SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	600
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	720
TOTAL CLAIMS (37 CFR 1.16(i))	28 minus 20 =	* 8			OR	x 80 =	640
INDEPENDENT CLAIMS (37 CFR 1.16(h))	3 minus 3 =	*				x 420 =	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))							780
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	3020

APPLICATION AS AMENDED - PART II

		(Column 1)		(Column 2)	(Column 3)	SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE($)	ADDITIONAL FEE($)		RATE($)	ADDITIONAL FEE($)
AMENDMENT A	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))									
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

		(Column 1)		(Column 2)	(Column 3)					
		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE($)	ADDITIONAL FEE($)		RATE($)	ADDITIONAL FEE($)
AMENDMENT B	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))									
	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
15/833,566	12/06/2017	Gino Giunti	4556.23102

CONFIRMATION NO. 1833

15608
Blackhawk Network, Inc.
C/O Wick Phillips Gould & Martin, LLP
3131 McKinney Avenue, Suite 100
Dallas, TX 75204

FORMALITIES LETTER

OC000000096272962

Date Mailed: 12/26/2017

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing.

Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- Additional claim fees of $ **1260** as an undiscounted entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

The fee(s) required within **TWO MONTHS** from the date of this Notice to avoid abandonment is/are itemized below. No entity status discount is in effect. If applicant is qualified for small entity status, a written assertion of small entity status must be submitted to establish small entity status. (See 37 CFR 1.27). If applicant is qualified for micro entity status, an acceptable Certification of Micro Entity Status must be submitted to establish micro entity status. (See 37 CFR 1.29 and forms PTO/SB/15A and 15B.)

- $ **640** for **8** total claims over 20.
- $ **780** for multiple dependent claim surcharge.
- $(**160**) previous unapplied payment amount.
- $ **1260** TOTAL FEE BALANCE DUE.

Replies must be received in the USPTO within the set time period or must include a proper Certificate of Mailing or Transmission under 37 CFR 1.8 with a mailing or transmission date within the set time period. For more information and a suggested format, see Form PTO/SB/92 and MPEP 512.

Replies should be mailed to:

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web, including a copy of this Notice and selecting the document description "Applicant response to Pre-Exam Formalities Notice". https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at http://www.uspto.gov/ebc.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

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**.

/cnguyen/

PTO/AIA/80 (07-12)
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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	[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.

PTO/AIA/96 (08-12)
Approved for use through 01/31/2013. OMB 0651-0031
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STATEMENT UNDER 37 CFR 3.73(c)

Applicant/Patent Owner: Gino Giunti

Application No./Patent No.: 15/833,566 Filed/Issue Date: December 6, 2017

Titled: Methods for Selling Pre-Printed Online Lottery Tickets

Blackhawk 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.

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.

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)

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./	December 7, 2017
Signature	Date
Jerry C. Harris, Jr.	66,822
Printed or Typed Name	Title or Registration Number

PATENT ASSIGNMENT AGREEMENT

This PATENT ASSIGNMENT AGREEMENT (**"Patent Assignment"**), dated as of August 30, 2016 (the **"Effective Date"**), is made by Gino Giunti, as an individual, and Pentagon Solutions, Inc. (collectively referred to herein as **"Assignor"**), located at 212 Pentagon Blvd, Sault Ste. Marie, ON P6B 5J3, in favor of Blackhawk Network, Inc. (**"Assignee"**), located at 6220 Stoneridge Mall Road, Pleasanton, CA 94588, in connection with the assignment of certain assets of Assignor to Assignee.

WHEREAS, under the terms of this **Patent Assignment**, Assignor conveys, transfers and assigns to Assignee certain Assigned Patents (as defined herein), and has agreed to execute and deliver this **Patent Assignment** in a form recordable with United States authorities including, but not limited to, the US Patent and Trademark Office (USPTO), and other national and supranational governmental authorities.

WHEREAS, Assignee wishes to obtain all of Assignor's right, title and interest in and to the Assigned Patents (as defined herein).

NOW THEREFORE, Assignor agrees as follows:

1. Assignment. In good and valuable consideration described herein, the sufficiency is hereby acknowledged, Assignor hereby irrevocably conveys, transfers and assigns to Assignee, its successors and assigns, and Assignee hereby accepts, all of Assignor's right, title and interest in, to and under the **Assigned Patents** (defined below), of which Assignee warrants that he is the sole inventor and holder of all rights such that he can effectively convey and assign all rights to the Assigned Patents to Assignor. The consideration and milestone payments and terms are as follows:

   a. After executing this Agreement, Assignor agrees to reasonably cooperate with the execution of necessary papers to complete the effective assignment of the '028 application and to provide all other cooperation needed to draft, revise, and prosecute the '028 application and the **Assigned Patents**.

   b. Assignee agrees to pay Assignor one hundred thousand dollars USD ($100,000) to be paid upon the successful recordation of the assignment of valid rights to U.S. Patent Application No. 14/679,028 ("the '028 application") entitled "Methods for Selling Pre-Printed Online Lottery

Tickets", with a filing date of 04/06/2015, U.S. Provisional Application No. 62/104,844 (the "'844 application"), and the other **Assigned Patents**.

c. Twenty five thousand dollars USD ($25,000) in addition will be paid to Assignor if and when the '028 application issues as a granted U.S. patent. Such payment to be applied as an advance credited toward royalties and royalties due, such royalty payments, when due, will be first applied against the amounts advanced by Assignee (e.g., royalties will be deducted from the amount advanced until such amount is exhausted)("**Royalty Advance**").

d. Twenty five thousand dollars USD ($25,000) in addition will be paid to Assignor if and when a first commercial transaction is completed by Assignee or Assignee's contracted partners for such a transaction in a U.S. state where the transaction is as detailed in Figures 3-5 and 7-8 of the '028 application or the descriptions of those Figures in the '028 application (a "**Covered Transaction**"). A $25,000 payment is made one time for each new state when the first **Covered Transaction** is completed. Each such $25,000 payment is a **Royalty Advance**.

e. Twenty five thousand dollars USD ($25,000) in addition will be paid to Assignor if and when a first commercial transaction is completed by Assignee or Assignee's contracted partners for such a transaction in a foreign country, other than the U.S. or Canada (Canada is royalty free), where the transaction is a **Covered Transaction**. A $25,000 payment is made one time for each new foreign country, other than the U.S. or Canada, when the first **Covered Transaction** is completed. Each such $25,000 payment is a **Royalty Advance**. The initial payment and royalty stays if there is a patent. If there is no patent in the county the product is launched, then it is a $25,000 initial payment that goes towards the $5M. There are no royalties in a country without a patent.

f. One and a half cents per **Covered Transaction** USD ($0.015/**Covered Transaction**)("Royalties") up to (i) a maximum cumulative Covered Transaction payment of five million dollars USD ($5,000,000) or (ii) ten (10) years from the first Covered Transaction, excluding in Canada ("Fee Term"), first applying the credit of sections c – e above. Royalties are not due on transactions not following the transaction detailed in Figures 3-5 and 7-8 of the '028 application.

g. After the first of either (i) the five million dollar maximum payment; or (ii) the ten (10) year Fee Term has been reached, there are no other fees due to Assignor by Assignee and Assignee is the owner of all **Asserted Patents** with no further payment obligations to Assignee.

2. Assigned Patents. The **Assigned Patents** include the '028 and '844 applications and all patents that issue from or claim priority to such patent applications, and all continuations, continuations-in-part, divisionals, extensions, substitutions, reissues, re-examinations, foreign equivalents, and renewals, of any of the foregoing, and any patents or patent applications from which any of them claim priority or that claim priority from any of them. For all **Assigned Patents**, Assignee solely controls the prosecution and filing strategy without obligation, express or implied.

3. The **Patent Assignment** includes:

a. All rights, privileges and protections of any kind whatsoever of Assignor accruing under any of the **Assigned Patents**. The **Assigned Patents** include all rights provided under the applicable law of any jurisdiction, by international treaties and conventions and otherwise throughout the world, including, but not limited to, the right to file foreign patent applications;

b. All rights, privileges and protections of any kind whatsoever of Assignor under any licenses, agreements or contract rights with respect to any of the **Assigned Patents** granted or that could be granted by Assignor to any third party, including any and all royalties, fees, income, payments and other proceeds now or hereafter due or payable to Assignor under or in connection with the Assigned Patents, other than those due according to this **Patent Assignment**; and

c. All rights to any and all claims and causes of action, with respect to any of the **Assigned Patents**, whether accruing before, on or after the Effective Date, including all rights to and claims for damages, restitution and injunctive and other legal and equitable relief for past, present and future infringement, misappropriation, violation, misuse, breach or default, with the right but no obligation to petition or sue for, or otherwise seek, such legal and equitable relief and to collect, or otherwise recover, any such damages.

4. Royalty Patent. A **Royalty Patent** includes the U.S. patent that issues from the '028 application and all continuation and divisional patents issuing from a

continuation or divisional application of the '028 application. A **Royalty Patent** also includes any **Assigned Patent** where Gino Giunti is the sole inventor.

5. Recordation and Further Actions. Assignor shall execute and deliver to Assignee, a short form patent assignment which will be provided to Assignor upon execution of the **Patent Assignment**. Assignor authorizes the Commissioner for Patents for the USPTO and the appropriate officers of the USPTO and all other jurisdictions in which any of the Assigned Patents may be recorded, registered or pending, to record and register this Assignment upon request by Assignee. From time to time after the Effective Date, Assignor shall execute any and all documents, including assignments, transfers and related powers of attorney, and take all other further actions as may be necessary or reasonably requested by Assignee to effect, record, perfect or enforce the transfers set forth in this **Patent Assignment** and ensure that all of Assignor's right, title and interest in and to the Assigned Patents and all registrations and recordations thereof, are properly assigned to Assignee, its successors and assigns in accordance with this **Patent Assignment**.

6. Cooperation. Mr. Giunti agrees to cooperate and, if asked, to testify in connection with any administrative or legal proceedings affecting any right, title, interest or benefit of Assignee in, to or under the **Assigned Patents** and perform any other acts as Assignee may deem reasonably necessary or desirable to carry out the intent of this **Patent Assignment**. Assignee shall reimburse Assignor for all costs reasonably/actually incurred by Assignor in the performance of its obligations under this Section 6.

7. Representations and Warranties. Assignor hereby represents and warrants to Assignee that, as of the Effective Date:

a. All required filings and fees related to the **Assigned Patents** have been timely filed with and paid to the USPTO and other relevant governmental authorities and authorized registrars, and all **Assigned Patents** are otherwise in good standing. Assignor has provided Assignee with true and complete copies of all file histories, documents, certificates, office actions, correspondence and other materials related to the filing and prosecution of each of the **Assigned Patents**;

b. To the Assignor's knowledge, the **Assigned Patents** are valid and enforceable by Assignor in all applicable jurisdictions, and are not subject to any threat or claim to the contrary. Assignor owns all right, title and interest in and to the **Assigned Patents**, and the inventions and improvements disclosed and claimed therein, free and clear of liens, security interests and other encumbrances. Assignor is in full compliance with all legal requirements applicable to the **Assigned Patents** and Assignor's ownership and use thereof; and

c. Assignor possesses, and has the full right, power and authority to assign and transfer to Assignee all right, title and interest in and to the **Assigned Patents**.

d. If Assignor breaches Sections 5a – 5c, Assignee may terminate the agreement, where Assignee would then reassign the Assigned Patents to Assignor and Assignor shall return and repay all fees paid by Assignee.

8. General.

a. Entire Agreement. This **Patent Assignment**, together with other agreements incorporated therein by reference and all related exhibits, constitute the sole and entire agreement of the parties with respect to the subject matter contained herein, and supersedes all prior and contemporaneous understandings and agreements, both written and oral, with respect to such subject matter.

b. Successors and Assigns. This **Patent Assignment** shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns.

c. Governing Law. All matters arising out of or relating to this **Patent Assignment** shall be governed by and construed in accordance with the laws of the United States and the internal laws of the State of California, Alameda County, without giving effect to any choice or conflict of law provision or rule.

d. Counterparts. This **Patent Assignment** may be executed in counterparts, each of which shall be deemed an original, but all of which together shall

be deemed to be one and the same agreement. A signed copy of this **Patent Assignment** delivered by facsimile, e-mail or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original signed copy of this **Patent Assignment**.

IN WITNESS WHEREOF, Assignor and Assignee have duly executed and delivered this **Patent Assignment** as of the Effective Date.

Assignor

By: _____
Name: Gino Giunti

Date: Aug 30/16

Assignor

By: _____
Name: David Tate
Blackhawk Network, Inc.

Date: _____

NOTARIZATION:

Electronic Acknowledgement Receipt

EFS ID:	31162682
Application Number:	15833566
International Application Number:	
Confirmation Number:	1833
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:	4556.23102
Receipt Date:	07-DEC-2017
Filing Date:	
Time Stamp:	16:35:34
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		ExecutedPOAStatement373.pdf	10700673 1f0b6890e561a92fc7219ca11db4d6c528c73282	yes	9

	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	9

Warnings:

The page size in the PDF is too large. The pages should be 8.5 x 11 or A4. If this PDF is submitted, the pages will be resized upon entry into the Image File Wrapper and may affect subsequent processing

Information:

Total Files Size (in bytes):	10700673

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

PTO/AIA/14 (07-14)
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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	4556.23102
	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. Add

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	patents@wickphillips.com	Add Email	Remove Email

Application Information:

Title of the Invention	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS		
Attorney Docket Number	4556.23102	Small Entity Status Claimed	☐
Application Type	Nonprovisional		
Subject Matter	Utility		
Total Number of Drawing Sheets (if any)	9	Suggested Figure for Publication (if any)	

PTO/AIA/14 (07-14)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	4556.23102
	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 this 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 blank.

Prior Application Status	Pending		Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	Continuation of	14679028	2015-04-06
Prior Application Status	Expired		Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
14679028	Claims benefit of provisional	62104844	2015-01-18

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	4556.23102
	Application Number	
Title of Invention	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS	

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)

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.

Authorization to Permit Access:

☒ Authorization to Permit Access to the Instant Application by the Participating Offices

PTO/AIA/14 (07-14)
Approved for use through 04/30/2017. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	4556.23102
	Application Number	
Title of Invention	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS	

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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. ☒

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City	Pleasanton	**State/Province**	CA
Country	US	Postal Code	94588
Phone Number		Fax Number	

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	4556.23102
	Application Number	
Title of Invention	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS	

Email Address	

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Address 2			
City		**State/Province**	
Country i		Postal Code	
Phone Number		Fax Number	
Email Address			

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Signature	/Jerry C. Harris, Jr./			Date (YYYY-MM-DD)	2017-12-06
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	4556.23102
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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.

100

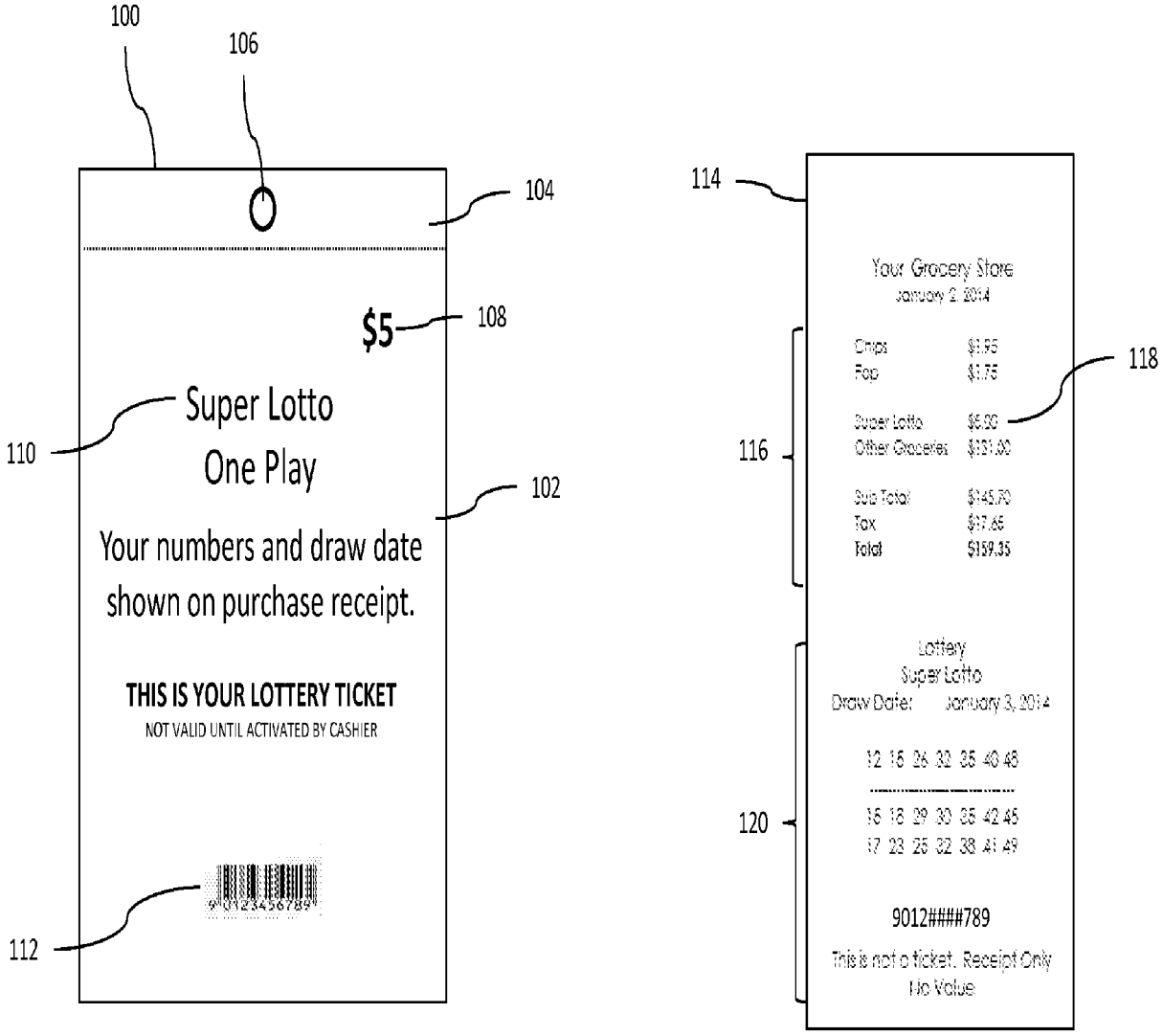

100
106
104
$5
108
Super Lotto
One Play
110
102
Your numbers and draw date
shown on purchase receipt.
THIS IS YOUR LOTTERY TICKET
NOT VALID UNTIL ACTIVATED BY CASHIER
112
114
Your Grocery Store
January 2, 2014
Chips $1.95
Pop $1.75
Super Lotto $5.00
Other Groceries $131.00
118
116
Sub Total $145.70
Tax $17.65
Total $159.35
Lottery
Super Lotto
Draw Date: January 3, 2014
12 15 26 32 35 40 48
16 18 29 30 35 42 45
17 23 25 32 38 41 49
120
9012####789
This is not a ticket. Receipt Only
No Value

Figure 1

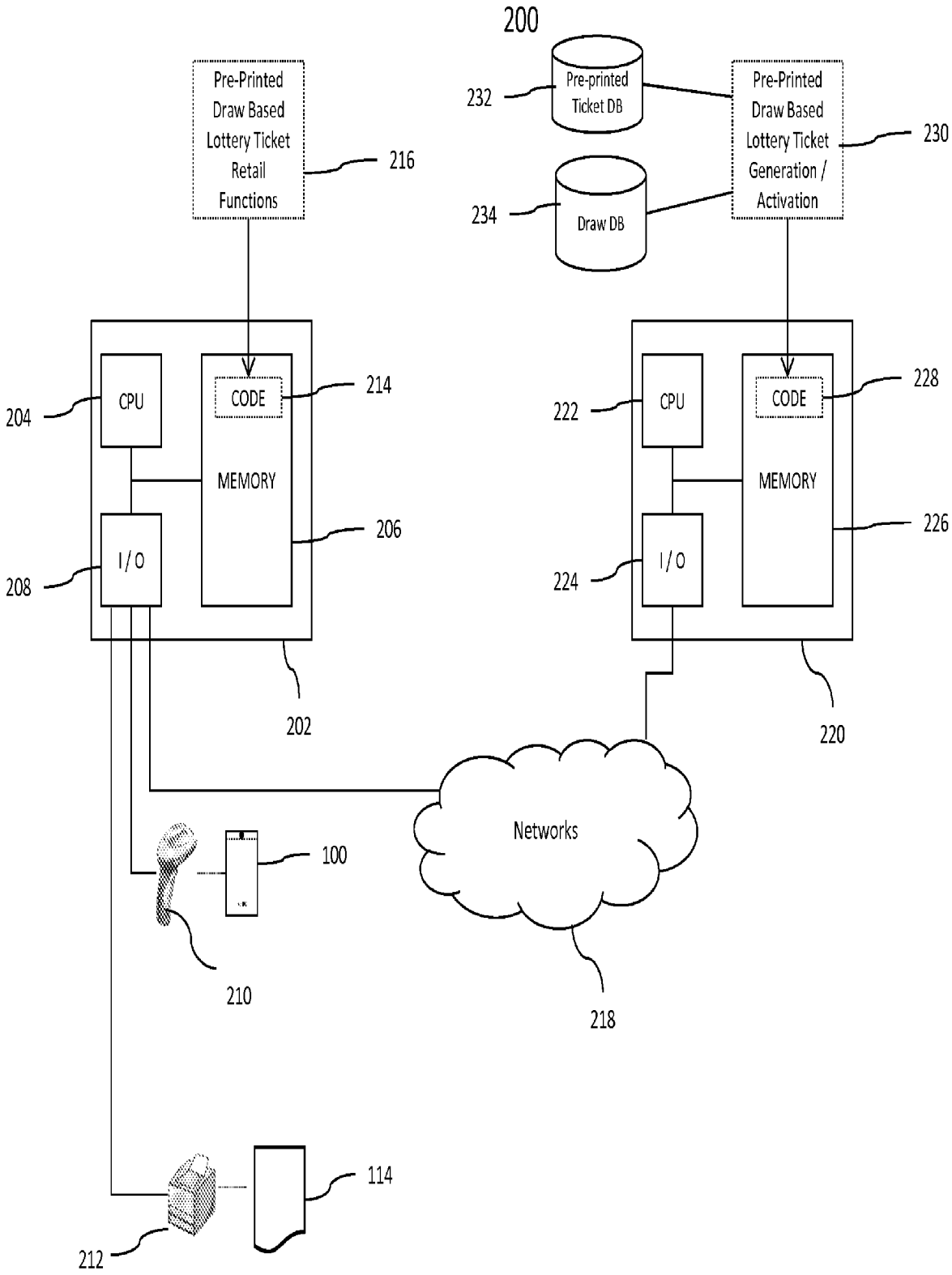

200
Pre-Printed Draw Based Lottery Ticket Retail Functions
216
232
Pre-printed Ticket DB
234
Draw DB
Pre-Printed Draw Based Lottery Ticket Generation / Activation
230
204
CPU
CODE
214
MEMORY
206
208
I/O
202
222
CPU
CODE
228
MEMORY
226
224
I/O
220
Networks
218
100
210
114
212

Figure 2

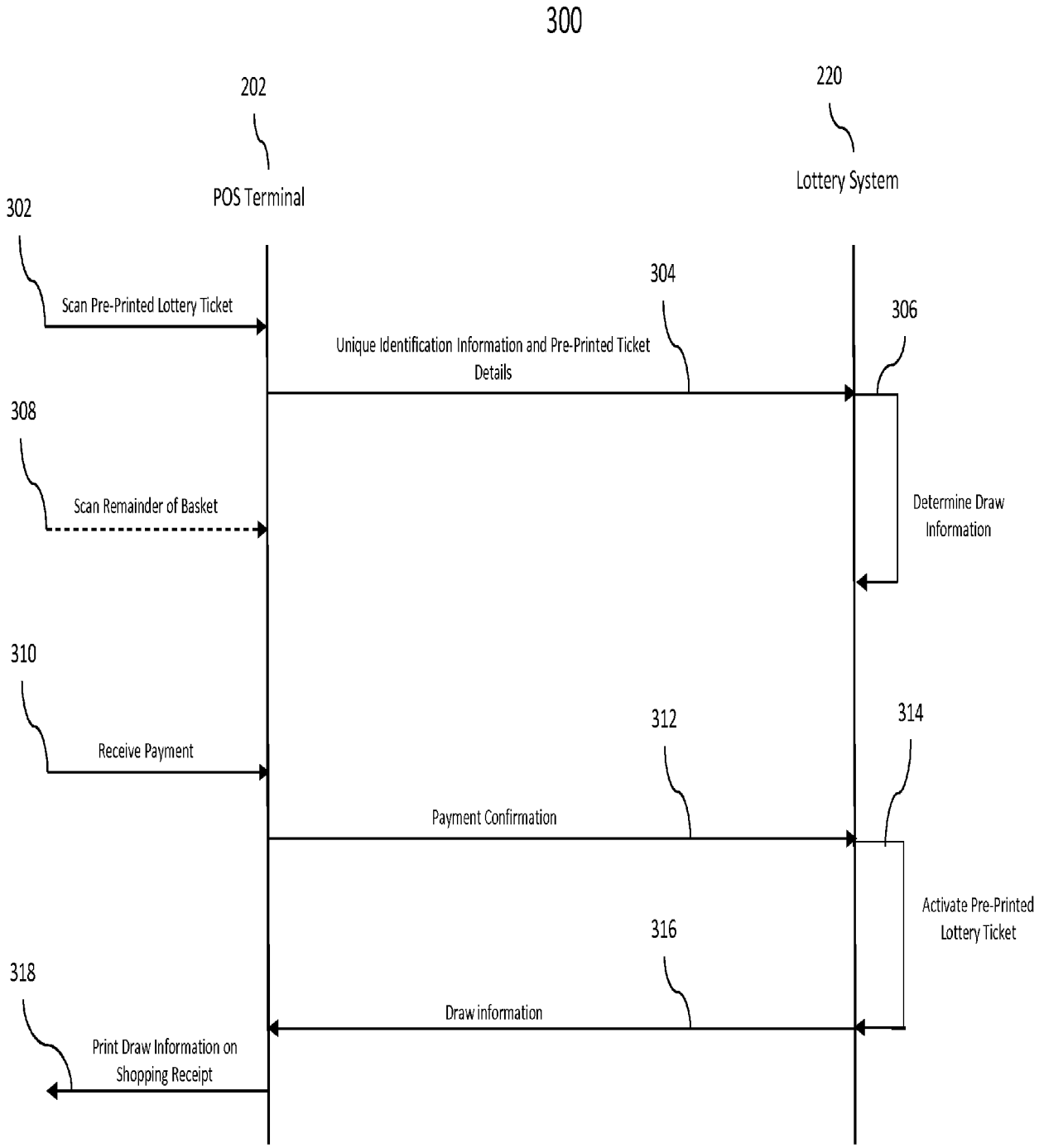

300
202
POS Terminal
220
Lottery System
302
Scan Pre-Printed Lottery Ticket
304
Unique Identification Information and Pre-Printed Ticket Details
306
308
Scan Remainder of Basket
Determine Draw Information
310
Receive Payment
312
Payment Confirmation
314
Activate Pre-Printed Lottery Ticket
316
Draw information
318
Print Draw Information on Shopping Receipt

Figure 3

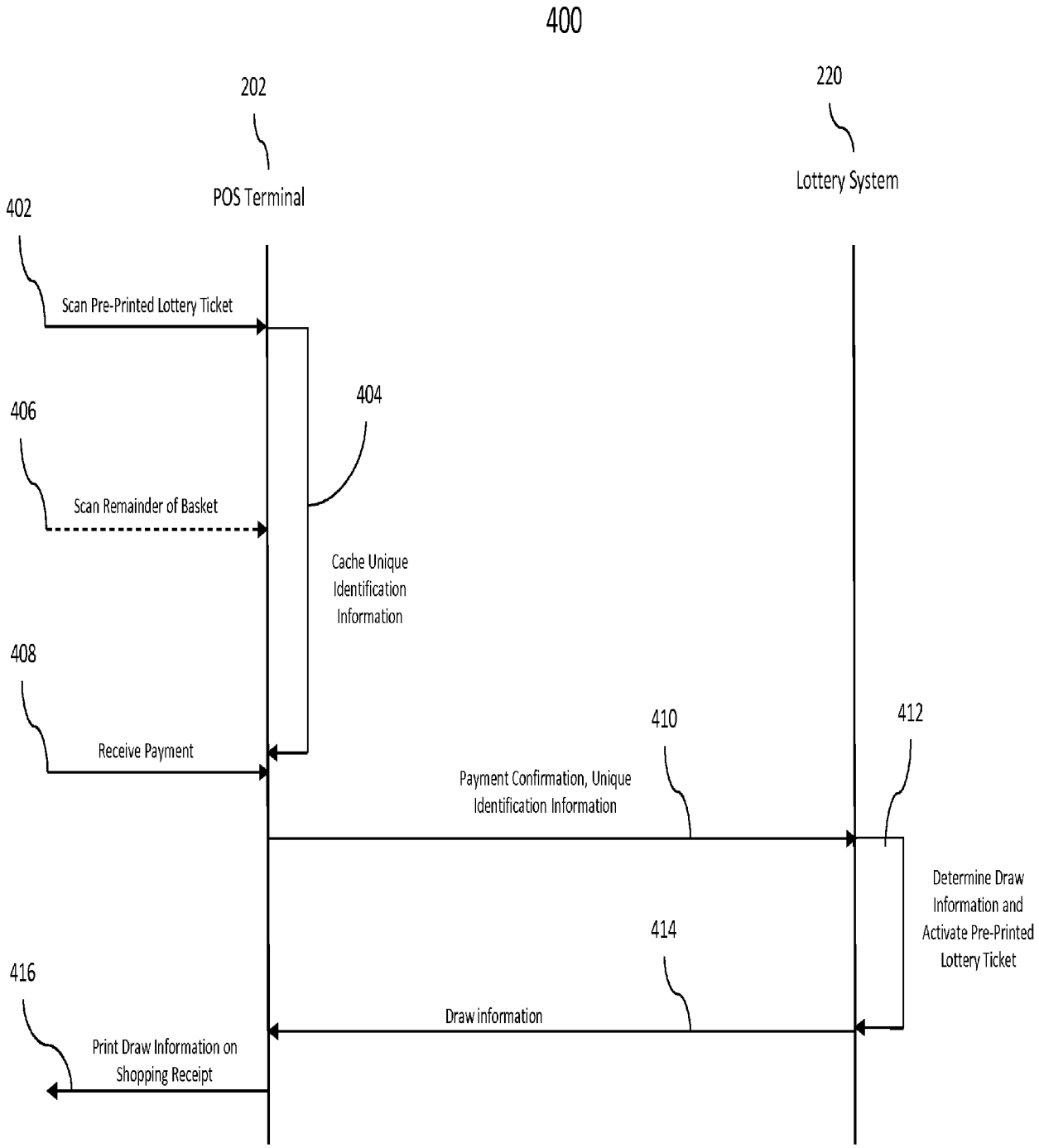

400
202
POS Terminal
220
Lottery System
402
Scan Pre-Printed Lottery Ticket
404
406
Scan Remainder of Basket
Cache Unique Identification Information
408
Receive Payment
410
Payment Confirmation, Unique Identification Information
412
Determine Draw Information and Activate Pre-Printed Lottery Ticket
414
Draw information
416
Print Draw Information on Shopping Receipt

Figure 4

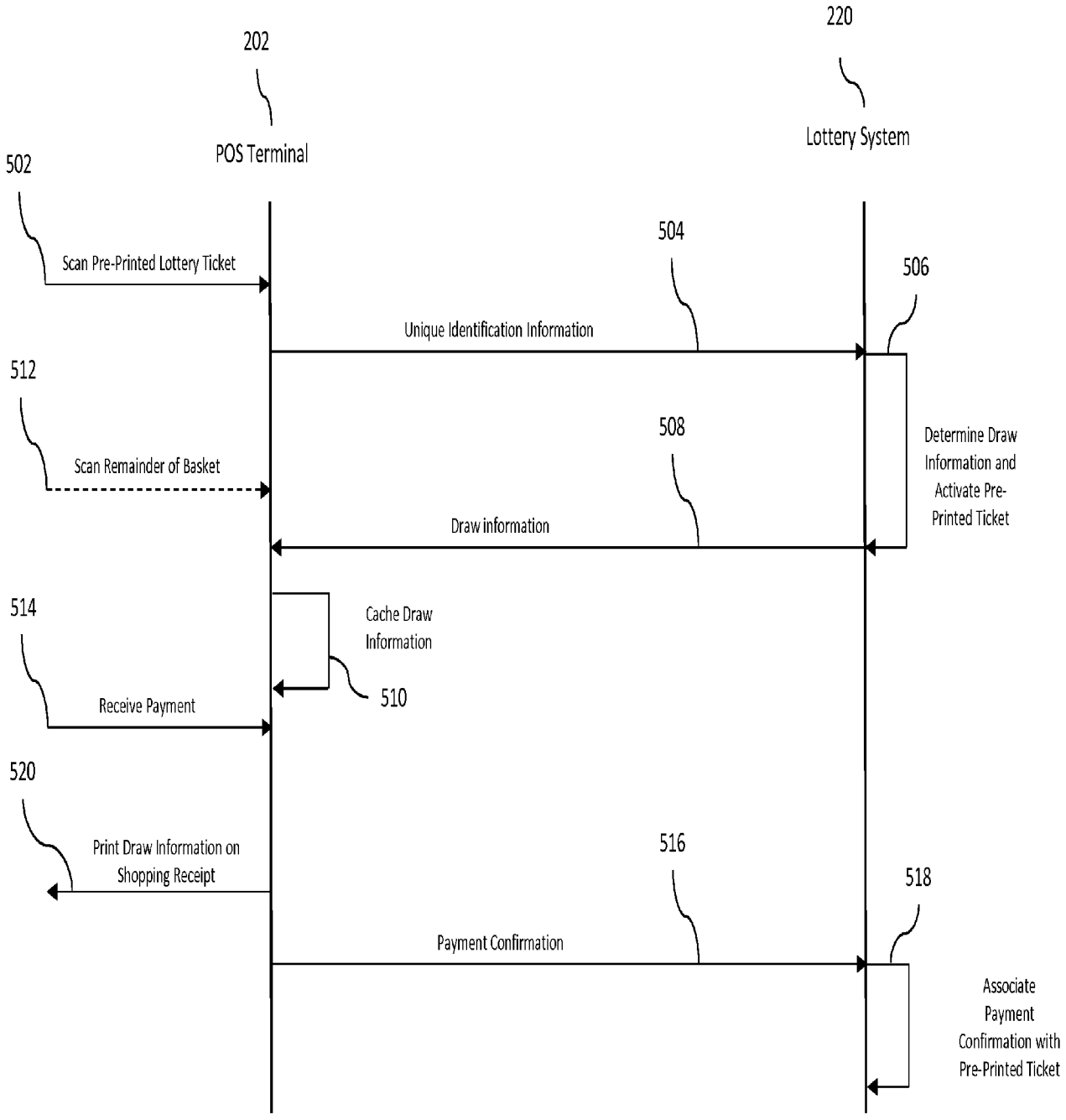

500
202
POS Terminal
220
Lottery System
502
Scan Pre-Printed Lottery Ticket
504
Unique Identification Information
506
Determine Draw Information and Activate Pre-Printed Ticket
512
Scan Remainder of Basket
508
Draw information
514
Cache Draw Information
510
Receive Payment
520
Print Draw Information on Shopping Receipt
516
Payment Confirmation
518
Associate Payment Confirmation with Pre-Printed Ticket

Figure 5

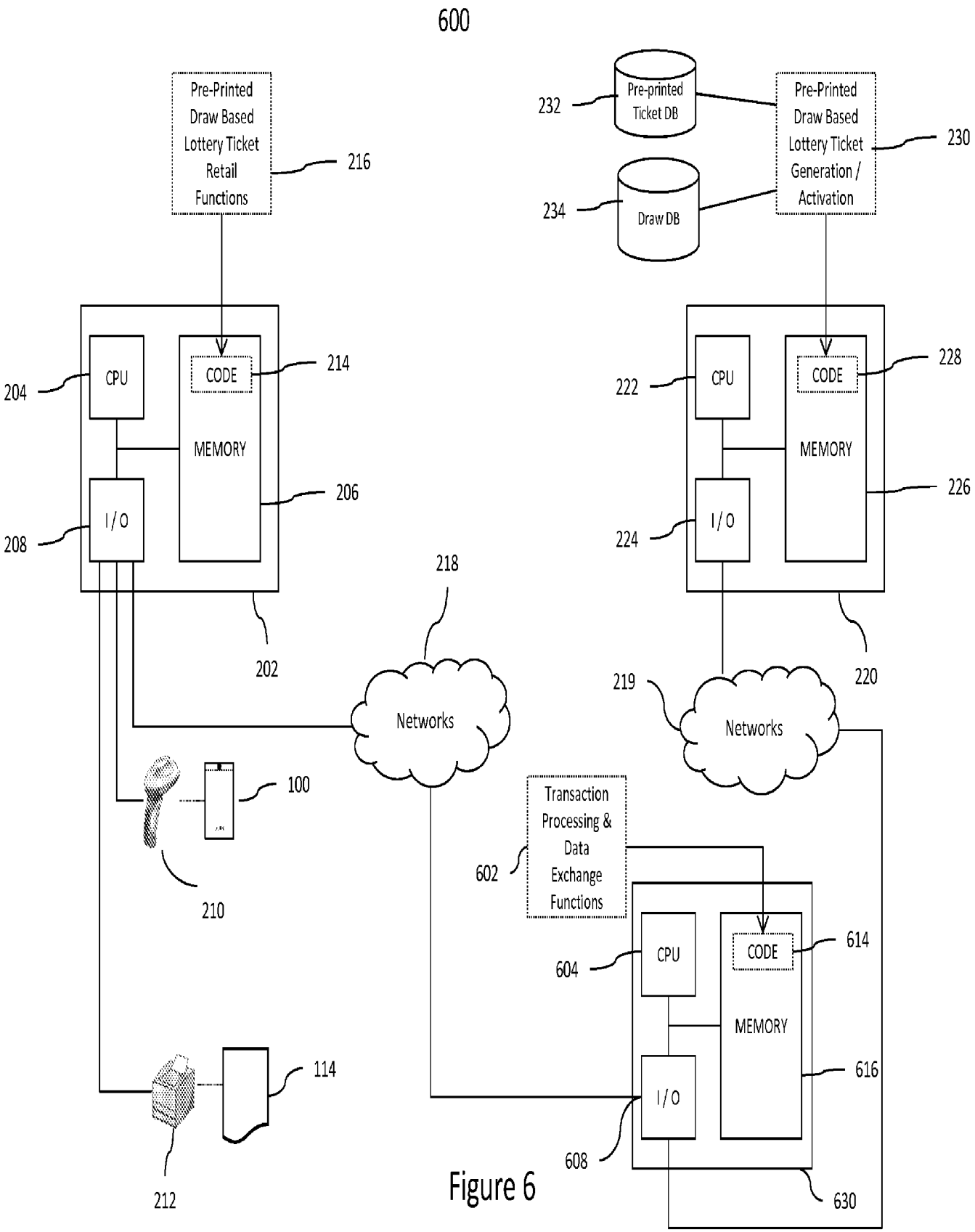

600
Pre-Printed Draw Based Lottery Ticket Retail Functions
216
Pre-printed Ticket DB
232
Draw DB
234
Pre-Printed Draw Based Lottery Ticket Generation / Activation
230
CPU
204
CODE
214
MEMORY
206
I/O
208
202
218
Networks
100
210
CPU
222
CODE
228
MEMORY
226
I/O
224
220
219
Networks
Transaction Processing & Data Exchange Functions
602
CPU
604
CODE
614
MEMORY
616
I/O
608
630
114
212

Figure 6

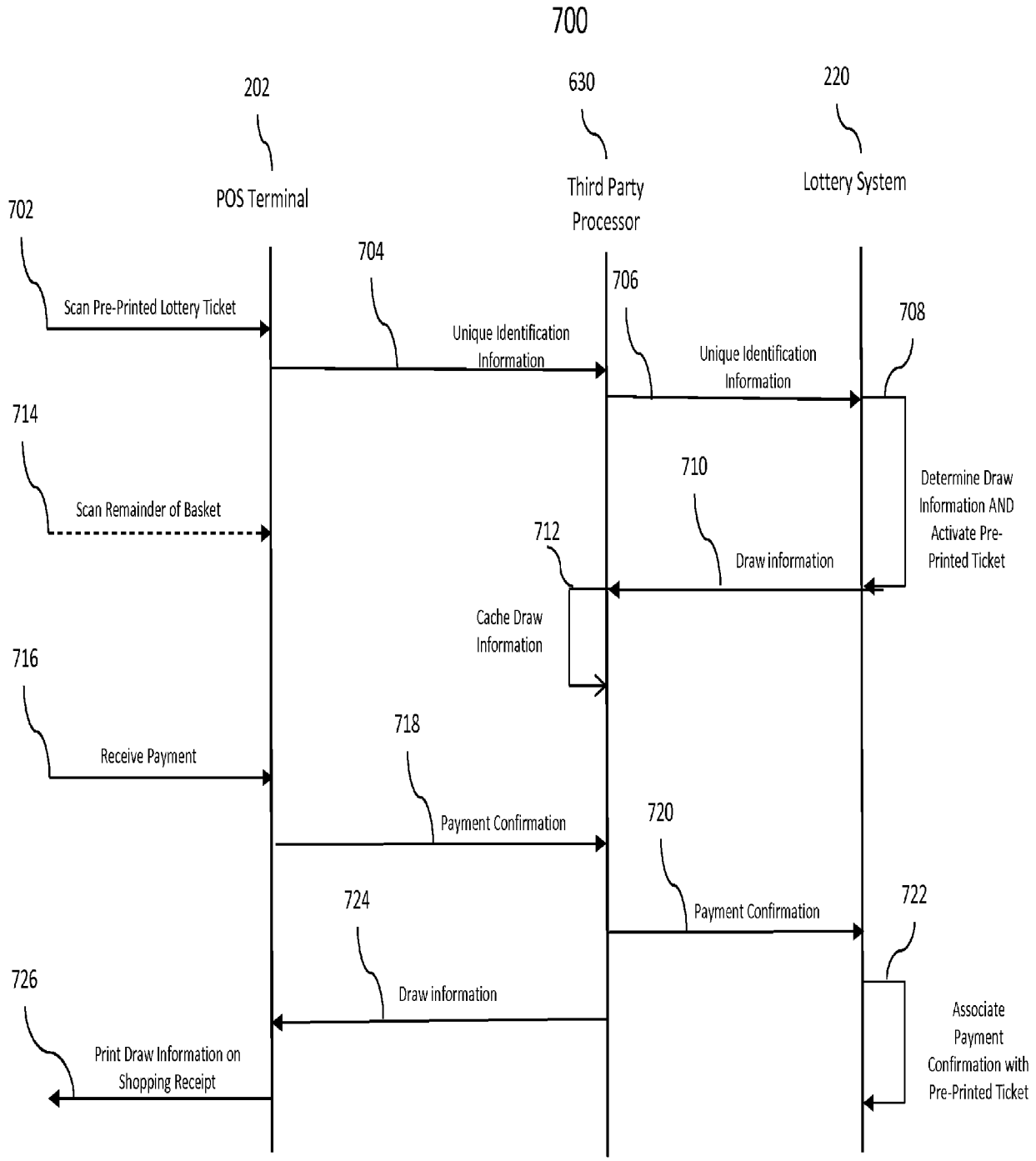

700
202
POS Terminal
630
Third Party Processor
220
Lottery System
702
Scan Pre-Printed Lottery Ticket
704
Unique Identification Information
706
Unique Identification Information
708
714
Scan Remainder of Basket
710
Draw information
Determine Draw Information AND Activate Pre-Printed Ticket
712
Cache Draw Information
716
Receive Payment
718
Payment Confirmation
720
Payment Confirmation
722
724
Draw information
726
Print Draw Information on Shopping Receipt
Associate Payment Confirmation with Pre-Printed Ticket

Figure 7

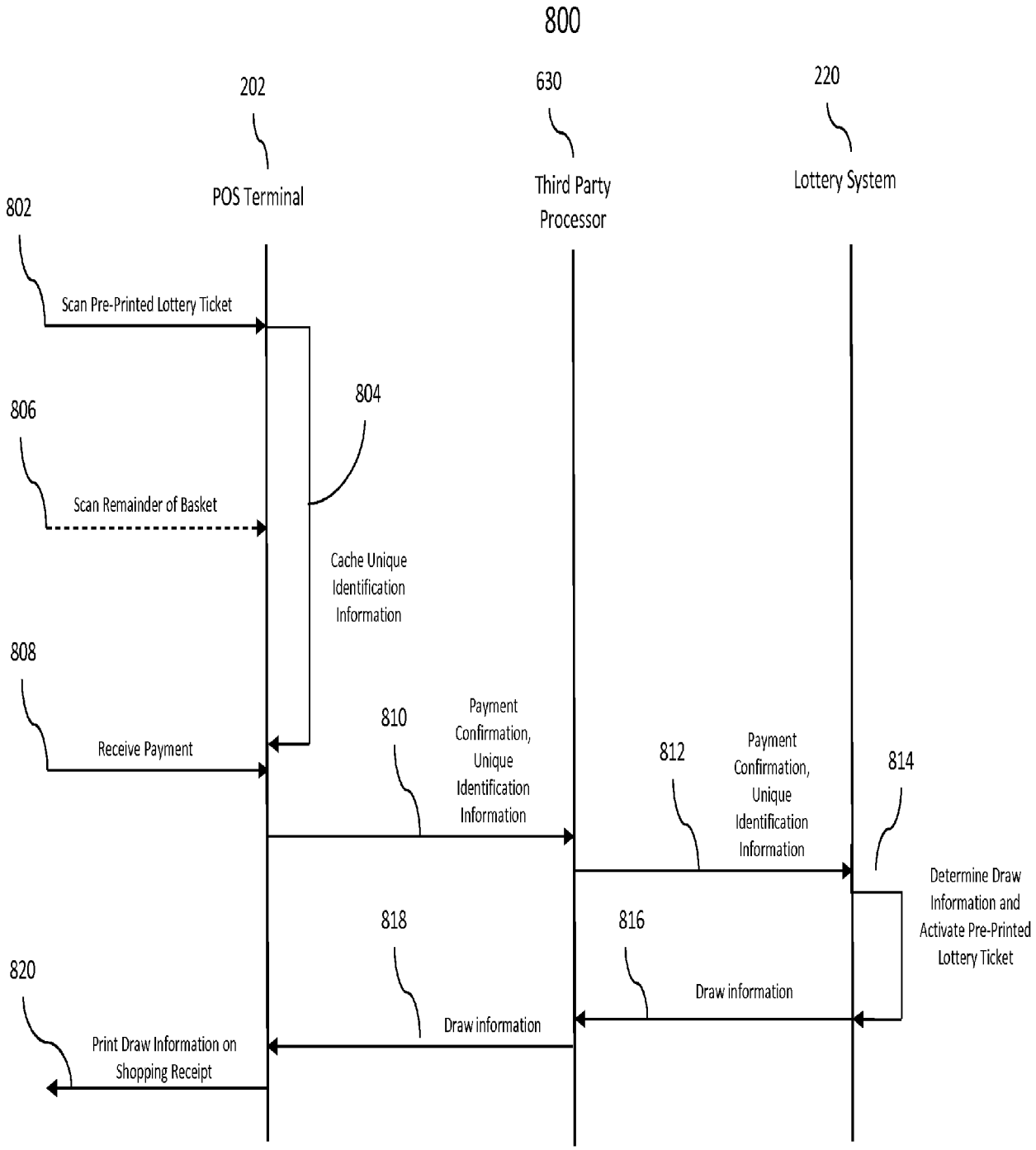

800
202
POS Terminal
630
Third Party Processor
220
Lottery System
802
Scan Pre-Printed Lottery Ticket
804
806
Scan Remainder of Basket
Cache Unique Identification Information
808
Receive Payment
810
Payment Confirmation, Unique Identification Information
812
Payment Confirmation, Unique Identification Information
814
Determine Draw Information and Activate Pre-Printed Lottery Ticket
816
Draw information
818
Draw information
820
Print Draw Information on Shopping Receipt

Figure 8

900

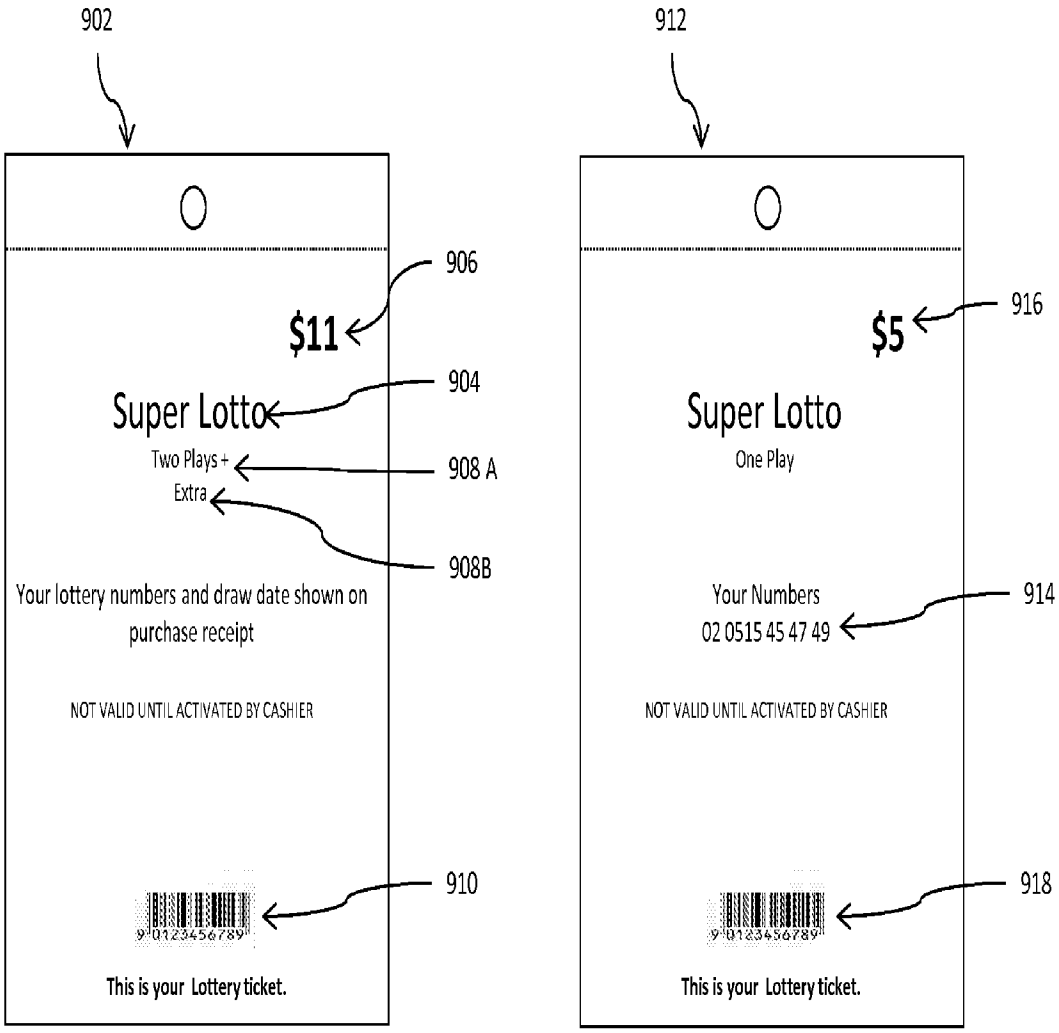

902
906
$11
904
Super Lotto
Two Plays +
Extra
908 A
908B
Your lottery numbers and draw date shown on purchase receipt
NOT VALID UNTIL ACTIVATED BY CASHIER
910
This is your Lottery ticket.
912
916
$5
Super Lotto
One Play
Your Numbers
02 0515 45 47 49
914
NOT VALID UNTIL ACTIVATED BY CASHIER
918
This is your Lottery ticket.

Figure 9

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.

CLAIMS

What is claimed is:

1. A method of generating a lottery ticket for a random draw comprising:

receiving at a lottery administration system unique identification information from a pre-printed lottery ticket;

determining at the lottery administration system draw information for a subsequent draw being held;

associating at the lottery administration system the determined draw information with the unique identification information;

receiving at the lottery administration system payment confirmation; and

transmitting from the lottery administration draw details.

2. The method of claim 1, wherein receiving the unique identification information comprises receiving the unique identification information over a secure communication channel from a point of sale (POS) system.

3. The method of claim 1, wherein receiving the unique identification information comprises receiving the unique identification information over a secure communication channel from a transaction processor.

4. The method of claim 1 or 2 or 3, further comprising receiving product information of the pre-printed lottery ticket along with the unique identification information.

5. The method of claim 1 or 2 or 3, further comprising retrieving product information of the pre-printed lottery ticket using the received unique identification information.

6. The method of claim 4 or 5, wherein the product information indicates 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 any one of claims 1 to 6, further comprising:

validating the received unique identification information.

8. The method of claim 7, wherein validating the received unique identification information comprises verifying that the unique identification information corresponds to unique identification information associated with a pre-printed lottery ticket.

9. The method of claim 8, wherein validating the received unique identification information further comprises verifying that the unique identification information corresponds to unique identification information associated with one of a plurality of pre-printed lottery tickets distributed to the vendor of the pre-printed lottery ticket.

10. The method of any one of claims 1 to 9, wherein determining the draw information comprises generating at least one random number for the subsequent draw.

11. The method of any one of claims 1 to 9, wherein determining the draw information comprises:

generating at least one random number; and

determining the next available draw date.

12. The method of any one of claims 1 to 11, wherein associating the determined draw information with the unique identification information comprises storing the associated draw information and unique identification information in a database of the lottery administration system.

13. The method of any one of claims 1 to 12, wherein transmitting the draw details comprises:

generating at the lottery administration system an image or data package containing at least the draw details; and

transmitting the generated image or data package.

14. The method of any one of claims 1 to 13, wherein the subsequent draw being held is a next occurring draw being held.

15. A method of providing a lottery ticket for a random draw comprising:

scanning at a point-of-sale (POS) terminal a pre-printed lottery ticket to obtain unique identification information and product information from the pre-printed lottery ticket;

transmitting the unique identification information and product information from the POS terminal to a lottery administration system;

receiving at the POS terminal payment confirmation;

transmitting payment confirmation from the POS terminal to the lottery administration system;

receiving at the POS terminal from the lottery administration system draw details associated with the pre-printed lottery ticket; and

printing the draw details on a receipt.

16. A method of providing a lottery ticket for a random draw comprising:

scanning at a point-of-sale (POS) terminal a pre-printed lottery ticket to obtain unique identification information and product information from the pre-printed lottery ticket;

transmitting the unique identification information and product information from the POS terminal to a transaction processor

transmitting the unique identification information and product information from the transaction processor to the lottery administration system;

receiving at the POS terminal payment confirmation;

transmitting payment confirmation from the POS terminal to the transaction processor;

transmitting payment confirmation from the transaction processor to the lottery administration system;

receiving by the transaction processor from the lottery administration system draw details associated with the pre-printed lottery ticket;

receiving at the POS terminal from the transaction processor draw details associated with the pre-printed lottery ticket; and

printing the draw details on a receipt.

17. The method of claim 15 or 16, wherein the lottery administration system transmits the draw details in accordance with the method of any one of claims 1 to 14.

18. A lottery administration system comprising:

at least one communication interface for communicating with other computing systems;

at least one processing unit for executing instructions; and

at least one memory unit for storing instructions, which when executed by the at least one processing unit configure the lottery administration system to provide a method according to any one of claims 1 to 14.

19. A point-of-sale (POS) terminal comprising:

at least one communication interface for communicating with other computing systems;

at least one scanning component;

at least one processing unit for executing instructions; and

at least one memory unit for storing instructions, which when executed by the atleast one processing unit configure the POS terminal to provide a method according to claim 15 or 16.

20. A transaction processor comprising:

at least one communication interface for communicating with other computing systems;

at least one processing unit for executing instructions; and

at least one memory unit for storing instructions, which when executed by the at least one processing unit configure the transaction processor to provide a method according to claim 16.

21. A lottery system comprising:

a lottery administration system according to claim 18; and

a plurality of POS terminals according to claim 19 in communication with the lottery administration system.

22. A lottery system comprising:

a lottery administration system according to claim 18; and

a transaction processor according to claim 20 in communication with the lottery administration system; and

a plurality of POS terminals according to claim 19 in communication with the transaction processor.

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. 14/679,028 filed April 6, 2015, 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 willbe 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 though 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 theticket 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 determinedage.

[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 though 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 *I* time. The cancellation details may be returned in the form of an image. Cancellation information may be printed at the bottom of the customers 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 1/0 interface(s) 208 for communicating with devices external to the POS

terminal. As depicted, a barcode scanner 210 may be connected for scanningin 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 unit204 configure the POS terminal 202 to provide pre-printed draw-based lottery ticketingfunctionality 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 1/0 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-basedlottery 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 withproduct information of the pre-printed ticket is communicated (504) to a lottery system220, 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-printedlottery 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 1/0 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 unit204 configure the POS terminal 202 to provide pre-printed draw-based lottery ticketingfunctionality 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 1/0 interface(s) 224 for communicating with devices external to the lottery system 220. Instructions 228 stored in the memory unit 226, when executed by theprocessing 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 1/0 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 uniqueID 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.

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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.

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LEGAL NAME OF INVENTOR

Inventor: Gino Giunti Date (Optional): March 22/18

Signature: G. Giunti

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Electronic Patent Application Fee Transmittal

Application Number:	
Filing Date:	
Title of Invention:	METHODS FOR SELLING PRE-PRINTED ONLINE LOTTERY TICKETS
First Named Inventor/Applicant Name:	Gino Giunti
Filer:	Jerry Harris/Kathleen Weese
Attorney Docket Number:	4556.23102

Filed as Large Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
UTILITY APPLICATION FILING	1011	1	280	280
UTILITY SEARCH FEE	1111	1	600	600
UTILITY EXAMINATION FEE	1311	1	720	720
Pages:				
Claims:				
CLAIMS IN EXCESS OF 20	1202	2	80	160
Miscellaneous-Filing:				
Petition:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	1760

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Application Number:	15833566
International Application Number:	
Confirmation Number:	1833
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
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Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$1760
RAM confirmation Number	120717INTEFSW16274000
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1	Application Data Sheet	ApplicationDataSheet.pdf	1819158 e98f817b4667e2aeeb0427507bdf20a82532216d	no	7
Warnings:					
Information:					
2		ContinuationSpecification.pdf	747480 24f32b7775bf0be33ae01e4abd847f05ea88aaf9	yes	34

Multipart Description/PDF files in .zip description

Document Description	Start	End
Drawings-only black and white line drawings	26	34
Abstract	25	25
Claims	19	24
Specification	1	18

Warnings:					
Information:					
3	Oath or Declaration filed	ExecutedParentDeclaration.pdf	223814 99d181a3af8290f5cda96d102decf93d3b0c0595	no	2
Warnings:					
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4	Fee Worksheet (SB06)	fee-info.pdf	36635 b37dba062a78a9d8140f7616e8587dfd1251639d	no	2
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New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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