

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

CASE IPR2023-01235
PATENT NO. 9,865,135

- - -

INTERACTIVE COMMUNICATIONS :
INTERNATIONAL, INC. :

Petitioner, :

vs. :

BLACKHAWK NETWORK INC., :

Patent Owner :

- - -

THURSDAY, MAY 2, 2024

- - -

Oral Remote Zoom Deposition of MICHAEL
HUTTON, taken pursuant to Notice, at the law
offices of Quinn Emanuel, held on the above
date, commencing at approximately 9:30 a.m.,
before by Rose A. Tamburri, a Federally
Approved Registered Merit Reporter, Certified
Realtime Reporter, National Speed and Accuracy
Champion and Notary Public.

- - -

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Page 2 1 APPEARANCES: 2 3 BAKER & HOSTETLER LLP 4 BY: ROBERT L. HAILS, ESQUIRE 5 1735 Market Street, Suite 3300 6 Philadelphia, Pennsylvania 19103 7 (202) 861-1692 8 rhails@bakerlaw.com 9 Representing the Petitioner 10 11 QUINN, EMANUEL, URQUHART & SULLIVAN, LLP 12 BY: QUINCY LU, ESQUIRE 13 1109 First Avenue, Suite 210 14 Seattle, Washington 98101 15 quincylu@quinnemanuel.com 16 Representing the Patent Owner 17 18 19 20 21 22 23 24 25 14 ALSO PRESENT: 15 JASON HOFFMAN, ESQUIRE 16 JIM GLASS, ESQUIRE 17 18 19 20 21 22 23 24 25	Page 4 1 2 DEPOSITION SUPPORT INDEX 3 DIRECTION TO WITNESS NOT TO ANSWER 4 Page Line 5 None 6 7 REQUEST for PRODUCTION OF DOCUMENTS 8 Page Line Description 9 None 10 11 STIPULATIONS 12 Page Line 13 None 14 15 PREVIOUSLY MARKED EXHIBITS REFERRED TO 16 EXHIBIT NUMBER PAGE REFERENCED 17 1003 8 18 1005 8 19 1006 8 20 21 22 23 24 25
Page 3 1 INDEX 2 3 TESTIMONY OF: MICHAEL HUTTON 4 By Mr. Hails.....6 5 6 7 EXHIBITS 8 EXHIBIT NO. DESCRIPTION PAGE NO. 9 1003 Declaration of Michael 8 10 Hutton in Support of 11 Petition for Inter Partes 12 Review of U.S. Patent 13 No. 9,865,135 14 1005 U.S. Patent No. 7,627,497 8 15 16 1006 U.S. Patent Application 8 17 2013/0041768 A1 dated 18 February 14, 2013 19 20 21 22 23 24 25	Page 5 1 - - - 2 (Whereupon, the proceedings 3 commenced at 9:30 a.m.) 4 - - - 5 THE COURT REPORTER: The attorneys 6 participating in this deposition acknowledge 7 that I am not physically present in the 8 deposition room, and that I will be reporting 9 this deposition remotely. 10 They further acknowledge that, in 11 lieu of an oath administered in person, I will 12 administer the oath remotely. 13 The parties further agree that if 14 the witness is testifying from a state where I 15 am not a Notary, that the witness may be sworn 16 in by an out-of-state Notary. 17 If any party has an objection to 18 this manner of reporting, please state it now. 19 Hearing none, we can proceed. 20 - - - 21 ...MICHAEL HUTTON, after having 22 first been duly sworn and/or affirmed, was 23 examined and testified as follows... 24 - - - 25 THE COURT REPORTER: Would counsel

2 (Pages 2 - 5)

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BLACKHAWK EXHIBIT 2048.0002
Incomm v. Blackhawk, IPR2024-00465

Page 6 1 please put their appearances on the record. 2 MR. HAILS: My name is Robert 3 Hails from Baker & Hostetler representing 4 Patent Owner Blackhawk. I'm joined by Jason 5 Hoffman, who is silent on the Zoom. 6 MR. LU: Quincy Lu on behalf of 7 Petitioner InComm. I'm also joined by Jim 8 Glass, with Quinn Emanuel, both of us. 9 - - - 10 EXAMINATION 11 - - - 12 BY MR. HAILS: 13 Q. So good morning, Mr. Hutton. 14 A. Good morning. 15 Q. Welcome. 16 Will you please state your full 17 name for the record. 18 A. Michael Hutton. 19 Q. I understand that you sat for a 20 deposition in an earlier PGR proceeding 21 involving my client, Blackhawk; is that right? 22 A. That's correct. 23 Q. So you should probably understand the 24 basic ground rules for depositions, but just 25 as a refresher, I'm going to go over a couple	Page 8 1 break any time you need one. Just let me 2 know. If I have a question pending, I'll ask 3 that you answer the question before our break. 4 Does that sound okay to you? 5 A. Yes, it does. 6 Q. Very good. All right. 7 Are you aware of anything that 8 would prevent you from providing accurate 9 testimony today? 10 A. No. 11 Q. And I understand that you brought 12 materials with you to today's deposition. 13 Will you explain to me what you 14 have? 15 A. I have a copy of my report on the 16 '135 IPR and a copy of the Szrek patent, the 17 '135 Patent, and the Llach patent. 18 Q. Okay. 19 So just for the record, your 20 declaration is Exhibit 1003; is that correct? 21 A. Correct. 22 Q. And Szrek is Exhibit 1005; is that 23 correct? 24 A. That's correct. 25 Q. And Llach is Exhibit 1006; is that
Page 7 1 of points. 2 First of all, my questions and 3 your responses will be recorded in a written 4 transcript. And it's important that we try 5 not to speak over each other so that we have a 6 clear record of today's proceedings. 7 It's also important to give spoken 8 answers to my questions. For example, if you 9 shake your head or you nod, it's going to be 10 difficult to create an accurate record. And 11 similarly, uh-huhs and uh-uhs often are 12 difficult to transcribe accurately, and we 13 want an accurate record here. 14 If I ask a question and you don't 15 understand it, please let me know and I'll do 16 my best to rephrase it so that you do 17 understand it. And if I ask a question and 18 you do answer it, I will take it as an 19 indication that you understood my question. 20 Mr. Lu may raise objections to my 21 questions from time to time, but even when an 22 objection is raised, you are required to 23 answer my question unless he instructs you not 24 to answer. 25 And finally, you're allowed a	Page 9 1 correct? 2 A. Correct. 3 Q. Okay. 4 And today, in our proceedings, I'm 5 probably going to refer to the Szrek patent as 6 Szrek and the Llach patent as Llach. 7 Is that something you're 8 comfortable with? 9 A. Yes, it is. 10 Q. Fantastic. All right. 11 So when was the last time you 12 reviewed your declaration? 13 A. Last night. 14 Q. And have you noticed any errors in 15 your declaration since the time that you 16 signed it? 17 A. The only thing I noticed was that the 18 rate that is quoted in here is not correct. 19 Q. Is paragraph 1 of your declaration? 20 A. Yes, it is. 21 Q. And what is the correct rate? 22 A. I'm not sure actually. I believe 23 it's \$375 an hour. 24 Q. Beyond that change to paragraph 1, 25 are there any other errors or corrections that

3 (Pages 6 - 9)

Page 10 1 you identified that need to be made? 2 A. Not that I'm aware of. 3 Q. Does your declaration provide a 4 complete explanation of the opinions offered 5 in support of this IPR? 6 A. It does. 7 Q. Have any of the opinions in your 8 declaration changed since you signed the 9 declaration? 10 A. They have not. 11 Q. And does your declaration provide a 12 complete explanation of the evidence on which 13 your opinions are based? 14 A. I believe it does. 15 Q. All right. 16 I'd like to start today with Szrek 17 and I'd like to understand how you interpret 18 Szrek's disclosure. 19 I'm going to share Szrek through 20 the screen share. Give me one second, please. 21 For today's proceedings, if you 22 refer to the paper copy that you have in front 23 of you, I'd like to understand where you're 24 looking so that we have, again, a complete 25 record.	Page 12 1 of how they work within the Szrek system, and 2 I'll go -- the figures are a little bit out of 3 order, but in my notes, they're in numerical 4 order, so let's go in numerical order, please. 5 Do you see the Bar Code 310 here 6 in Figure 3 of Szrek? 7 A. I do. 8 Q. What's the role of the Bar Code in 9 Szrek's system? 10 A. The Bar Code identifies the unique 11 copy of the particular product and also is at 12 least one Bar Code in Szrek and it also 13 contains information about the product. 14 Q. Okay. 15 And then the second element is the 16 Security Code 320. Do you see that in 17 Figure 3? 18 Mr. Hutton, do you see it? 19 A. I do. 20 Q. Okay. I didn't catch your answer. 21 What is the role of the Security 22 Code in Szrek's system? 23 A. The Security Code is used to be -- 24 enable authentication that it's a genuine 25 legal ticket.
Page 11 1 So I'm going to do my best to 2 explain what is being shared on the screen 3 share, and if you deviate from that, I'd like 4 to understand where you're looking, again, so 5 I understand, again, your views of Szrek. 6 So first of all, can you see Szrek 7 through the screen share on the Zoom? 8 A. I can. 9 Q. I'm going to switch to Figure 3 and 10 I'll do my best to zoom up. 11 Do you see Figure 3 in the screen 12 share? 13 A. I do. 14 Q. Figure 3 illustrates the preprinted 15 ticket in Szrek's system; is that correct? 16 A. Correct. 17 Q. How many of the elements that are 18 illustrated here in Figure 3 are preprinted on 19 the lottery ticket in Szrek's system? 20 A. All of them, in that picture. 21 Q. Say again, please. 22 A. All of them in that picture. 23 Q. All right. 24 I'd like to walk through these 25 elements and make sure I understand your view	Page 13 1 Q. Okay. 2 A. And it was produced by the system and 3 issued at the place it was supposed to be 4 issued. 5 Q. And then immediately above the 6 Security Code, do you see the Ticket 7 Identifier in Figure 3 of Szrek? 8 A. I do. 9 Q. What's the role of a Ticket 10 Identifier? 11 A. The Ticket Identifier is a unique 12 identifier that identifies that individual 13 unique piece of matter is the ticket. 14 Q. And then there's an element 340 above 15 the Ticket Identifier called Draw Info. 16 Do you see that? 17 A. I do. 18 Q. What is the role of the Draw Info 19 element in Szrek's lottery ticket? 20 A. That explains the drawing -- the 21 draws -- draw or draws for the game that the 22 ticket is being entered into. It's not the 23 specific draws, the generic draws, so as in 24 Lotto Saturday, but not any particular 25 Saturday.

4 (Pages 10 - 13)

Page 14 1 Q. Okay. 2 The next element is the Bet Data 3 350, which is second from the top. 4 Do you see that? 5 A. I see that. 6 Q. And what is the Bet Data? 7 A. The Bet Data is the lottery wager 8 represented by that particular ticket. In 9 other words, whether it's a Quick Pick or -- 10 not a Quick Pick, whether -- what the wager 11 is, whether it's a wheel bet or a -- the type 12 of bet you're playing, information about -- 13 things that modify the game. 14 So in other words, if I may answer 15 the Game Info, the Game Info is the general 16 game, as in Lotto. The Bet Data is whether 17 I'm playing certain -- certain kinds of games 18 allow different kinds of bets on them, like 19 wheel bets, which would be I pick three 20 numbers and then the system expands it into 21 nine combinations; it's common clusters. 22 So that's what the Bet Data is. 23 Q. Part of your answer said the Bet Data 24 indicates whether something is a Quick Pick, 25 something is a wheel bet. I did not	Page 16 1 130 could be constructed in a way that part of 2 the ticket identifier 330 could correspond to 3 the bet combination 350 chosen by the 4 players." 5 Is that the passage you were 6 referring to? 7 A. Yes, that's the passage I was 8 referring to. 9 Q. And so there are -- there are a 10 couple elements shown on Figure 3 that are 11 discussed in this passage. I see the ticket 12 identifier and also the bet combination. 13 Do you see that in the excerpt on 14 column 7? 15 A. Yes, I do. 16 Q. And so we were talking about the Bet 17 Combination 350 when we were reviewing 18 Figure 3, and now am I correct that the Bet 19 Combination refers it -- sorry, the Bet Data 20 350 on the ticket refers to the lottery 21 numbers that are associated with that ticket? 22 A. Yes. 23 Q. Okay. 24 And then this passage also refers 25 to the ticket identifier. And so how does the
Page 15 1 understand. 2 A. Let me quickly refer to Szrek and see 3 what Szrek says about that specifically so I 4 can answer accurately. 5 Okay. That's the numbers that are 6 picked. I'm referring to Szrek 720 -- 21 7 here. Bet Combination 350 chosen by the 8 players, last sentence of that paragraph. 9 Q. Column 7, did you say, starting at 10 line 21? 11 A. Column 7, the paragraph that starts 12 at -- the last sentence of that second 13 paragraph in column 7. 14 Q. Okay. 15 "In some embodiments of this 16 invention, the preprinted ticket identifier 17 330" and so on, is that the sentence that 18 you're referring to? 19 A. Yes. 20 Q. I'm going to read it into the record 21 to make sure we're on the same page. I'm 22 looking at column 7, starting at line 18, and 23 the passage says, "In some embodiments of this 24 invention, the preprinted ticket identifier 25 330 on the self-service terminal 130 or kiosk	Page 17 1 ticket identifier work when we're talking 2 about the passage in column 7? 3 MR. LU: Objection, vague. 4 THE WITNESS: Could you please 5 rephrase that? 6 MR. HAILS: Sure. 7 BY MR. HAILS: 8 Q. Would you, again, refer to this 9 passage on column 7 starting at line 18 that 10 we just read into the record. 11 A. And the question would be? 12 Q. What's the relationship between the 13 ticket identifier 330 and the bet combination 14 350 as described in this passage? 15 A. Let me read it again. 16 I don't believe there's a direct 17 relationship between them, except that the 18 ticket identifier -- let me read it. 19 (Whereupon, the witness reviews 20 the document.) 21 THE WITNESS: I don't believe 22 there's any direct relationship except that 23 the ticket identifier, in some embodiments, 24 may be some way identifying the algorithm to 25 use to generate the bet combination, related

5 (Pages 14 - 17)

Page 18 1 that way. 2 There's no direct relationship 3 between them. I don't read that there. 4 BY MR. HAILS: 5 Q. In the last three lines of the 6 sentence, it says that -- well, strike that 7 question. 8 The middle of this sentence talks 9 about the preprinted ticket identifier 330, 10 and then skipping over the references to the 11 terminal and the kiosk, and it says, "could be 12 constructed in a way that part of the ticket 13 identifier 330 could correspond to the bet 14 combination chosen by the players." 15 How do you interpret the part 16 description of this sentence? 17 MR. LU: Objection, vague. 18 THE WITNESS: What he's saying 19 here is that we can construct a ticket 20 identifier in such a way that it contains more 21 than just unique identification for that 22 particular piece of physical indicia, but also 23 embed other information; in this case, he's 24 referring to the bet data. 25 MR. HAILS: Okay.	Page 20 1 legislation or the lottery regulatory bodies. 2 Q. And then the last element on Figure 3 3 is the Ticket Activation Price 380. 4 Would you explain what that is? 5 A. That's the price of the ticket. 6 That's the price that the player would have to 7 pay to buy -- purchase that ticket. 8 Q. Switch to Figure 1 of Szrek's 9 disclosure. Hopefully that's convenient for 10 you. 11 Do you see Figure 1 in the Zoom 12 share? 13 A. I do. 14 Q. Are you familiar with Szrek's 15 statement that all tickets are preloaded in 16 the system? 17 A. Could you refer me to which 18 statement, where -- which line in the patent? 19 Q. It's three -- give me one second. I 20 think it starts at line 44 -- 46, excuse me. 21 A. Yes, I see that. 22 In the patent it reads, "All 23 tickets are 'preloaded' in the game provider's 24 system." 25 Q. Okay.
Page 19 1 BY MR. HAILS: 2 Q. So is it correct that he's describing 3 an embodiment where the lottery number 4 information is embedded into the ticket 5 identifier at 330? 6 A. Yes. 7 Q. Okay. 8 Let's turn to Figure 3. What is 9 the Game Info element, 360, at the top? 10 A. Game Info identifies the game that 11 this ticket is related to; in other words, 12 Lotto, Pick 3, Powerball or any number of 13 lottery games. 14 Q. And then at the bottom, there's a box 15 labeled Disclaimer 370. 16 Do you see that? 17 A. I do. 18 Q. What's the role of the Disclaimer 370 19 in Szrek's lottery system? 20 A. That's where the jurisdiction would 21 put any legal language qualifying -- usually 22 any legal language related to ticket, most -- 23 usually in tickets like this, it would be not 24 valid unless activated, and plus other legal 25 language required by either the lottery	Page 21 1 How does that preloading operation 2 operate in connection with this Figure 1 of 3 the Szrek? 4 MR. LU: Objection, vague. 5 THE WITNESS: It's not -- I don't 6 believe it's specifically called out in 7 Figure 1. 8 BY MR. HAILS: 9 Q. Do you have an understanding of what 10 that means? 11 A. Yes, I do. 12 Q. What is your understanding? 13 A. It means that a -- all the unique 14 identifiers for the physical indicia of all -- 15 of all the preprinted lottery tickets are 16 stored in a database in the lottery 17 administration system so that when a ticket is 18 activated, the -- a Ticket Identifier can be 19 cross-referenced to additional data in the 20 lottery administration system. 21 So if I manufacture a million 22 tickets and they all have, you know, labeled 23 zero to 999999, there would be a million 24 records in the lottery administration database 25 corresponding to those million unique

6 (Pages 18 - 21)

Page 22 1 identifiers, along with much other data 2 probably -- presumably. 3 Q. And which element in Figure 1 will 4 store this database? 5 A. Game provider system 250. 6 Q. And returning to Figure 3, and I'm 7 going to share it, will any of the information 8 shown on Figure 3 be stored in this database 9 in the Game provider 250? 10 MR. LU: Objection, vague. 11 THE WITNESS: Likely. However, 12 what's only -- the only thing required would 13 be a Ticket Identifier and then any other 14 information that the design of that particular 15 system requires or desires to store along with 16 the Ticket Identifier. 17 So all of it or some of it, but 18 for the most part, it just contains -- it just 19 needs to contain the Ticket Identifier. It 20 would probably also contain the Game Info, Bet 21 Info. 22 We're talking about the 23 information stored in the database; right? 24 Correct? 25 BY MR. HAILS:	Page 24 1 product that's associated with that unique 2 identifier. 3 Q. I'm trying to relate your answer to 4 the elements that we see here on Figure 3. 5 When you talk about now Product 6 Info, does that answer correspond to any of 7 the elements shown here on Figure 3? 8 A. Yes, it does. 9 Q. Which ones? 10 A. Game Info, potentially Bet Data if it 11 was pre-generated, it would contain Draw Info 12 as to, you know, what drawing for the games, 13 if it's Saturday or Sunday or whatever. It 14 would contain -- it would not contain the Bar 15 Code or the Disclaimer. It would contain the 16 Ticket Activation Price. 17 Q. Okay. 18 And then in an earlier answer, you 19 said that the Game Provider also probably 20 would contain Bet Info, and I'd like to 21 understand that answer. 22 What is -- what were you referring 23 to as the Bet Info? 24 A. We were talking about Bet Data? 25 Q. Bet Data on Figure 3?
Page 23 1 Q. You were speaking from -- let me make 2 sure we're on the same page. 3 A. Sure. 4 Q. You were speaking in your prior 5 answer of a database at the Game provider in 6 Figure 250? 7 A. Yes, I was. 8 Q. And so I want to make sure that we're 9 talking about data that would be stored in 10 that database. 11 A. Okay. 12 Q. And so you -- so let's break it down 13 into pieces, just so we're clear. 14 Is it your view that the Ticket 15 Identifier, 330, here on Figure 3, would be 16 stored in that database at the Game Provider? 17 A. Yes. 18 Q. Okay. 19 And then part of your answer said 20 it would probably also contain the Game Info. 21 What is the Game Info you're 22 referring to here on Figure 3? 23 A. Let me revise Game Info in that 24 answer to Product Info. It would probably 25 contain enough information to describe that	Page 25 1 A. Figure 3, 350; is that what you're 2 referring to? 3 Q. That's my question. 4 When you were referring to Bet 5 Info earlier, are we talking about the Bet 6 Data 350 here on Figure 3? 7 A. Yes. 8 Q. Okay. 9 I want to return to Figure 1 at 10 the screen share. And Figure 1 shows three 11 instances of the Preprinted Ticket 300 sort of 12 in the top half of that figure. 13 Do you see those? 14 A. Are you referring to the three boxes 15 labeled "PT 300" inside the larger box labeled 16 "Store 110"? 17 Q. Correct. The ones at the top of the 18 Store box. 19 A. Okay. Yes, I see that. 20 Q. Okay. 21 There's -- Figure 1 illustrates a 22 path of arrows, I guess, from the Game 23 Provider 250 to the Commercial Printer 140, 24 further to the Tickets Distributor 160 and 25 then to one instance of the PT 300 box.

7 (Pages 22 - 25)

Page 26 1 Do you see that? 2 A. I see that. 3 Q. Okay. 4 Please explain to me your 5 understanding of what that series of boxes 6 that goes through the Commercial Printer 140 7 represents. 8 A. The -- starting with the arrow at the 9 top from the Game provider system to the 10 Commercial Printer, the Game provider system 11 provides the details of the games -- of the 12 games and tickets -- the game info, price info 13 and most of the information -- and much of the 14 information required to print the ticket. For 15 instance, I want lotto tickets for Saturday 16 with a \$2 bet, et cetera. 17 The Commercial Printer -- those 18 are then sent by the Game provider system 19 basically saying here, print me a million of 20 these tickets with these characteristics. The 21 commercial printer then prints a million 22 tickets with those characteristics. 23 Also see the dotted arrow going 24 back to the Game provider system, and also 25 then returns the database of those tickets or	Page 28 1 the Store 110. 2 Do you see that one? 3 A. I do. 4 Q. And so there's a Game provider system 5 250 with arrows going in both directions to 6 the Lottery Terminal 120, and then a single 7 arrow going to the PT 300 in that part of the 8 figure. 9 Do you see that? 10 A. I see that. 11 Q. What is your understanding of what's 12 being disclosed with this communication 13 through the Lottery Terminal 120? 14 MR. LU: Objection, vague. 15 THE WITNESS: That is the -- what 16 the -- what's going on there is that the 17 preprinted ticket is being scanned at the 18 lottery terminal and the information from the 19 preprinted ticket sent to the Game provider 20 system, which would then activate the ticket 21 and return the activation information to the 22 lottery terminal and be printed on the receipt 23 or a lottery ticket, since it's a lottery 24 terminal. 25 BY MR. HAILS:
Page 27 1 a file of those tickets to be entered in the 2 ticket database in the Game provider system. 3 And then -- and I'm making an 4 assumption here, because I'm not sure Szrek 5 describes it in detail. Then the Commercial 6 Printer would supply the tickets to a ticket 7 distributor or a warehousing operation, which 8 would then arrange to distribute them to the 9 individual retail locations. 10 And so that's why there's two 11 ticket distributors there. There's also what 12 appears to be an extraneous arrow there, so 13 that's my understanding of that. 14 Q. Okay. 15 And so the tickets that are 16 generated by the Commercial Printer and 17 ultimately make it to the Store 110, am I 18 correct that information about those tickets 19 would be preloaded in the Game provider system 20 250? 21 A. Correct. 22 Q. Okay. 23 And then there's a second PT 300. 24 This one is shown adjacent to the Lottery 25 Terminal 120 in the upper left-hand corner of	Page 29 1 Q. And so do I understand that the 2 preprinted ticket already exists when it's 3 scanned at the Lottery Terminal 120? 4 A. Correct. 5 Q. And Lottery Terminal -- sorry, strike 6 that question. 7 Preprinted tickets -- I'm sorry, 8 strike that as well. Okay. 9 And it's your testimony that the 10 Lottery Terminal 120 activates the ticket? 11 A. It's my testimony that the lottery 12 terminal scans the preprinted ticket, sends 13 the information to the Game provider system, 14 which activates the ticket, and then sends the 15 response back to the lottery terminal for it 16 to do whatever functionality is required in 17 that particular case. Probably printing a 18 receipt. 19 Q. Does the Lottery Terminal 120, in 20 your view, print preprinted tickets? 21 A. No, it does not. Not in this 22 picture. 23 Q. And when the lottery terminal does 24 its operation, does the Game provider system 25 already have data corresponding to the

8 (Pages 26 - 29)

Page 30 1 physical preprinted tickets that are being 2 scanned? 3 A. Could you ask that again, please? 4 Q. Sure. 5 When the scan operation happens at 6 the Lottery Terminal 120, is the Game provider 7 system 250 already preloaded with information 8 about the ticket that is being operated on? 9 A. Yes, it is. 10 MR. LU: Objection, vague. 11 BY MR. HAILS: 12 Q. Okay. 13 And then there's the third 14 instance of the preprinted ticket labeled PT 15 300 at the top of the Store box, and this one 16 is associated with a self-service terminal or 17 Kiosk 130. 18 Do you see that? 19 A. I do. 20 Q. Okay. 21 So there's two arrows extending 22 between the Game provider system 250 and the 23 Self-Service Terminal 130, and then a single 24 arrow extending from the Self-Service Terminal 25 130 to the PT 300.	Page 32 1 So I believe what the three 2 different PT 300s in the -- in the top of that 3 are really examples of how you could generate 4 preprinted tickets. Either they could be 5 pre-manufactured, they could be printed on the 6 lottery terminal, or they could be printed on 7 a self-service kiosk. 8 MR. HAILS: Okay. 9 BY MR. HAILS: 10 Q. And do you remember when we were 11 discussing Figure 3 and the types of 12 information that are preloaded into the Game 13 provider system 250? 14 A. I do. 15 Q. Do the types of data that are 16 preloaded into the Game provider system 250 17 change based on whether the preprinted ticket 18 is printed by the commercial printer or the 19 lottery terminal or the self-service terminal? 20 MR. LU: Objection, vague. 21 THE WITNESS: Yes, could you 22 rephrase that to be more specific, please? 23 BY MR. HAILS: 24 Q. We discussed that the Game provider 25 system is preloaded with ticket information;
Page 31 1 Do you see that? 2 A. I do. 3 Q. What is represented by the arrows 4 extending from the Game provider system 5 through the self-service terminal 130 to the 6 Ticket 300? 7 MR. LU: Objection, vague. 8 THE WITNESS: Okay. Before I 9 answer that, let me revise my answer to the 10 previous question. 11 I believe that what Szrek is 12 showing here, depicting in this picture, is 13 the lottery terminal printing -- printing, 14 creating a preprinted ticket using information 15 obtained by the Game provider system. 16 And to answer your present 17 question, the same is happening on the 18 self-service kiosk. The self-service kiosk is 19 responding to something the player does at the 20 self-service kiosk. 21 The self-service kiosk goes to a 22 lottery Game provider system to get 23 information basically to pull a ticket out of 24 inventory, which it then prints and gives to 25 the player.	Page 33 1 correct? 2 A. Correct. 3 Q. Okay. 4 And am I correct that when a 5 preprinted ticket is generated by the 6 Commercial Printer 140, the Game provider 7 system is preloaded with information about 8 those tickets? 9 A. Right, but the commercial printer 10 gets the information as to the characteristics 11 of the ticket to be printed from the Game 12 provider system. Go on. 13 Q. I'm sorry, I didn't mean to cut you 14 off. 15 A. No, that's all right. Go ahead. 16 Q. Okay. 17 And in the second instance, we 18 talked about how the Lottery Terminal 120 can 19 preprint tickets; is that correct? 20 A. Correct. 21 Q. Okay. 22 And the Game provider system 250 23 is preloaded with information about tickets 24 preprinted by the Lottery Terminal 120; is 25 that correct?

9 (Pages 30 - 33)

Page 34 1 A. Correct. 2 Q. Okay. 3 So the Game provider system is 4 preloaded with information about tickets 5 generated by the commercial printer and also 6 about tickets created by the Lottery Terminal 7 120; correct? 8 A. Correct. 9 Q. In those two instances, is the Game 10 provider system preloaded with the same types 11 of data? 12 MR. LU: Objection, vague. 13 THE WITNESS: Let me try to answer 14 that. Essentially the same -- essentially the 15 same information, equivalent information, not 16 necessarily identical information, because you 17 may be doing different types of preprinted 18 tickets at the different types of points of 19 purchase. 20 So, for instance, at either the 21 lottery terminal or the self-service terminal, 22 you have an opportunity to allow the player to 23 pick his own numbers, which would then be 24 printed on the preprinted ticket, which would 25 still have no value. However, the face of the	Page 36 1 MR. HAILS: Did you have an 2 answer, Mr. Hutton? 3 THE WITNESS: It is not possible 4 to preprint the numbers on player-selected 5 numbers when the ticket is produced by a 6 commercial printer. 7 MR. HAILS: Okay. 8 BY MR. HAILS: 9 Q. So when a commercial printer 10 generates a preprinted ticket, is that an 11 example of computer-selected numbers for a 12 ticket? 13 MR. LU: Objection, vague. 14 THE WITNESS: It could be. A 15 commercial printer most likely would not be 16 the one generating the numbers, though. 17 BY MR. HAILS: 18 Q. Who would be generating numbers in 19 this Figure 1? 20 A. The Game provider system, when it 21 basically orders the tickets from the 22 commercial printer and sends the 23 specifications of the tickets it wishes the 24 commercial printer to print. 25 Q. Is the Game provider system 250 a
Page 35 1 ticket would then reflect the player's 2 selections. So it wouldn't necessarily be the 3 same information. 4 So essentially what would happen 5 in the case of the lottery terminal is if the 6 player -- in the embodiment where the player 7 is allowed to select his own numbers, the 8 lottery terminal would collect those numbers, 9 send the request to the Game provider system 10 to pull a ticket. The Game provider system 11 would align those numbers to the ticket and 12 send back all the information necessary for 13 the lottery terminal to print that ticket out. 14 MR. HAILS: Okay. So maybe we 15 should step back for a moment. 16 BY MR. HAILS: 17 Q. You are talking about a feature, you 18 called it an embodiment. Start the question 19 over. Strike that. 20 You're talking about an embodiment 21 where the player is allowed to select his own 22 numbers. Am I correct that that's not 23 possible when tickets are generated by a 24 commercial printer? 25 MR. LU: Objection, vague.	Page 37 1 computer? 2 A. Yes, it is. 3 Q. Okay. 4 And am I correct that the Lottery 5 Terminal 120 would support a feature where 6 players can select their own numbers? 7 A. Correct. 8 Q. Okay. 9 And in that instance, a lottery 10 terminal would print a Ticket 300 that 11 includes the player-selected numbers? 12 A. Correct. 13 Q. And am I correct that the 14 self-service terminal then supports a feature 15 where the players can select their own 16 numbers? 17 A. Correct. 18 Q. And in that instance, the terminal 19 would print the ticket and use the player's 20 selected numbers; is that correct? 21 A. Correct. 22 Q. And in these embodiments where 23 players select their own numbers, are the 24 player selections preloaded into the Game 25 provider system 250?

10 (Pages 34 - 37)

Page 38 1 A. No. Excuse me. In the -- they are 2 transmitted to the Game provider system 250 3 and associated with that ticket that is now 4 being printed at the lottery terminal. 5 So they are -- they are recorded 6 by the Game provider system. They're not 7 preloaded, but they're recorded by the game 8 lottery system at the time the ticket is 9 generated. 10 Q. Okay. 11 So let me make sure I understand 12 this. And let's focus on the Lottery Terminal 13 120 first. 14 A player interacts with the 15 Lottery Terminal 120 and selects its own 16 numbers. Okay? Is that correct? 17 A. Correct. 18 Q. Okay. 19 And when that happens, am I 20 correct that the Lottery Terminal 120 21 communicates the player-selected numbers back 22 to the Game provider system 250? 23 A. Correct. 24 Q. And the Game provider system 250 25 stores the player-selected numbers in its	Page 40 1 Q. Am I correct after the tickets are 2 preprinted, either by the commercial printer 3 or by the Lottery Terminal 130 or by the 4 self-service terminal 130, they're taken to 5 the cash register where they're scanned for 6 activation? 7 MR. LU: Objection, vague. 8 THE WITNESS: Correct. 9 BY MR. HAILS: 10 Q. Let's go to column 7. We discussed 11 this a bit. 12 Looking at a few paragraphs, 13 starting at line 12 and extending through to 14 line 35, 36 -- actually, I think we can 15 annotate this because this copy will be -- my 16 local copy will be sent to the court reporter 17 at the end, so I can put a big red box. 18 Do you see the big red box on the 19 screen share? 20 A. I do. 21 Q. The very end of this passage, it 22 talks about printing customer-selected wagers 23 on tickets 300, on self-service terminals 130 24 and in kiosks 130 without game provider system 25 connectivity.
Page 39 1 database; am I correct? 2 A. Correct. 3 Q. And at the end of this process, the 4 Lottery Terminal 120 would preprint the Ticket 5 300 that's shown here in Figure 1; is that 6 correct? 7 A. Correct. 8 Q. All right. 9 Is that same basic operation 10 happening when a player interacts with a 11 self-service terminal 130? 12 MR. LU: Objection, vague. 13 THE WITNESS: Essentially, yes. 14 BY MR. HAILS: 15 Q. Okay. 16 Are there any differences? 17 A. Not -- not for the purposes of that 18 diagram. 19 Q. All right. Okay. 20 And then in Figure 1, it also 21 shows a Preprinted Ticket 300 down at the 22 bottom of the Store box next to the Cash 23 Register 230. 24 Do you see that? 25 A. I do.	Page 41 1 Do you see that? 2 A. I do. 3 Q. So I'd like to understand how Szrek's 4 system works when there's no Game provider 5 system connectivity between the self-service 6 terminals 130 and the Game provider system. 7 MR. LU: Objection, vague. 8 Outside the scope. 9 THE WITNESS: I believe reading 10 that, that what Szrek is talking about is 11 using an algorithm that would allow the Ticket 12 Identifier to be generated in such a way that 13 it could be decoded by the Game provider 14 system to provide the information as to 15 what -- what product, what ticket and what 16 selections the player chose. 17 So that's what it says. It says, 18 "In the preferred embodiment, the preprinted 19 ticket identified 330 is known to the game 20 provider system 250. The game provider 250 21 either issues a processing request for 22 preprinted ticket 330 {sic} or it agrees with 23 the commercial printer 140 on methods of its 24 assignment and relation between ticket 25 identifier 330 and data bet on the ticket 350

11 (Pages 38 - 41)

Page 42 1 (via algorithm or some database or file 2 information). In some embodiments of this 3 invention, the preprinted ticket identifier 4 330 on the self-service terminal 130 or kiosk 5 130 could be constructed in a way that part of 6 the ticket identifier 330 could correspond to 7 the bet combination 350 chosen by the 8 players." 9 So what I interpret that as saying 10 is that you could generate the Bet Combination 11 and -- and store it essentially in the Ticket 12 Identifier so that when that Ticket Identifier 13 is redeemed or activate -- presented for 14 activation, the Bet Combinations could be 15 extracted from that Ticket Identifier that's 16 sent to the lottery administration system for 17 activation. 18 MR. HAILS: Okay. 19 BY MR. HAILS: 20 Q. So am I correct that the player is 21 working at the self-service terminal 130 and 22 selecting his or her preferred lottery 23 numbers? 24 Mr. Hutton, I didn't hear an 25 answer. Did you answer?	Page 44 1 Mischaracterizes the document. 2 THE WITNESS: It describes an 3 approach that could be used when there's no 4 connectivity between the kiosk and the lottery 5 administration system. 6 It's saying in the preferred 7 embodiment, the preprinted ticket identifier 8 330 is known to the Game provider 250. The 9 remainder of this is a discussion of how, when 10 it is not -- how the invention could still 11 work in the case where the Ticket Identifier 12 is not explicitly known to the Game provider 13 system in advance. 14 MR. HAILS: Okay. 15 BY MR. HAILS: 16 Q. In the bottom of the first paragraph, 17 the one -- the sentence that begins at line 18 18 or so, it's talking about construction of a 19 ticket identifier that includes the bet 20 combination chosen by the players; correct? 21 A. Let me read this. 22 Yes. It says, "In some 23 embodiments of this invention, the preprinted 24 ticket identifier 330 on the self-service 25 terminal 130 or kiosk 130 could be constructed
Page 43 1 A. I didn't hear a question. 2 Q. Oh, sorry. 3 Am I correct that the player 4 terminal is working -- sorry, strike that. 5 Am I correct that the player is 6 working at the self-service terminal 130 and 7 selecting his or her preferred lottery ticket? 8 A. Correct. 9 Q. Okay. 10 And this passage is describing a 11 scenario where the self-service terminal 130 12 has no connectivity to the Game provider 13 system 250. 14 MR. LU: Is there a question? 15 MR. HAILS: Is that correct? 16 MR. LU: Objection, vague. 17 Mischaracterizes the document. 18 BY MR. HAILS: 19 Q. The question is, is it correct? 20 A. Is what correct? 21 Q. Is it correct that the passage on 22 column 7 is describing a scenario where the 23 self-service terminal has no connectivity to 24 the Game provider system 250? 25 MR. LU: Objection, vague.	Page 45 1 in a way that part of the ticket identifier 2 330 could correspond to the bet combination 3 350 chosen by the players." 4 Q. Okay. 5 And so is it correct that when the 6 player completes work at the service terminal 7 130, the player walks away with a preprinted 8 lottery ticket? 9 MR. LU: Objection, vague. 10 THE WITNESS: Correct. 11 MR. HAILS: Okay. 12 BY MR. HAILS: 13 Q. And the player walks away with a 14 preprinted lottery ticket that includes the 15 player's selected lottery numbers? 16 MR. LU: Objection, vague. 17 THE WITNESS: Correct. Sorry. 18 BY MR. HAILS: 19 Q. Okay. 20 I'd like to draw your attention to 21 the passage that begins at line 28 or so, and 22 I'm going to read the sentence into the 23 record. 24 It says, "Another part of the 25 ticket identifier could contain some element

12 (Pages 42 - 45)

Page 46 1 making this ticket unique, such as issued 2 tickets sequence counter on said self-service 3 terminal 130 or kiosk 130." 4 Do you see that passage? 5 A. I do. 6 Q. Could you explain to me how the 7 sequence counter works? 8 MR. LU: Objection, vague. 9 THE WITNESS: A sequence counter 10 is just what it sounds like. It's a counter 11 that starts at some fixed number, usually 12 zero, and counts up. And it's similar to a 13 serial number. So a sequence counter can be 14 considered a serial number. 15 So using a sequence counter would 16 allow you to assign a unique serial number to 17 every ticket that's printed on that kiosk. 18 BY MR. HAILS: 19 Q. And so hypothetically, if a player 20 was issued the 30th ticket in a sequence, 21 would the issued ticket sequence counter 22 reflect a value essentially of 30? 23 MR. LU: Objection, vague. 24 THE WITNESS: Yeah, are you 25 referring to the ticket or the ticket sequence	Page 48 1 would say that it would be similar, but you'd 2 have to see the exact implementation as to 3 what would be actually printed on there. But 4 at a minimum, there would be the Ticket 5 Identifier and the Product Info, and whatever 6 else they would want to print. It would be up 7 to the jurisdiction. 8 (Brief pause.) 9 MR. LU: Counsel, we've been going 10 almost an hour, if you want to take a break? 11 MR. HAILS: That's fine with me. 12 How much time would you like? 13 MR. LU: Ten minutes okay? 14 MR. HAILS: Ten minutes. Is 15 everybody on the East Coast? I'm at 10:27. 16 MR. LU: Yes. Yes, we are. 17 MR. HAILS: How about 10:37? 18 MR. LU: Sounds good. 19 MR. HAILS: All right. Thank you. 20 (Whereupon, a recess was taken at 21 10:27 a.m.) 22 (Whereupon, the proceedings 23 resumed at 10:37 a.m.) 24 BY MR. HAILS: 25 Q. Mr. Hutton, has the screen share
Page 47 1 counter or -- 2 MR. HAILS: The sequence counter, 3 yeah. 4 THE WITNESS: So the sequence 5 counter contained in the kiosk or self-service 6 terminal, you're referring to? 7 MR. HAILS: Correct. I want to 8 understand how this term "sequence counter" is 9 to be interpreted. 10 THE WITNESS: The sequence counter 11 is to be interpreted as a counter kept by the 12 kiosk that is incremented for each ticket that 13 it issues. 14 BY MR. HAILS: 15 Q. And when Szrek says that the sequence 16 counter is "another part of the ticket 17 identifier," is that a reference to the Ticket 18 Identifier 330 in Figure 3? 19 A. Yes, it is. 20 Q. In your view, when tickets are 21 preprinted in the manner that's discussed in 22 this passage highlighted in the red box, do 23 they fit the format shown in Figure 3? 24 MR. LU: Objection, vague. 25 THE WITNESS: I wouldn't -- no. I	Page 49 1 returned for you? 2 A. It has. 3 Q. Before we broke, we were discussing 4 this passage that's highlighted here on column 5 7 from lines, we'll call it lines 12 through 6 35. And we were discussing the sequence 7 counter and also the passage that discusses 8 the ticket identifier being constructed to 9 include the bet combination. 10 Do you recall that testimony? 11 A. I do. 12 Q. At the very end of this passage, in 13 the sentence that begins "E.g.," it talks 14 about "this type of ticket identifier 15 assignment." 16 A. What line are you referring to? 17 Q. It's right at the bottom. It starts 18 at line 32, 33 or so. 19 Do you see it? 20 A. Starts "E.g."? 21 Q. Correct. "E.g., this type of ticket 22 identifier assignment." 23 A. Okay. I got it. 24 Q. When you read this passage and he 25 talks about this type of ticket identifier

13 (Pages 46 - 49)

Page 50 1 assignment, do you interpret Szrek as 2 referring to both embedding the bet 3 combination in the ticket identifier 330 and 4 user the sequence counter? 5 MR. LU: Objection, vague. 6 THE WITNESS: Not necessarily, no. 7 BY MR. HAILS: 8 Q. How do you interpret that sentence? 9 A. What it says is this type of -- "for 10 example, this type of ticket identifier 11 assignment allows printer consumer selected 12 wages on tickets 300 on self-service terminals 13 130 and in kiosk 130 without game provider's 14 connectivity." 15 That sentence is referring to 16 allowing the player to select his numbers and 17 then bet that in the ticket buyer. 18 Q. And so is that a reference to the end 19 of the preceding paragraph and the sentence 20 that begins at line 18? 21 A. Yes, it is. 22 Q. And do you read this sentence that 23 begins at line 32 or so as referring also to 24 the sequence counter? 25 A. The sentence that begins with "In	Page 52 1 essentially a serial number for that 2 particular ticket, but it would be generated 3 at the kiosk. But it doesn't necessarily 4 require that the second part of it is -- it 5 doesn't necessarily mean that that is what you 6 need to do to allow the player's numbers to be 7 embedded in the ticket identifier. That 8 player's numbers could be embedded in the 9 ticket identifier, whether or not you use a 10 sequence counter to make the ticket unique. 11 Although it would be highly 12 desirable when a person of ordinary skill 13 would require the need to have some way to 14 make that ticket unique, since the ticket is 15 not pre-known to the lottery administration 16 system. 17 MR. HAILS: Okay. 18 BY MR. HAILS: 19 Q. I'd like now to discuss Szrek's 20 disclosure about activating tickets. And 21 there is a passage at column 6 that starts at 22 line 28. 23 Are you familiar with that 24 discussion? 25 A. Line 28?
Page 51 1 this case"? 2 Q. The sentence that begins with the 3 "E.g." 4 A. Okay. The sentence that starts with 5 the E.g. discusses embedding the player -- the 6 player's selections in the ticket identifier. 7 Q. Okay. I just want to make sure I 8 understand your view of this. 9 Does the sentence that begins with 10 "E.g." have anything to do with the discussion 11 of the sequence counter? 12 MR. LU: Objection, vague. 13 THE WITNESS: Yes, in that a 14 person of ordinary skill here would understand 15 that in order for this to work without the 16 ticket identifier being previously known to 17 the game provider system, there would be -- it 18 would be very desirable to have some way of 19 making that ticket identifier a unique 20 identifier for the -- making that particular 21 physical indicia being printed out at the 22 kiosk lottery terminal as a unique indicia so 23 he could identify that exact ticket that was 24 printed on the lottery terminal. 25 So in other words, it would be	Page 53 1 MR. LU: Objection, vague. 2 THE WITNESS: Are you talking 3 about the sentence that begins with "Normally 4 when a barcode 310 is scanned"? 5 MR. HAILS: Well, just the overall 6 paragraph, right? I mean, let's -- let's talk 7 about that. 8 THE WITNESS: I'm sorry, the 9 paragraph that begins with "In accordance"? 10 MR. HAILS: Correct. 11 BY MR. HAILS: 12 Q. All right. 13 So -- and I'm going to actually 14 read a piece of it into the record just so 15 we're on the same page, and I'm going to start 16 at line 30 -- well, first of all, this 17 paragraph is describing activation of a 18 lottery ticket at the cash register 230; is 19 that correct? 20 A. That's correct. 21 Q. And so now I'm going to read the 22 passage that starts at line 30. 23 "The store clerk scans ticket 300 24 like any other product. Normally when a 25 barcode 310 is scanned for any merchandise,

14 (Pages 50 - 53)

Page 54 1 the checkout register 230 application looks up 2 the merchandise price in database or checks 3 the price by using some algorithmic interface. 4 In case of the ticket 300 of the present 5 invention, this request will be transformed 6 into transactional request to the game 7 provider system 250 who verifies if this 8 Checkout Play 300 was already activated." 9 Okay. I'd like your understanding 10 how the Szrek system would work when a clerk 11 scans ordinary merchandise and then how it 12 works when it scans a lottery ticket. 13 MR. LU: Objection, vague. 14 Outside the scope. 15 MR. HAILS: There hasn't been a 16 question yet. 17 BY MR. HAILS: 18 Q. So I'd like to discuss a hypothetical 19 example where somebody goes to a cash 20 register, buys a bag of chips and a lottery 21 ticket. 22 Is that something you're 23 comfortable discussing? 24 A. Yes. 25 Q. All right.	Page 56 1 application looks up the merchandise price in 2 the database or checks the price by using some 3 algorithmic interface." 4 Are you able to describe how the 5 system illustrated in Figure 2 would operate 6 if a customer brought a bag of chips to the 7 cash register? 8 MR. LU: Objection, vague. 9 Outside the scope of his direct testimony. 10 THE WITNESS: It would not 11 involve -- it wouldn't work. The system -- 12 that system would not be involved in a bag of 13 chips transaction. 14 BY MR. HAILS: 15 Q. So what is your understanding of the 16 statement that says "Normally when a barcode 17 310 is scanned for any merchandise, the 18 checkout register application looks up the 19 merchandise price in the database"? 20 A. It means what it says. 21 Normally when a bag of chips or 22 any other merchandise is scanned, the point of 23 sale terminal looks up -- reads the UPC, looks 24 up that somehow with the infrastructure, looks 25 it up, and then is able to put -- print the
Page 55 1 So let's talk about the 2 scenario -- strike that question. 3 Please explain to me how the Szrek 4 system would operate when a clerk scans the 5 bag of chips. 6 MR. LU: Objection, vague. 7 Outside the scope of his direct testimony. 8 THE WITNESS: It wouldn't have any 9 relation to the Szrek system from the scan of 10 that bag of chips. No involvement. 11 MR. HAILS: I'm going to pull up 12 Figure 2 in the screen share. 13 BY MR. HAILS: 14 Q. Do you see it? 15 A. I do. 16 Q. Okay. 17 So this is describing the system 18 that is used to activate a lottery ticket; 19 correct? 20 A. Correct. 21 Q. And in the passage I just read, it 22 says the store clerk scans the ticket 300 like 23 any other product, and it says further that 24 "normally when a barcode 310 is scanned for 25 any merchandise, the checkout register	Page 57 1 price on the receipt and add it to the running 2 total of what's being bought. 3 Q. And the passage in column 6 refers to 4 a database? 5 A. Or an algorithm. 6 Q. Or an algorithm. 7 Do you have an understanding where 8 that database would be? 9 MR. LU: Objection. Outside the 10 scope of his direct testimony. 11 THE WITNESS: In systems that I've 12 seen, it's usually in the store back office, 13 but it could also be at some central location, 14 like in a big box store. 15 BY MR. HAILS: 16 Q. Do you have an understanding of what 17 kind of information would be contained in a 18 request from the cash register or -- after it 19 scans a bag of chips? 20 MR. LU: Objection, vague. 21 Outside the scope of his direct. 22 THE WITNESS: It would be the 23 information read from the UPC code. 24 BY MR. HAILS: 25 Q. And what information would the cash

15 (Pages 54 - 57)

Page 58 1 register receive in response to that request? 2 MR. LU: Same objections. 3 THE WITNESS: You're asking me to 4 speculate, but I would assume, as Szrek says, 5 it would receive price and product 6 information, basically what it needed to add 7 it to the, basically shopping cart that the 8 cash register keeps, the electronic shopping 9 cart inside the cash register. 10 So it would have the information 11 the cash register would need to know how to 12 print it on the receipt and charge it and tax 13 it, et cetera. 14 MR. HAILS: Okay. 15 BY MR. HAILS: 16 Q. And how would the cash register 17 operate when the clerk scans a lottery ticket? 18 MR. LU: Objection, vague. 19 THE WITNESS: Are you asking me in 20 terms of the Szrek patent? 21 MR. HAILS: Yes. 22 THE WITNESS: What it says, which 23 is -- would you put it up again and read it 24 into the record again? 25 MR. HAILS: I'll share it. I	Page 60 1 case of the Szrek system. 2 BY MR. HAILS: 3 Q. And line 35, when Szrek is talking 4 about this request, do you view that as 5 being -- strike that question. 6 In line 35 when it talks about 7 "this request will be transformed," do you 8 view that as an operation being performed by 9 the cash register? 10 A. It doesn't specify. You could -- you 11 could view it that way. 12 Q. How do you view it? 13 MR. LU: Objection. Asked and 14 answered. 15 THE WITNESS: I view it as what it 16 says there. It's transformed into a 17 transactional request to the Game provider 18 system. 19 BY MR. HAILS: 20 Q. Earlier when we were discussing the 21 bag of chips example, you said that point of 22 sale terminal reads the UPC. 23 Do you remember that testimony? 24 A. Normally -- you're referring to the 25 sentence that starts with "Normally when a
Page 59 1 think that would probably be easiest. 2 THE WITNESS: Okay. 3 MR. HAILS: I'm going to minimize 4 my window, but hopefully zoom in on the 5 column. 6 THE WITNESS: Okay. 7 MR. HAILS: For the record, I've 8 put a red box on column 6 starting at line 28 9 extending down to line 43 of Szrek. Okay. 10 And you wanted to see this so you 11 could provide an answer to my question of how 12 would the cash register operate when it scans 13 a lottery ticket. 14 THE WITNESS: So what it says 15 there is "In case of a ticket 300 of the 16 present invention, this request will be 17 transformed into transactional request to the 18 game provider system 250 who verifies if this 19 is a Checkout Play 300 was already activated. 20 If not, it will activate this ticket by 21 marking a status or state of corresponding 22 identifier or record in the computer memory or 23 on the computer disk or it may even create a 24 record with the corresponding identifier." 25 So that's what it would do in the	Page 61 1 barcode 310 is scanned for any merchandise"? 2 Q. No, I'm referring to your prior 3 testimony. And when I was asking you about 4 the bag of chips example and it being scanned, 5 you referred to a UPC. 6 A. Which is a barcode. 7 Q. Okay. 8 And so -- and I believe, please 9 correct me if I'm wrong, that you had 10 testified that the bag of chips is scanned, 11 the cash register reads the UPC and issues a 12 request based upon the information that's 13 provided. 14 MR. LU: Objection. 15 Mischaracterizes the testimony. 16 MR. HAILS: Well, it's a new 17 question. 18 BY MR. HAILS: 19 Q. Is that a fair characterization of 20 your testimony? 21 A. How would you characterize it? 22 Q. I'm asking you. I just want to make 23 sure that we're on the same page, sir. 24 I'll read your answer from before. 25 I have it as "Normally when a bag of chips or

16 (Pages 58 - 61)

Page 62 1 any other merchandise is scanned, the point of 2 sale terminal looks up, reads the UPC, looks 3 that up somehow within the infrastructure, 4 looks it up and then is able to put -- prints 5 the price on the receipt and adding to the run 6 total of what's being bought." 7 Do you remember that testimony? 8 A. I do. 9 Q. Okay. 10 In a scenario where a lottery 11 ticket is scanned, does the cash register read 12 a UPC from the lottery ticket? 13 MR. LU: Objection, vague. 14 THE WITNESS: If it contains one. 15 When a lottery ticket is scanned, 16 it scans a barcode in the Szrek patent. The 17 UPC is an instance of a barcode. 18 MR. HAILS: Okay. 19 BY MR. HAILS: 20 Q. So do you prefer to say that the cash 21 register scans the barcode of the lottery 22 ticket? 23 A. Yes. 24 Q. Okay. 25 And does the cash register's	Page 64 1 MR. LU: Objection, vague. Calls 2 for speculation. 3 THE WITNESS: I would speculate 4 that as a person of ordinary skill, I would 5 assume that it contains, at a minimum, the 6 information from the barcode that was scanned 7 off the object. 8 BY MR. HAILS: 9 Q. And earlier we had talked about 10 Szrek's discussion on column 6 about how a 11 request is transformed. 12 Do you recall the discussion in 13 Szrek? 14 A. Yes. 15 Q. Looking at Figure 2, please explain 16 to me your understanding of how the request is 17 transformed. 18 MR. LU: Objection, vague. 19 THE WITNESS: You're asking me to 20 speculate? 21 MR. HAILS: I'm asking you what 22 you think Szrek discloses. No, in fact, I'm 23 not asking you to speculate. 24 BY MR. HAILS: 25 Q. If you think that Szrek does not
Page 63 1 lookup operation -- strike that question. 2 Let's go back to Figure 2. I'll 3 put it back up in the share. 4 MR. HAILS: I'm sorry, I got some 5 garbled audio. Did somebody say something? 6 THE WITNESS: No. 7 BY MR. HAILS: 8 Q. So we have Figure 2 and we have a 9 Cash Register and it's in communication with a 10 Store Back Office 240 and the Store Back 11 Office 240 is in communication with the Game 12 Provider system. 13 Do you see that? 14 A. Yes, I do. 15 Q. And then there's an arrow that 16 extends between the Cash Register 230 and the 17 Store Back Office 240. 18 Do you see that? 19 A. I do. 20 Q. It's labeled "Request for Sales 21 Information," although I think sales is 22 misspelled. 23 Do you see that? 24 A. I do. 25 Q. What do you think is in that request?	Page 65 1 disclose this feature, well, please let me 2 know that. 3 A. Szrek discloses that feature. 4 MR. HAILS: Okay. 5 THE WITNESS: So please repeat the 6 question. 7 BY MR. HAILS: 8 Q. Looking at Figure 2, please explain 9 to me your understanding of how Szrek's 10 request is transformed. 11 MR. LU: Objection, vague. 12 THE WITNESS: How it's 13 transformed? A person of ordinary skill would 14 assume that either something in the Store Back 15 Office system or the Cash Register, when it -- 16 when it recognizes that this is not -- that 17 this is a lottery product, will then do 18 whatever transformation is required to 19 transform that into a request understood by 20 the Ticket Activation infrastructure, being 21 Game Provider system. 22 So either the point of sale 23 terminal or the Store Back Office, it doesn't 24 matter for the purposes of Szrek, will do -- 25 take that information, which is just a barcode

17 (Pages 62 - 65)

Page 66 1 information, and send it as a -- rather than 2 sending it, just putting it in -- getting the 3 information back and putting it in the basket. 4 In addition to getting the 5 information about what's in there, it also 6 will send the request to the Game Provider 7 system, either through the Store Back Office 8 or directly, in different embodiments of 9 Szrek. 10 BY MR. HAILS: 11 Q. And am I correct that the 12 communication to the Game Provider system 13 includes the Ticket Identifier? 14 A. Yes. 15 Q. Does Szrek disclose that anything 16 else is sent to the Game Provider system 250? 17 MR. LU: Objection, vague. 18 THE WITNESS: In the context of 19 this diagram? 20 MR. HAILS: In the context of an 21 activation request. 22 THE WITNESS: I believe -- I could 23 look in Szrek. I believe that Szrek has 24 embodiments where different information is 25 sent.	Page 68 1 barcode information, and what is contained in 2 the barcode information can be a variety of 3 things; at a minimum, the ticket identifier. 4 So that's what I'm -- that's what 5 a person of ordinary skill would have 6 understood what Szrek was referring to in 7 terms of this -- in terms of this document. 8 BY MR. HAILS: 9 Q. Let's go to column 3. 10 A. Plus there's some other things there. 11 Q. All right. 12 In the screen share, I've just 13 switched to column 3 of Szrek and highlighted 14 a paragraph beginning at line 46. 15 Do you see that? 16 A. I do. 17 Q. And we discussed this at some level 18 before discussing the preloading of the game 19 provider system. 20 Do you remember that testimony? 21 A. I do. 22 Q. Okay. 23 The second line of this first 24 sentence says, "During ticket activation, the 25 game provider system merely recognizes from
Page 67 1 BY MR. HAILS: 2 Q. What do you understand them to be? 3 A. Let me read via Szrek. 4 (Whereupon, the witness reviews 5 the document.) 6 THE WITNESS: At a minimum, it 7 requires the Ticket Identifier, which might 8 embed other information, for example, a 9 sequence number or the player's selected bets 10 or the UPC information, if there was a UPC on 11 the instant ticket; in other words, additional 12 product information. 13 BY MR. HAILS: 14 Q. Where were you looking in Szrek? 15 A. I was answering that as a person of 16 ordinary skill, how I would interpret what is 17 said in Szrek. 18 Q. Okay. 19 So your prior answer where you 20 said you wanted to review Szrek, did you see 21 any discussion that informed your answer about 22 information in addition to the ticket 23 identifier? 24 MR. LU: Objection, vague. 25 THE WITNESS: Szrek refers to the	Page 69 1 the ticket identifier what transaction is 2 activated." 3 Do you see that discussion? 4 A. Yes, I do. 5 Q. Okay. 6 A person of ordinary skill in the 7 art, when it reads this sentence, would 8 conclude that the game provider system only 9 needs the ticket identifier to activate a 10 lottery ticket; is that correct? 11 MR. LU: Objection, vague. 12 Mischaracterizes the document. 13 THE WITNESS: It discusses -- it 14 goes on to say "In some embodiments ticket 15 identifier may indicate, in an algorithmic 16 fashion, what transaction was being activated 17 and game provider system would load this 18 transaction." 19 So it's saying that the ticket 20 identifier containing any information that the 21 particular embodiment puts in the ticket 22 identifier is what's sent to the game provider 23 system. 24 Is that what you're asking? 25 MR. HAILS: No.

18 (Pages 66 - 69)

Page 70 1 THE WITNESS: Okay. 2 BY MR. HAILS: 3 Q. I asked whether a person of ordinary 4 skill in the art, when reading the first 5 sentence of this paragraph, would conclude 6 that the game provider system only needs the 7 ticket identifier to activate a lottery 8 ticket; is that correct? 9 MR. LU: Same objection. 10 THE WITNESS: I would recognize 11 that what it's saying is that is the minimum 12 amount of information it would need. And it 13 goes on to say "in some embodiments" after 14 that. 15 So a person of ordinary skill 16 would say that -- basically what a person of 17 ordinary skill would interpret that as is that 18 an embodiment of this or the ticket identifier 19 is the lookup key to the ticket that's 20 preloaded in the database. And all you would 21 need is the ticket identifier to look up that 22 ticket in the case where the tickets are 23 preloaded into the game provider system. 24 So that's how I would interpret 25 that.	Page 72 1 identifier, activation identifier, security 2 codes 440, an activation price 450 and valid 3 draw identifier 460, such as a draw number or 4 draw time, are printed on a cash register 5 receipt." {Sic} 6 So a person of ordinary skill 7 would understand that those were either 8 received -- either in whole or in part, 9 received from the game administration system 10 or extracted from the information scanned from 11 the ticket. 12 BY MR. HAILS: 13 Q. These elements are shown on Figure 4 14 of Szrek; correct? And I'll switch to it for 15 your convenience. Give me a sec. 16 A. Was that a question? 17 Q. Yeah. The elements that were 18 discussed in the paragraph that begins on 19 line 54 of column 6 are shown in Figure 4; 20 correct? 21 A. Correct. 22 Q. And this Figure 4 of Szrek represents 23 the Cash Register Receipt; correct? 24 A. Correct. 25 Q. And Figure 4 does not represent a
Page 71 1 BY MR. HAILS: 2 Q. And the second sentence, Szrek -- of 3 this paragraph, Szrek also is referring to the 4 ticket identifier; isn't that right? 5 A. Yes. It says "ticket identifier" in 6 that sentence. 7 Q. All right. 8 I'm going to switch to column 6 9 and let's focus on the paragraph that begins 10 on line 44 -- sorry, strike that. We'll focus 11 on the line that begins at -- strike that. 12 We will focus on the paragraph in 13 column 6 that begins on line 54, and I'll 14 highlight that in another handy dandy red box. 15 All right. This paragraph 16 describes information that comes back from the 17 game provider system to the cash register once 18 the ticket is activated. 19 Do you agree? 20 MR. LU: Objection, vague. 21 THE WITNESS: I will read it. It 22 says, "Once the ticket 300 is activated, 23 product type (sale of lottery ticket, or a 24 sale of ticket for the specific game or game 25 event), the original preprinted ticket	Page 73 1 preprinted lottery ticket; correct? 2 A. Correct. 3 Q. All right. 4 Let's switch to column 4, line 59. 5 And for the record, I'm going to highlight the 6 last full paragraph on this column 4. 7 Do you see that? 8 A. I do. 9 Q. Beginning at line 60, Szrek discusses 10 that a request is sent to the game provider 11 system who authorizes the activation and sends 12 back a variety of instances of data. 13 Do you see that discussion? 14 A. I do. 15 Q. Right. 16 And they include a lottery product 17 description, price and -- and an activation 18 receipt identifier -- excuse me, and a fourth 19 one, security code. 20 Do you see that? 21 A. I do. 22 Q. When Szrek discusses that the game 23 provider system sends back a lottery product 24 description, does this correspond to the 25 Product Type 410 in Figure 4?

19 (Pages 70 - 73)

Page 74 1 MR. LU: Objection, vague. 2 THE WITNESS: Possibly. A person 3 of ordinary skill would -- would say that the 4 product type and product description could be 5 analogous, but it could be more than that. 6 Just the product information. So product type 7 could be a piece of the product information. 8 And again, these diagrams in the 9 patent are examples of what the cash 10 register's receipt would look like. So how 11 the product information is displayed on the 12 actual cash register receipt is not -- I would 13 not read this to be binding, that this is what 14 needs to be there. The product information 15 could be displayed as just the product type or 16 more information. 17 But I think what Szrek's saying 18 here is at least you have to say what product 19 is bought on the receipt. 20 BY MR. HAILS: 21 Q. So when Szrek discloses the game 22 provider system sends that price information, 23 does that correspond to the activation Price 24 for 450 in Figure 4? 25 A. Yes.	Page 76 1 Q. So is that a yes to my -- 2 MR. LU: Objection, vague. 3 THE WITNESS: A person of ordinary 4 skill would interpret that as being one of the 5 Activation Security Codes, plural, printed on 6 the Cash Register Receipt 400 in Receipt 7 Figure 4. 8 BY MR. HAILS: 9 Q. And in the top of this paragraph, it 10 says that "After the barcode information has 11 been scanned, cash register originates a 12 transaction to the game provider requesting 13 ticket activation." 14 And it says further, "This usually 15 is done by requesting the product type and 16 price." And "This request is usually 17 transformed into an activation request by the 18 store back office software." 19 Do you see that? 20 A. I do. 21 Q. Doesn't this passage suggest that the 22 cash register does not have the product type 23 and price available to it when it makes its 24 request? 25 MR. LU: Objection, vague.
Page 75 1 MR. LU: Objection, vague. 2 BY MR. HAILS: 3 Q. And when Szrek discloses that the 4 game provider system sends back an activation 5 receipt identifier, does that correspond to 6 the Activation Identifier 430 in Figure 4? 7 MR. LU: Objection, vague. 8 THE WITNESS: Yes. 9 BY MR. HAILS: 10 Q. And when Szrek discloses that the 11 game provider system sends back a security 12 code, does that correspond to one of the 13 Security Codes 440 in Figure 4? 14 MR. LU: Objection, vague. 15 THE WITNESS: Yes. 16 BY MR. HAILS: 17 Q. And this passage at line 64 says, 18 "The store back office may append its own 19 security code." 20 Do you see that? 21 A. I see that. 22 Q. Is that an example of another 23 Security Code 440 from Figure 4? 24 A. It would be one of the activation 25 security codes borrowed from Figure 4.	Page 77 1 THE WITNESS: I don't believe it 2 suggests that, no. 3 BY MR. HAILS: 4 Q. Doesn't this passage suggest that the 5 store back office lacks the capability to 6 provide product type or information to the 7 cash register when a lottery ticket is 8 scanned? 9 MR. LU: Objection, vague. 10 Mischaracterizes the document. 11 THE WITNESS: I don't believe so, 12 no. 13 BY MR. HAILS: 14 Q. Why? 15 A. Is there a question? 16 Q. Yes. I said why? 17 A. Why doesn't it? 18 Q. Right. 19 A. Because it starts out with "usually," 20 so it's a -- more of a by example of how this 21 would work in a particular point of sale and 22 presentation which have a myriad of different 23 specific instances. 24 So this is basically -- by 25 example, this request is usually transformed

20 (Pages 74 - 77)

Page 78 1 into an activation request by the store back 2 office system. It really doesn't say anything 3 about what information the store back office 4 system has or the cash register has about the 5 actual product. 6 Q. But you'll agree with me it does not 7 say that the store back office provides price 8 information in response to the cash register's 9 lookup operation? 10 MR. LU: Objection, vague. 11 THE WITNESS: All it says is the 12 request is then sent to the game provider 13 system who authorizes the activation and sends 14 back product description price and activation 15 receipt identifier. 16 It doesn't -- it doesn't -- the 17 fact that those are sent back doesn't mean 18 that it wasn't already known at the -- the 19 register. It's very possible that a point of 20 sale system on a lottery ticket with a UPC, 21 the point of sale system would know all the 22 product information in advance and just sends 23 this to the lottery system to get the 24 activation code and final price and draws. 25 So again, this is by example.	Page 80 1 MR. HAILS: Okay. I don't think 2 I'm going to be able to do this well for this 3 screen share, but I'll make an attempt. 4 I'm going to turn to column 6 and 5 put another box around the paragraph that 6 begins at line 44. 7 I'm interested in -- let me clean 8 up these boxes first. All right. 9 BY MR. HAILS: 10 Q. Here, in this paragraph that begins 11 on line 44 of column 6, it talks about 12 determining whether a ticket is a winner, and 13 I think authorizing winner payment. 14 Do you see that? 15 A. "If the ticket was activated and has 16 already participated in a drawing several 17 different approaches are possible"? 18 Q. That paragraph, that's right. 19 And then the next couple of 20 sentences talk about -- maybe it's just a 21 single sentence. There's a sentence that 22 begins at line 45. 23 "In the preferred embodiment game 24 provider system could check if ticket 300 is a 25 winner," and then provides details.
Page 79 1 It's not -- I don't see this as being fully 2 definitive. So no, I -- the answer to your 3 question is no. 4 BY MR. HAILS: 5 Q. This passage does not say that 6 payment is required before the game provider 7 system will print the ticket; is that correct? 8 MR. LU: Objection, vague. 9 THE WITNESS: It doesn't address 10 payment -- payment in any way, though a person 11 of ordinary skill would understand that if 12 you're buying something from the supermarket, 13 it's very good that you pay for it if you want 14 it. 15 BY MR. HAILS: 16 Q. But this passage does say that the 17 game provider system authorizes activation. 18 Do you see that, in the middle of 19 the paragraph? 20 A. I do. 21 Q. Okay. 22 And as you say, there's no 23 discussion of payment in this paragraph? 24 A. No reference to it, no. 25 Q. Okay.	Page 81 1 Do you see that discussion? 2 A. I do. 3 Q. Okay. 4 I'd like you to explain to me, in 5 your view, how Szrek, the system determines 6 whether a ticket is a winner. 7 MR. LU: Objection, vague. 8 THE WITNESS: A person of ordinary 9 skill in a lottery system would understand 10 that when the ticket is looked up in the 11 lottery system, the lottery system is able 12 to -- has all the information regarding that 13 transaction, the activation transaction, the 14 activation transaction and the numbers that 15 were played. 16 So the lottery administration 17 system would have the ability to compare the 18 numbers that were selected to the draw that 19 was selected and determine whether or not 20 those numbers are winning numbers, and that's 21 how it would determine whether the ticket was 22 a winner. 23 BY MR. HAILS: 24 Q. Okay. 25 And when you're talking about the

21 (Pages 78 - 81)

Page 82 1 numbers of the ticket, we're talking about the 2 Bet Data 350 in Figure 3? 3 A. Roughly, yes. But not exclusively. 4 Q. And what other data does the system 5 need to determine whether there is a winner? 6 A. It just needs the draw and the 7 winning -- and the numbers that were played 8 and the winning -- numbers that were picked on 9 that draw. 10 Q. I'm sorry, then I don't understand 11 your answer saying "but not exclusively." 12 Will you explain? 13 A. Because it doesn't -- there are -- 14 there are embodiments described in Szrek which 15 we've already discussed that involve the 16 player being able to select the numbers in 17 advance. So those numbers wouldn't 18 necessarily be on a preprinted lottery ticket 19 unless it was printed at a kiosk. 20 So it doesn't necessarily -- what 21 I was trying to say is that it doesn't 22 necessarily refer to the bet data on a 23 manufactured or preprinted lottery ticket. It 24 may also -- only -- the numbers may have been 25 picked in other ways and not necessarily	Page 84 1 you. Actually, I'm able to put Figure 3 and 2 Figure 4 side-by-side in this share. 3 Do you see it on the Zoom share? 4 A. I do. 5 Q. Okay. 6 You said that when numbers are 7 generated by the lottery system, there's no 8 way to preprint them on a ticket; is that 9 correct? 10 A. When numbers are generated by the 11 lottery system at time of activation, there's 12 no way to preprint them on the ticket. 13 Q. Where does Szrek discuss assigning 14 numbers at the time of activation? 15 A. I have to search through here. 16 (Whereupon, the witness reviews 17 the document.) 18 THE WITNESS: I'm not going to sit 19 here and read the entire thing, but a person 20 of ordinary skill in the art would understand 21 that that would be an embodiment, a natural 22 embodiment of it. And, in fact -- I guess 23 that's my answer. 24 A person of ordinary skill in the 25 art would understand that that would be a
Page 83 1 printed in that particular place on the 2 ticket, on the preprinted ticket. 3 Q. Okay. 4 So maybe we should step back a 5 moment, just to make sure that we're on the 6 same page. 7 We've talked about players 8 selecting their numbers and having it 9 preprinted on a ticket; is that correct? 10 A. Correct. 11 Q. Okay. 12 And we've also talked about 13 computer-generated numbers and having that 14 preprinted on a ticket; correct? 15 A. Correct, but the -- we've talked 16 about the preprinted ticket where the numbers 17 are generated by the lottery administration 18 system. Those would not be preprinted on the 19 ticket, those would only be printed on the 20 lottery receipt because there would be no way 21 to know them in advance to preprint them on a 22 ticket. 23 So that's why I said not 24 exclusively. 25 Q. Let's go back to Figure 4. I lost	Page 85 1 natural embodiment for this and it would be 2 covered by this. 3 And I would go to the last 4 paragraph of the specification. "It would be 5 appreciated by those skilled in the art that 6 various changes and modifications can make the 7 illustrated embodiments without departing from 8 the spirit of the present invention. Also 9 modifications and changes are intended to be 10 covered by the accompanying claims." 11 So again, a person of ordinary 12 skill in the art would absolutely have 13 included that particular embodiment as 14 something -- that particular embodiment. 15 BY MR. HAILS: 16 Q. Do you see any identification of 17 lottery numbers in Figure 4? 18 A. No, I don't. 19 Q. Let's consider the Llach reference 20 for a moment. 21 A. Llach, okay. 22 Q. Do you agree that Llach is not 23 directed to activation of lottery tickets? 24 A. Yes. 25 Q. And Llach does not discuss lottery

22 (Pages 82 - 85)

Page 86 1 tickets at all. 2 Do you agree? 3 A. I agree. 4 Q. I'd like now to discuss your 5 declaration. You opined that the claims -- 6 the claim term "pre-printed lottery ticket" 7 corresponds to Szrek's Preprinted Ticket 300; 8 correct? 9 A. Correct. 10 Q. And that analysis was applied 11 universally to all claims in the '135 Patent; 12 correct? 13 MR. LU: Objection, vague. 14 THE WITNESS: That specific 15 analysis of that one? No, I don't think so. 16 No. That analysis wasn't applied to every 17 single one. I don't understand the question, 18 I guess. 19 MR. HAILS: I want to make sure I 20 understand how to interpret your declaration, 21 so let me share an exemplary passage. 22 BY MR. HAILS: 23 Q. All right. 24 On the screen share, I have your 25 declaration up.	Page 88 1 A. Third line? 2 Q. "Szrek discloses 'Preprinted Tickets' 3 (PT) 300." And "Preprinted tickets" is given 4 emphasis. 5 Do you see that? 6 A. Yes, I see that. 7 Q. So am I correct in reading your 8 declaration to say that when the claims use 9 the term "pre-printed lottery ticket," you are 10 mapping that feature to Szrek's Preprinted 11 Tickets 300? 12 A. Correct. 13 Q. Okay. 14 And this analysis actually 15 discusses Claim 1 as shown in the subheading 16 that's immediately above 109; right? 17 A. In the sub -- what exactly are you 18 referring to? I'm having trouble seeing this 19 here. 20 Q. Oh, I'm sorry. Let me -- is that 21 better? 22 A. Yeah, that's better. 23 Q. Okay. 24 So now through the Zoom, I've got 25 subheading 2 discussing element 1[a]; right?
Page 87 1 Do you see that? 2 A. I see that. 3 Q. And I'm going to flip forward to 4 paragraph 109 of your declaration. I am going 5 to highlight a passage where you analyze, I 6 believe, the term "pre-printed lottery 7 ticket." 8 In fact, I will highlight a few 9 passages. So the first few lines, we have an 10 excerpt from the claim language; yes? 11 A. Yes. 12 Q. And part of that excerpt includes the 13 term "pre-printed lottery ticket"; yes? 14 A. Yes. 15 Q. And then you provide an explanation 16 of the basis for your opinion that this 17 element discussed in 109 is met; correct? 18 A. Correct. 19 Q. Okay. 20 And when I read your declaration 21 and I am trying to make sure I understand how 22 you match the claims term "pre-printed lottery 23 ticket" to Szrek, I see it discussed in this 24 passage that begins in the third line; am I 25 correct?	Page 89 1 Do you see that? 2 A. Yes. 3 Q. And so you were analyzing Claim 1 and 4 the scanning step that is -- that's been 5 marked as element 1[a]; correct? 6 A. Correct. 7 Q. Okay. 8 I want to make sure I understand 9 how your declaration is structured for the 10 other claims that you've analyzed. 11 Am I correct that when those other 12 claims you've termed pre-printed lottery 13 ticket, you're also pointing to Szrek's 14 Preprinted Tickets 300? 15 A. Correct, but not exclusively again. 16 Q. What else are you pointing to? 17 A. Szrek's tickets printed at lottery 18 terminals or at kiosks. When I refer to 19 Szrek's Preprinted Lottery Ticket, it is 20 Szrek's Preprinted Lottery Ticket which is a 21 ticket that is preprinted before activation. 22 Q. Okay. Let's go back to Szrek, 23 Figure 1. 24 Are we talking about these PT 25 boxes that are shown -- the three of them that

23 (Pages 86 - 89)

Page 90 1 are shown at the top of this Store 100? 2 A. Correct. 3 MR. LU: Objection, vague. 4 BY MR. HAILS: 5 Q. And in this excerpt, in Claim 109 6 also from the claims analyzes the term 7 "unique" information. 8 Do you see that? 9 A. I see that. 10 Q. So I'm going to see if I can't make 11 that a different color. 12 And at the end of this passage 13 discussing Szrek that ends at the top of 14 page 38 of your declaration, it says, element 15 330 is the "unique ticket identifier 330." 16 Am I correct in inferring that 17 when you are analyzing the terms -- the claim 18 term "unique information," that you are 19 referring to element 330 in Szrek? 20 A. Yes. 21 Q. Okay. 22 You were referring to Szrek's 23 element 330 as the unique information in your 24 analysis, the other claims from the '135 25 Patent; correct?	Page 92 1 information." 2 Did I get them all? 3 A. You did. 4 Q. Okay. 5 And so when you analyzed the term 6 "product information" as it appears in the 7 other claims, you were referring to this same 8 set of five elements at the end of this 9 paragraph 111; is that correct? 10 A. That is correct. 11 Q. Let's move to paragraph 118 which 12 I'll put in the share. 13 In Claim 118, we're talking about 14 transmitting the product information, and in 15 this paragraph, I believe you referred only 16 to -- let me see if I can't -- in this 17 paragraph in the share, I believe you referred 18 to only two elements of product information 19 being transmitted, the bet combination and the 20 sequence counter; is that correct? 21 A. That's what that line says. 22 Q. Have you provided an opinion that any 23 other product information is transmitted as 24 required in this paragraph 118? 25 A. In this paragraph, no.
Page 91 1 A. Yes. 2 MR. LU: Objection, vague. 3 MR. HAILS: Let's discuss 4 paragraph 110 of your declaration, which I'll 5 put up on the screen. I'm sorry, that's a 6 mistake. Paragraph 111. 7 BY MR. HAILS: 8 Q. And this paragraph 111 takes in a 9 claim term from the '135 Patent which is 10 "product information." 11 Do you see that? 12 A. I see that. 13 Q. Okay. 14 And you identified a variety of 15 sets of product information in this 16 paragraph 111 and I'm going to see if I can 17 get them all. 18 I see product type in Szrek, I see 19 lottery product code in Szrek, I see ticket 20 price in Szrek, I see bet combination in Szrek 21 and I see the sequence counter in Szrek. 22 And at the end of this paragraph 23 it says, "A POSITA would understand product 24 type, product code, ticket price, bet 25 combination, or sequence counter are product	Page 93 1 Q. In your opinion, in your declaration? 2 A. Anywhere in my declaration? I would 3 have to scan through it. But previously, the 4 sentence you previously read mentioned a 5 number of them. 6 So I guess the answer is yes, I've 7 used other ones. 8 Q. So I want to make sure I understand. 9 Let's go back to paragraph 111. 10 Paragraph 111 is talking about scanning to 11 obtain product information. 12 Do you see that? 13 A. I see that. 14 Q. Okay. 15 And when we go to paragraph 118, 16 it talks about transmitting product 17 information. 18 Do you see that? 19 A. I see that. 20 Q. So scanning the product information 21 and transmitting the product information are 22 different steps. 23 Do you agree? 24 A. Scanning and transmitting are two 25 separate steps.

24 (Pages 90 - 93)

Page 94 1 Q. Right. 2 And the only information that you 3 have identified as being transmitted is the 4 bet combination or the sequence counter. 5 Do you agree? 6 A. No. 7 MR. LU: Objection. 8 Mischaracterizes the document. 9 THE WITNESS: I disagree. 10 BY MR. HAILS: 11 Q. Where have you discussed transmitting 12 product information -- strike that. 13 Where have you discussed 14 transmitting other types of product 15 information in your declaration? 16 A. I describe what other product 17 information was scanned, and then here I am 18 saying such as by way of example of some kind 19 of things that would be sent as part of the 20 ticket identifier, the product information in 21 the ticket identifier. So that's a such as. 22 I didn't intend it to be limited 23 to specifically those two items. 24 Q. But you did not identify any of the 25 other elements of product information here in	Page 96 1 lottery systems and retailers will require 2 that any activation request that is not 3 canceled be for a ticket where payment has 4 been confirmed." 5 And then you say, "In other words, 6 a retailer is contractually obligated only to 7 send a transaction request after payment is 8 confirmed." 9 Do you see that? 10 A. I see that. 11 Q. Okay. 12 Szrek does not send a transaction 13 request after payment is confirmed; do you 14 agree? 15 A. I disagree. 16 MR. LU: Objection. 17 Mischaracterizes. 18 BY MR. HAILS: 19 Q. Let's go back to Szrek at Figure 4. 20 You see the Cash Register Receipt 21 in Figure 4; correct? 22 A. I do. 23 Q. In the middle of it, it has the 24 fields that we discussed previously there that 25 are associated with a lottery ticket.
Page 95 1 paragraph 118; correct? 2 A. No, not specifically, but again, such 3 as by way of example. 4 Q. Paragraph 130; this statement talks 5 about payment confirmation. 6 Do you see that? 7 A. I do. 8 Q. Okay. 9 I'm going to read the first line 10 into the record. "A POSITA would have also 11 considered it obvious to send data 12 representing payment confirmation concurrent 13 with the transaction request." 14 Do you see that? 15 A. I do. 16 Q. What does "concurrent" mean as you're 17 using it in your declaration? 18 A. Sent in the same transaction request. 19 Q. Now I'm going to flip backwards. I 20 can't put all of paragraph 129 on the screen, 21 but I want to focus on the passage that's at 22 the beginning of page 47. And I'm going to 23 highlight it. 24 You say, "a POSITA would have been 25 well aware that typical contracts between	Page 97 1 Do you see that? 2 A. I do. 3 Q. Okay. 4 And the fact that these deals are 5 printed on the cash register receipt is an 6 indication that the game provider system has 7 activated the ticket that has been scanned at 8 the cash register; is that correct? 9 A. That's correct. 10 Q. Okay. 11 And Szrek shows other receipt data 12 that precedes the lottery ticket -- scratch 13 that. 14 Szrek shows other receipt data 15 being provided over this game provider 16 system-provided data. 17 Do you see that? 18 A. I do. 19 MR. LU: Objection, vague. 20 MR. HAILS: All right. 21 BY MR. HAILS: 22 Q. And there's another box of Other 23 Receipt Data that's below the middle box 24 that's associated with the scanned lottery 25 ticket.

25 (Pages 94 - 97)

Page 98 1 Do you see that? 2 A. That accurately describes the 3 diagram. 4 Q. Okay. 5 These are all part of a single 6 cash register receipt, are they not? 7 A. In that diagram, they are, yes. 8 Q. Doesn't that indicate that Szrek's 9 system has activated the product -- sorry. 10 Scratch that. 11 Doesn't Figure 4 indicate that the 12 game provider system has activated a scanned 13 lottery ticket before adding other receipt 14 data to the cash register receipt? 15 A. Not at all. 16 Q. No? 17 A. No. How a cash register arranges the 18 items on its receipt is up to the cash 19 register. I draw no inference for the order 20 of how those things were done. 21 And by example, you could use, 22 when you scan your loyalty card, the ticket, 23 the receipt -- the cash register only prints 24 the receipt after the entire transaction has 25 been completed and arranges it the way it	Page 100 1 is the payment confirmation, because it 2 wouldn't have been sent at all if payment 3 hadn't been confirmed. 4 And I believe -- let me leave it 5 at that. 6 BY MR. HAILS: 7 Q. Couldn't a lottery system be designed 8 to activate a ticket in response to an 9 activation request that says nothing about 10 payment? 11 MR. LU: Objection, vague. Calls 12 for speculation. 13 THE WITNESS: Yes, it could. 14 BY MR. HAILS: 15 Q. And couldn't such a lottery system be 16 designed to use absence of a cancellation as a 17 basis to keep a ticket active even when 18 there's no data indicating confirmation of 19 payment? 20 MR. LU: Objection, vague. Calls 21 for speculation. 22 THE WITNESS: Yes, you could. 23 BY MR. HAILS: 24 Q. And isn't that exactly how Szrek 25 works?
Page 99 1 wants to. But just -- just the same case, 2 when you scan a loyalty card. 3 Q. You draw no inferences to timing from 4 this receipt? 5 A. As a person of ordinary skill 6 familiar with this, no. 7 Q. Returning to this excerpt from your 8 declaration on page 47, the first sentence 9 says that contracts between lottery systems 10 and retailers require that any activation 11 request that is not canceled be for a ticket 12 where payment has been confirmed. 13 Do you see that? 14 A. I do. 15 Q. Okay. 16 So am I correct that contracts 17 require an activation request between a 18 lottery system and a retailer? 19 MR. LU: Objection, vague. 20 THE WITNESS: I wouldn't say -- I 21 couldn't say that it specifically required 22 that technical detail, no. They do require 23 that when an activation request is sent, 24 that's a binding contract. So payment had to 25 have been -- the activation request, itself,	Page 101 1 MR. LU: Objection. 2 Mischaracterizes the document. 3 THE WITNESS: I don't -- I don't 4 agree with that. In Szrek's -- in Szrek's -- 5 let me read through Szrek, because Szrek does 6 discuss payment. 7 So in Claim 1 of Szrek, it 8 describes a method, I'm not going to read the 9 entire thing, but one of the limitations in 10 the Claim 1 is receiving payment from the 11 player. 12 So Szrek is requiring receiving 13 payment from the player in its claimed 14 invention. 15 BY MR. HAILS: 16 Q. Can you point to the line? 17 A. It's the last -- it's the last line 18 in Claim 1. 19 Q. I see it. Thank you. Okay. 20 That line does not talk about a 21 communication, however, to a game provider 22 system, does it? 23 A. No, it doesn't. It's in the same -- 24 but it is in the same paragraph where 25 communications with the game provider system

26 (Pages 98 - 101)

Page 102 1 is described in detail. 2 So a POSITA would naturally assume 3 that receiving payment is part of what's 4 claimed here. 5 Q. Please show me where the 6 communications with the game provider system 7 are discussed. 8 A. Let me read it. 9 For example, in the third 10 paragraph of Claim 1, activating after -- 11 okay. Let's go right to the beginning. 12 "A method of selling non-instant 13 ticket, lottery ticket to a player at a point 14 of sale terminal for participation in a game 15 event authorizing by game provider system 16 providing steps of: Receiving from the player 17 at the point of sale terminal data identified 18 by the first machine readable meter printed." 19 And then it goes on to describe 20 other means. "Data identified second machine. 21 Activating after receiving the data, which 22 assumes it was transmitted, by the first 23 machine readable system, the first ticket to 24 participate in the game activated at the point 25 of sale terminal the first ticket having no	Page 104 1 describes, is the transmission and reception 2 of information scanned from the ticket to the 3 game provider system, or some other game -- 4 the game -- a game provider system that 5 activates the ticket and receiving the 6 activation. 7 So that's my opinion. And as a 8 person of ordinary skill, that's exactly how I 9 would read that. 10 Q. I'm going to resume the share. I'm 11 going to put Claim 1 up. Okay. 12 So I want to make sure I see the 13 same thing as you. The claim talks about a 14 method of selling a ticket and it talks about 15 receiving data from a player in the first 16 step. 17 Do I read that correctly? 18 A. Yes. 19 Q. Okay. 20 And the first machine readable 21 means in this claim is printed on the ticket; 22 am I correct? Let me highlight that. Let me 23 re-ask the question. 24 Looking at the receiving step in 25 Claim 1, and it talks about receiving from a
Page 103 1 play value until the activation of the 2 ticket." 3 So if it says "receiving," a 4 POSITA would understand that there was a 5 transmission preceding the reception. 6 Q. I'm reading the claim. I don't see 7 the game provider system mentioned in Claim 1. 8 Where do you see the game provider 9 system? 10 A. It doesn't specifically say "game 11 provider system" here, but obviously a POSITA 12 would understand that the game provider 13 system -- this information would -- in order 14 to receive this data from the game provider 15 system -- in order to receive this data 16 identified by the first machine, the first 17 ticket to participate in the game point of 18 sale terminal via the first ticket having no 19 play value until the activation of the first 20 ticket, permitting the first ticket to 21 participate in the game event. 22 So a POSITA would understand that 23 the game event was something that is 24 administered in the lottery administration 25 system, and in my opinion, that is what this	Page 105 1 player data identified by first machine 2 readable means. 3 Do you see that? 4 A. I do. 5 Q. And that first machine readable means 6 is printed on a first ticket for participation 7 in a game event; correct? 8 A. Correct. 9 Q. And so far we have no communication 10 with a game provider system. 11 Do you agree? 12 A. I agree. 13 Q. Okay. 14 The next clause talks about the 15 first ticket having the first machine readable 16 means printed thereon by devices not connected 17 to the point of sale terminal. Okay. Let's 18 stop there. 19 Up to this point, we still don't 20 have any communication with the game provider 21 system; correct? 22 A. Correct. 23 Q. Okay. 24 And I'm going to keep going with 25 the claim. It says, "Prior to the receiving

27 (Pages 102 - 105)

Page 106 1 and responsive to the player selecting one or 2 more bet combinations." 3 All right. Let me try that over. 4 I guess this -- this clause that 5 begins "the first ticket having" refers to 6 many pieces, and one of those pieces is that 7 it has first readable means printed thereon 8 prior to receiving and responsive to the 9 player selecting one or more bet combinations. 10 Do you see that discussion? 11 A. I do. 12 Q. Okay. 13 So at this point, we still have no 14 discussion with a game provider system; 15 correct? 16 A. Correct. 17 Q. All right. 18 The next clause says that the 19 first machine readable means corresponds the 20 bet combination selected by the player. 21 Do you see that? 22 A. I do. 23 Q. Still no communication with the game 24 provider system. 25 Do you agree?	Page 108 1 claim. I think we broke at line 51, but 2 forgive me if I'm screwing this up. 3 There's a clause that begins on 4 line 51, "The first machine readable means 5 corresponded with the bet combination selected 6 by the player." That clause doesn't refer to 7 any communication between -- strike that. 8 The clause that begins at line 51 9 doesn't discuss any communications with a game 10 provider system; correct? 11 A. Correct. 12 Q. The next clause begins in the middle 13 of line 53, "The point of sale terminal being 14 unable to read data identified by a second 15 machine readable means printed on a second 16 ticket by a standard lottery terminal for 17 participating in a game event." 18 And this clause at line 53 doesn't 19 discuss communications with a game provider 20 system; correct? 21 A. Correct. 22 Q. And then we have an activating step, 23 but there's no discussion about communications 24 with a game provider system in the activating 25 step?
Page 107 1 A. I agree. 2 Q. All right. 3 MR. LU: Counsel, it's almost 4 noon. Do you want to break for lunch? 5 MR. HAILS: Why don't we break 6 just for 10 minutes. I'm not sure we're going 7 to make it to lunch. A little bit of leeway 8 on this, but I don't think we'll make it until 9 1:00. So 12:30, 12:45, that kind of thing, if 10 that's okay. 11 MR. LU: Okay. 12 MR. HAILS: All right. So we'll 13 break and come back at -- can we come back at 14 12:05? 15 MR. LU: Sure. 16 MR. HAILS: Great. Thanks. 17 (Whereupon, a recess was taken at 18 11:58.) 19 (Whereupon, the deposition resumed 20 at 12:05 p.m.) 21 BY MR. HAILS: 22 Q. When we broke, we were walking 23 through Claim 1 and we were talking about what 24 it means and we were trying to see whether the 25 game provider system was discussed in this	Page 109 1 A. I believe that paragraph which says 2 "activating," after receiving the data 3 identified by the paragraph above, a POSITA 4 would understand that that, after reading the 5 specification of the patent, a POSITA would 6 understand that that means that is referring 7 to the game provider system activating after 8 having received the data identified by what's 9 described in the first, activating the ticket. 10 So a POSITA would understand that 11 that data had to be transmitted for it to 12 receive it. 13 Q. And this activating step says nothing 14 about payment; correct? 15 A. It does not. 16 Q. And this activating step says nothing 17 about payment confirmation; correct? 18 A. Correct. 19 Q. Okay. 20 And the permitting step that 21 follows it says nothing about payment; 22 correct? 23 A. Correct. 24 Q. The permitting step says nothing 25 about payment confirmation; correct?

28 (Pages 106 - 109)

Page 110 1 A. Correct. 2 Q. And the permitting step says nothing 3 about communications with a game provider 4 system; correct? 5 A. A POSITA would understand that that 6 permitting is also being done on the lottery 7 administration system. Permitting the first 8 ticket to participate in the game event is a 9 function a POSITA would understand as 10 something that the game administration -- or 11 the lottery administration would do, and then 12 the indicia including proof of payment and 13 activation of the first ticket. 14 So it does say something about 15 first payment. 16 Q. That's right. 17 A. Proof of payment, a POSITA would 18 understand that to be analogous, even 19 synonymous with a payment confirmation. 20 Q. Let's take this in steps. 21 The question was about the 22 permitting step, and you agree with me that 23 the permitting step does not talk about any 24 communication with a game provider system? 25 MR. LU: Objection. Asked and	Page 112 1 receiving payment from a player occurs there. 2 Q. So is that a yes? 3 A. The physical payment between the 4 player occurs at the point of sale payment -- 5 point of sale terminal. 6 Q. Let's go to Szrek and column 7. I'm 7 going to highlight the paragraph that begins 8 at line 5. All right. 9 Do you see the highlighted passage 10 that begins on line 5? 11 A. I do. 12 Q. Great. All right. 13 Second sentence talks about 14 nullification of activation. 15 Do you see that sentence? 16 A. I do. 17 Q. Okay. 18 Szrek is describing nullification 19 of an activation that's already happened; 20 correct? 21 MR. LU: Objection. 22 Mischaracterizes. 23 THE WITNESS: Let me read it. 24 "Nullification of the activation 25 may be provided if the activation was not paid
Page 111 1 answered. Mischaracterizes. 2 THE WITNESS: Yeah, I wouldn't 3 agree with that. 4 BY MR. HAILS: 5 Q. Where does the permitting step talk 6 about communication with a game provider 7 system? 8 MR. LU: Objection. Asked and 9 answered. 10 THE WITNESS: It doesn't 11 specifically say it. However, a POSITA, 12 having read the specification of the patent, 13 would understand that the permitting is -- 14 followed the -- is the same as the activating 15 function, both of which are provided -- 16 performed by the lottery administration in 17 this patent. 18 BY MR. HAILS: 19 Q. And the printing step is an operation 20 of a point of sale terminal; correct? 21 A. Yes. 22 Q. And the receiving payment step is an 23 operation that extends between the player and 24 the point of sale equipment; correct? 25 A. The physical -- the physical act of	Page 113 1 for, and payments for the winning tickets may 2 be offered." 3 So what's your question? 4 BY MR. HAILS: 5 Q. My question is, this sentence talks 6 about a nullification of an activation that 7 has already occurred; is that correct? 8 A. No. It just says one that was not 9 paid for. 10 Q. It's the activation? 11 A. The activation was not paid for. 12 So in other words, it wouldn't go 13 through if there was no payment. 14 Q. Do you read this sentence as saying 15 the activation never occurred? 16 A. I read this sentence as a POSITA 17 would say the activation never occurred, yes. 18 It's referring to the clerk. So 19 the clerk may be able to void it. That's 20 how -- that's how I read that, in my opinion, 21 that the clerk can void the transaction if he 22 doesn't get paid, because in order to send it, 23 payment must have been made. 24 Q. Do you agree this sentence does not 25 talk about "the transaction"?

29 (Pages 110 - 113)

Page 114 1 A. A POSITA would understand -- it would 2 be the transaction. 3 Q. Please answer my question. 4 My question is, you agree that 5 this sentence does not speak about nullifying 6 a transaction? 7 A. It specifically -- 8 MR. LU: Hold on, hold on. Sorry. 9 Objection. Asked and answered. Please don't 10 harass the witness. 11 MR. HAILS: I don't think I'm 12 harassing the witness. I think I'm asking 13 yes/no questions and I'm getting verbiage and 14 I would like to ask -- I would like an answer 15 to my question, please. 16 MR. LU: Mr. Hutton is entitled to 17 answer the question the way he wants. 18 BY MR. HAILS: 19 Q. Do you agree that this sentence does 20 not speak about nullifying a transaction? 21 MR. LU: Objection. Asked and 22 answered. 23 THE WITNESS: Okay. Let me -- let 24 me try to answer it a different way. 25 "Notably, nullification," that	Page 116 1 So we switched over to column 6. 2 We were looking at the sentence that begins at 3 line 34. And Szrek here describes a 4 transactional request to the game provider 5 system. 6 Do you see that? 7 A. I see that. 8 Q. Okay. 9 And beginning at line 38, being 10 able to talk about the game provider system 11 activating the ticket. 12 Do you see that? 13 A. I do. 14 Q. Activation is a response of the game 15 provider system, is it not? 16 A. Activation -- excuse me, what 17 sentence are you referring to? 18 Q. The one that begins at line 38. 19 A. Okay. "If not, it will activate this 20 ticket by marking a status." Is that the 21 sentence? 22 Q. Correct. 23 A. "It will activate this ticket by 24 marking a status or state of corresponding 25 identifier or record in the computer memory or
Page 115 1 word is, in fact, in the sentence. The 2 activation, a POSITA would understand the 3 activation is, in fact, a transaction. 4 So yes, this sentence does refer 5 to the nullification of a transaction. 6 BY MR. HAILS: 7 Q. I'm going to go back to column 6, 8 line 28, in one of these red boxes. 9 We discussed this sentence 10 already. There's a sentence that begins on 11 line 34. "In the case of a ticket 300 of the 12 present invention, this request will be 13 transformed into transactional request to the 14 game provider system." {Sic} 15 Do you see that? 16 A. Could we -- there's a box over -- 17 you've got pictures -- picture in picture 18 that's over that. I can't read it. 19 Q. I see. 20 A. If you could just minimize that. 21 Q. Oh, I see. Give me one second. I'll 22 redo it. 23 How's this? Is this better? 24 A. That's perfect. Thank you. 25 Q. All right.	Page 117 1 on the computer disk," et cetera, "with the 2 corresponding identifier." 3 Yes, I see that. 4 Q. Okay. 5 And the "it" in this sentence, it 6 will activate, is the game provider system; 7 correct? 8 A. Correct. 9 Q. All right. 10 I neglected to ask you earlier. 11 You used the term "Quick Pick" in your 12 declaration. Will you explain to me what a 13 Quick Pick is? 14 A. It's a lottery term, common lottery 15 term referring to computer-generated 16 selections rather than selections picked by 17 the player specifically. 18 Q. Okay. 19 And earlier in today's deposition, 20 we talked about computer-generated selections, 21 but I don't think we used the term "Quick 22 Pick." 23 Are the computer-generated 24 selections that we've been discussing, are 25 they Quick Picks -- I guess what I'm trying --

30 (Pages 114 - 117)

1 strike that.
2 What I'm trying to figure out, is
3 the term "Quick Pick" coextensive with
4 computer-generated selections, or are there
5 computer-generated selections that are not
6 Quick Pick?
7 A. Quick Pick is a marketing term.
8 Q. Okay.
9 So is it -- is it --
10 A. Let me add, Quick Pick is a marketing
11 term used to refer to computer-generated
12 selections.
13 Q. Okay.
14 And so when Szrek is talking about
15 computer-generated selections, he's talking
16 about a Quick Pick; is that correct?
17 A. Correct.
18 (Brief pause.)
19 MR. HAILS: Okay. I'll pass the
20 witness. Thank you.
21 MR. LU: Okay. Can we take a
22 quick break so I can look over my notes to see
23 if I have any additional questions, maybe come
24 back at 12:25? Does that work?
25 MR. HAILS: Yes. That's fine.

CERTIFICATE

2
3 I do hereby certify that I am a
4 Notary Public in good standing, that the
5 aforesaid testimony was taken before me,
6 pursuant to notice, at the time and place
7 indicated; that said deponent was by me duly
8 sworn to tell the truth, the whole truth, and
9 nothing but the truth; that the testimony of
10 said deponent was correctly recorded in
machine shorthand by me and thereafter
transcribed under my supervision with
computer-aided transcription; that the
deposition is a true and correct record of the
testimony given by the witness; and that I am
neither of counsel nor kin to any party in
said action, nor interested in the outcome
thereof.

WITNESS by hand and official seal
12 this 2nd day of May, 2024.

Notary Public.

Job No. 6680727

1 Thank you.
2 (Whereupon, a recess was taken at
3 12:22 p.m.)
4 (Whereupon, the deposition resumed
5 at 12:26 p.m.)
6 MR. LU: I also have no further
7 questions.
8 MR. HAILS: Okay. Again, Mr.
9 Hutton, thank you for your time.
10 THE WITNESS: Thank you.
11 (Whereupon, the deposition
12 concluded at 12:27 p.m.)
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&	12 40:13 49:5	19103 2:4	3
& 2:3,8 6:3	120 27:25 28:6	1:00 107:9	3 11:9,11,14,18
1	28:13 29:3,10	2	12:6,17 13:7
1 9:19,24 20:8 20:11 21:2,7 22:3 25:9,10 25:21 36:19 39:5,20 88:15 88:25 89:3,5 89:23 101:7,10 101:18 102:10 103:7 104:11 104:25 107:23 10 107:6 100 90:1 1003 3:8 4:16 8:20 1005 3:11 4:17 8:22 1006 3:12 4:18 8:25 109 87:4,17 88:16 90:5 10:27 48:15,21 10:37 48:17,23 110 25:16 27:17 28:1 91:4 1109 2:9 111 91:6,8,16 92:9 93:9,10 118 92:11,13,24 93:15 95:1 11:58 107:18	29:19 30:6 33:18,24 34:7 37:5 38:13,15 38:20 39:4 129 95:20 12:05 107:14 107:20 12:22 119:3 12:25 118:24 12:26 119:5 12:27 119:12 12:30 107:9 12:45 107:9 130 15:25 16:1 30:17,23,25 31:5 39:11 40:3,4,23,24 41:6 42:4,5,21 43:6,11 44:25 44:25 45:7 46:3,3 50:13 50:13 95:4 135 8:16,17 86:11 90:24 91:9 14 3:13 140 25:23 26:6 33:6 41:23 160 25:24 1735 2:4 18 15:22 17:9 44:17 50:20	2 1:13 26:16 55:12 56:5 63:2,8 64:15 65:8 88:25 2013 3:13 2013/0041768 3:13 202 2:5 2024 1:13 120:12 21 15:6,10 210 2:9 230 39:23 53:18 54:1 63:16 240 63:10,11,17 250 22:5,9 23:6 25:23 27:20 28:5 30:7,22 32:13,16 33:22 36:25 37:25 38:2,22,24 41:20,20 43:13 43:24 44:8 54:7 59:18 66:16 28 45:21 52:22 52:25 59:8 115:8 2nd 120:12	16:10,18 19:8 19:12 20:2 22:6,8 23:15 23:22 24:4,7 24:25 25:1,6 32:11 47:18,23 68:9,13 82:2 84:1 30 46:22 53:16 53:22 300 25:11,15,25 27:23 28:7 30:15,25 31:6 37:10 39:5,21 40:23 50:12 53:23 54:4,8 55:22 59:15,19 71:22 80:24 86:7 88:3,11 89:14 115:11 300s 32:2 30th 46:20 310 12:5 53:4 53:25 55:24 56:17 61:1 32 49:18 50:23 320 12:16 33 49:18 330 15:17,25 16:2 17:13 18:9,13 19:5 23:15 41:19,22

41:25 42:4,6 44:8,24 45:2 47:18 50:3 90:15,15,19,23 3300 2:4 34 115:11 116:3 340 13:14 35 40:14 49:6 60:3,6 350 14:3 15:7 16:3,17,20 17:14 25:1,6 41:25 42:7 45:3 82:2 36 40:14 360 19:9 370 19:15,18 375 9:23 38 90:14 116:9 116:18 380 20:3	44 20:20 71:10 80:6,11 440 72:2 75:13 75:23 45 80:22 450 72:2 74:24 46 20:20 68:14 460 72:3 47 95:22 99:8	8 8 3:8,11,12 4:16,17,18 8008 120:15 861-1692 2:5	accurately 7:12 15:4 98:2 acknowledge 5:6,10 act 111:25 action 120:10 activate 28:20 42:13 55:18 59:20 69:9 70:7 100:8 116:19,23 117:6
	5	9	activated 19:24 21:18 54:8 59:19 69:2,16 71:18,22 80:15 97:7 98:9,12 102:24 activates 29:10 29:14 104:5 activating 52:20 102:10 102:21 108:22 108:24 109:2,7 109:9,13,16 111:14 116:11 activation 20:3 24:16 28:21 40:6 42:14,17 53:17 65:20 66:21 68:24 72:1,2 73:11 73:17 74:23 75:4,6,24 76:5 76:13,17 78:1
	5 112:8,10 51 108:1,4,8 53 108:13,18 54 71:13 72:19 59 73:4	9,865,135 1:3 3:10 98101 2:9 999999 21:23 9:30 1:18 5:3	
	6	a	
	6 3:4 52:21 57:3 59:8 64:10 71:8,13 72:19 80:4,11 115:7 116:1	a.m. 1:18 5:3 48:21,23 a1 3:13 ability 81:17 able 56:4,25 62:4 80:2 81:11 82:16 84:1 113:19 116:10 above 1:17 13:5,14 88:16 109:3 absence 100:16 absolutely 85:12 accompanying 85:10 accordance 53:9 accuracy 1:21 accurate 7:10 7:13 8:8	
	60 73:9 64 75:17 6680727 120:16		
	7		
4 72:13,19,22 72:25 73:4,6 73:25 74:24 75:6,13,23,25 76:7 83:25 84:2 85:17 96:19,21 98:11 400 76:6 410 73:25 43 59:9 430 75:6	7 15:9,11,13,22 16:14 17:2,9 40:10 43:22 49:5 112:6 7,627,497 3:11 720 15:6		
4			

78:13,14,24 79:17 81:13,14 84:11,14 85:23 89:21 96:2 99:10,17,23,25 100:9 103:1,19 104:6 110:13 112:14,19,24 112:25 113:6 113:10,11,15 113:17 115:2,3 116:14,16 active 100:17 actual 74:12 78:5 actually 9:22 40:14 48:3 53:13 84:1 88:14 add 57:1 58:6 118:10 adding 62:5 98:13 addition 66:4 67:22 additional 21:19 67:11 118:23 address 79:9 adjacent 27:24 administer 5:12 administered 5:11 103:24	administration 21:17,20,24 42:16 44:5 52:15 72:9 81:16 83:17 103:24 110:7 110:10,11 111:16 advance 44:13 78:22 82:17 83:21 affirmed 5:22 aforsaid 120:4 agree 5:13 71:19 78:6 85:22 86:2,3 93:23 94:5 96:14 101:4 105:11,12 106:25 107:1 110:22 111:3 113:24 114:4 114:19 agrees 41:22 ahead 33:15 aided 120:8 algorithm 17:24 41:11 42:1 57:5,6 algorithmic 54:3 56:3 69:15 align 35:11 allow 14:18 34:22 41:11	46:16 52:6 allowed 7:25 35:7,21 allowing 50:16 allows 50:11 amount 70:12 analogous 74:5 110:18 analysis 86:10 86:15,16 88:14 90:24 analyze 87:5 analyzed 89:10 92:5 analyzes 90:6 analyzing 89:3 90:17 annotate 40:15 answer 4:2 7:18,23,24 8:3 12:20 14:14,23 15:4 23:5,19 23:24 24:3,6 24:18,21 31:9 31:9,16 34:13 36:2 42:25,25 59:11 61:24 67:19,21 79:2 82:11 84:23 93:6 114:3,14 114:17,24 answered 60:14 111:1,9 114:9,22	answering 67:15 answers 7:8 appeal 1:1 appearances 2:1 6:1 appears 27:12 92:6 append 75:18 application 3:12 54:1 56:1 56:18 applied 86:10 86:16 appreciated 85:5 approach 44:3 approaches 80:17 approved 1:20 approximately 1:18 arrange 27:8 arranges 98:17 98:25 arrow 26:8,23 27:12 28:7 30:24 63:15 arrows 25:22 28:5 30:21 31:3 art 69:7 70:4 84:20,25 85:5 85:12
---	--	--	---

asked 60:13 70:3 110:25 111:8 114:9,21 asking 58:3,19 61:3,22 64:19 64:21,23 69:24 114:12 assign 46:16 assigning 84:13 assignment 41:24 49:15,22 50:1,11 associated 16:21 24:1 30:16 38:3 96:25 97:24 assume 58:4 64:5 65:14 102:2 assumes 102:22 assumption 27:4 atlantic 1:25 attempt 80:3 attention 45:20 attorneys 5:5 audio 63:5 authentication 12:24 authorizes 73:11 78:13 79:17 authorizing 80:13 102:15	available 76:23 avenue 2:9 aware 8:7 10:2 95:25 b b 3:6 back 26:24 29:15 35:12,15 38:21 57:12 63:2,3,10,10,17 65:14,23 66:3 66:7 71:16 73:12,23 75:4 75:11,18 76:18 77:5 78:1,3,7 78:14,17 83:4 83:25 89:22 93:9 96:19 107:13,13 115:7 118:24 backwards 95:19 bag 54:20 55:5 55:10 56:6,12 56:21 57:19 60:21 61:4,10 61:25 baker 2:3 6:3 bakerlaw.com 2:5 bar 12:5,8,10 12:12 24:14 barcode 53:4 53:25 55:24 56:16 61:1,6	62:16,17,21 64:6 65:25 68:1,2 76:10 based 10:13 32:17 61:12 basic 6:24 39:9 basically 26:19 31:23 36:21 58:6,7 70:16 77:24 basis 87:16 100:17 basket 66:3 beginning 68:14 73:9 95:22 102:11 116:9 begins 44:17 45:21 49:13 50:20,23,25 51:2,9 53:3,9 71:9,11,13 72:18 80:6,10 80:22 87:24 106:5 108:3,8 108:12 112:7 112:10 115:10 116:2,18 behalf 6:6 believe 9:22 10:14 17:16,21 21:6 31:11 32:1 41:9 61:8 66:22,23 77:1 77:11 87:6	92:15,17 100:4 109:1 best 7:16 11:1 11:10 bet 14:2,6,7,11 14:12,16,22,23 14:25 15:7 16:3,12,16,18 16:19 17:13,25 18:13,24 22:20 24:10,20,23,24 24:25 25:4,5 26:16 41:25 42:7,10,14 44:19 45:2 49:9 50:2,17 82:2,22 91:20 91:24 92:19 94:4 106:2,9 106:20 108:5 bets 14:18,19 67:9 better 88:21,22 115:23 beyond 9:24 big 40:17,18 57:14 binding 74:13 99:24 bit 12:2 40:11 107:7 blackhawk 1:9 6:4,21 board 1:1
--	---	--	--

bodies 20:1 borrowed 75:25 bottom 19:14 39:22 44:16 49:17 bought 57:2 62:6 74:19 box 19:14 25:15,18,25 30:15 39:22 40:17,18 47:22 57:14 59:8 71:14 80:5 97:22,23 115:16 boxes 25:14 26:5 80:8 89:25 115:8 break 8:1,3 23:12 48:10 107:4,5,13 118:22 brief 48:8 118:18 broke 49:3 107:22 108:1 brought 8:11 56:6 buy 20:7 buyer 50:17 buying 79:12 buys 54:20	c c 120:1,1 call 49:5 called 13:15 21:6 35:18 calls 64:1 100:11,20 canceled 96:3 99:11 cancellation 100:16 capability 77:5 card 98:22 99:2 cart 58:7,9 case 1:3 18:23 29:17 35:5 44:11 51:1 54:4 59:15 60:1 70:22 99:1 115:11 cash 39:22 40:5 53:18 54:19 56:7 57:18,25 58:8,9,11,16 59:12 60:9 61:11 62:11,20 62:25 63:9,16 65:15 71:17 72:4,23 74:9 74:12 76:6,11 76:22 77:7 78:4,8 96:20 97:5,8 98:6,14 98:17,18,23	catch 12:20 central 57:13 certain 14:17 14:17 certified 1:20 certify 120:3 cetera 26:16 58:13 117:1 champion 1:22 change 9:24 32:17 changed 10:8 changes 85:6,9 characteristics 26:20,22 33:10 characterizati... 61:19 characterize 61:21 charge 58:12 check 80:24 checkout 54:1 54:8 55:25 56:18 59:19 checks 54:2 56:2 chips 54:20 55:5,10 56:6 56:13,21 57:19 60:21 61:4,10 61:25 chose 41:16 chosen 15:7 16:3 18:14 42:7 44:20	45:3 claim 86:6 87:10 88:15 89:3 90:5,17 91:9 92:13 101:7,10,18 102:10 103:6,7 104:11,13,21 104:25 105:25 107:23 108:1 claimed 101:13 102:4 claims 85:10 86:5,11 87:22 88:8 89:10,12 90:6,24 92:7 clause 105:14 106:4,18 108:3 108:6,8,12,18 clean 80:7 clear 7:6 23:13 clerk 53:23 54:10 55:4,22 58:17 113:18 113:19,21 client 6:21 clusters 14:21 coast 48:15 code 12:5,8,10 12:12,16,22,23 13:6 24:15 57:23 73:19 75:12,19,23 78:24 91:19,24

codes 72:2 75:13,25 76:5 coextensive 118:3 collect 35:8 color 90:11 column 15:9,11 15:13,22 16:14 17:2,9 40:10 43:22 49:4 52:21 57:3 59:5,8 64:10 68:9,13 71:8 71:13 72:19 73:4,6 80:4,11 112:6 115:7 116:1 combination 15:7 16:3,12 16:17,19 17:13 17:25 18:14 42:7,10 44:20 45:2 49:9 50:3 91:20,25 92:19 94:4 106:20 108:5 combinations 14:21 42:14 106:2,9 come 107:13,13 118:23 comes 71:16 comfortable 9:8 54:23	commenced 5:3 commencing 1:18 commercial 25:23 26:6,10 26:17,21 27:5 27:16 32:18 33:6,9 34:5 35:24 36:6,9 36:15,22,24 40:2 41:23 common 14:21 117:14 communicates 38:21 communication 28:12 63:9,11 66:12 101:21 105:9,20 106:23 108:7 110:24 111:6 communicati... 1:6 101:25 102:6 108:9,19 108:23 110:3 compare 81:17 complete 10:4 10:12,24 completed 98:25 completes 45:6 computer 36:11 37:1 59:22,23 83:13 116:25 117:1	117:15,20,23 118:4,5,11,15 120:8 conclude 69:8 70:5 concluded 119:12 concurrent 95:12,16 confirmation 95:5,12 100:1 100:18 109:17 109:25 110:19 confirmed 96:4 96:8,13 99:12 100:3 connected 105:16 connection 21:2 connectivity 40:25 41:5 43:12,23 44:4 50:14 consider 85:19 considered 46:14 95:11 construct 18:19 constructed 16:1 18:12 42:5 44:25 49:8 construction 44:18	consumer 50:11 contain 22:19 22:20 23:20,25 24:11,14,14,15 24:20 45:25 contained 47:5 57:17 68:1 containing 69:20 contains 12:13 18:20 22:18 62:14 64:5 context 66:18 66:20 contract 99:24 contracts 95:25 99:9,16 contractually 96:6 convenience 72:15 convenient 20:9 copy 8:15,16 10:22 12:11 40:15,16 corner 27:25 correct 6:22 8:20,21,23,24 9:1,2,18,21 11:15,16 16:18 19:2 22:24 25:17 27:18,21 29:4 33:1,2,4
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33:19,20,25 34:1,7,8 35:22 37:4,7,12,13,17 37:20,21 38:16 38:17,20,23 39:1,2,6,7 40:1 40:8 42:20 43:3,5,8,15,19 43:20,21 44:20 45:5,10,17 47:7 49:21 53:10,19,20 55:19,20 61:9 66:11 69:10 70:8 72:14,20 72:21,23,24 73:1,2 79:7 83:9,10,14,15 84:9 86:8,9,12 87:17,18,25 88:7,12 89:5,6 89:11,15 90:2 90:16,25 92:9 92:10,20 95:1 96:21 97:8,9 99:16 104:22 105:7,8,21,22 106:15,16 108:10,11,20 108:21 109:14 109:17,18,22 109:23,25 110:1,4 111:20 111:24 112:20 113:7 116:22	117:7,8 118:16 118:17 120:8 corrections 9:25 correctly 104:17 120:6 correspond 16:2 18:13 24:6 42:6 45:2 73:24 74:23 75:5,12 corresponded 108:5 corresponding 21:25 29:25 59:21,24 116:24 117:2 corresponds 86:7 106:19 counsel 5:25 48:9 107:3 120:9 counter 46:2,7 46:9,10,13,15 46:21 47:1,2,5 47:8,10,11,16 49:7 50:4,24 51:11 52:10 91:21,25 92:20 94:4 counts 46:12 couple 6:25 16:10 80:19 court 5:5,25 40:16	covered 85:2 85:10 create 7:10 59:23 created 34:6 creating 31:14 cross 21:19 customer 40:22 56:6 cut 33:13 d d 3:1 dandy 71:14 data 14:2,6,7 14:16,22,23 16:19 18:24 21:19 22:1 23:9 24:10,24 24:25 25:6 29:25 32:15 34:11 41:25 73:12 82:2,4 82:22 95:11 97:11,14,16,23 98:14 100:18 102:17,20,21 103:14,15 104:15 105:1 108:14 109:2,8 109:11 database 21:16 21:24 22:4,8 22:23 23:5,10 23:16 26:25 27:2 39:1 42:1	54:2 56:2,19 57:4,8 70:20 date 1:18 dated 3:13 day 120:12 deals 97:4 declaration 3:8 8:20 9:12,15 9:19 10:3,8,9 10:11 86:5,20 86:25 87:4,20 88:8 89:9 90:14 91:4 93:1,2 94:15 95:17 99:8 117:12 decoded 41:13 definitive 79:2 departing 85:7 depicting 31:12 deponent 120:5 120:6 deposition 1:15 4:1 5:6,8,9 6:20 8:12 107:19 117:19 119:4,11 120:8 depositions 6:24 describe 23:25 56:4 94:16 102:19 described 17:14 82:14 102:1 109:9
--	---	--	--

describes 27:5 44:2 71:16 98:2 101:8 104:1 116:3 describing 19:2 43:10,22 53:17 55:17 112:18 description 3:7 4:7 18:16 73:17,24 74:4 78:14 design 22:14 designed 100:7 100:16 desirable 51:18 52:12 desires 22:15 detail 27:5 99:22 102:1 details 26:11 80:25 determine 81:19,21 82:5 determines 81:5 determining 80:12 deviate 11:3 devices 105:16 diagram 39:18 66:19 98:3,7 diagrams 74:8 differences 39:16	different 14:18 32:2 34:17,18 66:8,24 77:22 80:17 90:11 93:22 114:24 difficult 7:10 7:12 direct 17:16,22 18:2 55:7 56:9 57:10,21 directed 85:23 direction 4:2 directions 28:5 directly 66:8 disagree 94:9 96:15 disclaimer 19:15,18 24:15 disclose 65:1 66:15 disclosed 28:12 discloses 64:22 65:3 74:21 75:3,10 88:2 disclosure 10:18 20:9 52:20 discuss 52:19 54:18 84:13 85:25 86:4 91:3 101:6 108:9,19 discussed 16:11 32:24 40:10 47:21 68:17	72:18 82:15 87:17,23 94:11 94:13 96:24 102:7 107:25 115:9 discusses 49:7 51:5 69:13 73:9,22 88:15 discussing 32:11 49:3,6 54:23 60:20 68:18 88:25 90:13 117:24 discussion 44:9 51:10 52:24 64:10,12 67:21 69:3 73:13 79:23 81:1 106:10,14 108:23 disk 59:23 117:1 displayed 74:11,15 distribute 27:8 distributor 25:24 27:7 distributors 27:11 document 17:20 43:17 44:1 67:5 68:7 69:12 77:10 84:17 94:8 101:2	documents 4:6 doing 34:17 dotted 26:23 draw 13:15,18 13:21 24:11 45:20 72:3,3,4 81:18 82:6,9 98:19 99:3 drawing 13:20 24:12 80:16 draws 13:21,21 13:23,23 78:24 duly 5:22 120:5
			e
			e 3:1,6 120:1,1 e.g. 49:13,20,21 51:3,5,10 earlier 6:20 24:18 25:5 60:20 64:9 117:10,19 easiest 59:1 east 48:15 either 19:25 32:4 34:20 40:2 41:21 65:14,22 66:7 72:7,8 electronic 58:8 element 12:15 13:14,19 14:2 19:9 20:2 22:3 45:25 87:17 88:25 89:5 90:14,19,23

elements 11:17 11:25 16:10 24:4,7 72:13 72:17 92:8,18 94:25 emanuel 1:17 2:8 6:8 embed 18:23 67:8 embedded 19:4 52:7,8 embedding 50:2 51:5 embodiment 19:3 35:6,18 35:20 41:18 44:7 69:21 70:18 80:23 84:21,22 85:1 85:13,14 embodiments 15:15,23 17:23 37:22 42:2 44:23 66:8,24 69:14 70:13 82:14 85:7 emphasis 88:4 enable 12:24 ends 90:13 entered 13:22 27:1 entire 84:19 98:24 101:9 entitled 114:16	equipment 111:24 equivalent 34:15 errors 9:14,25 esquire 2:3,8 2:15,16 essentially 34:14,14 35:4 39:13 42:11 46:22 52:1 et 26:16 58:13 117:1 event 71:25 102:15 103:21 103:23 105:7 108:17 110:8 everybody 48:15 evidence 10:12 exact 48:2 51:23 exactly 88:17 100:24 104:8 examination 6:10 examined 5:23 example 7:8 36:11 50:10 54:19 60:21 61:4 67:8 75:22 77:20,25 78:25 94:18 95:3 98:21 102:9	examples 32:3 74:9 except 17:17,22 excerpt 16:13 87:10,12 90:5 99:7 exclusively 82:3,11 83:24 89:15 excuse 20:20 38:1 73:18 116:16 exemplary 86:21 exhibit 3:7 4:15 8:20,22,25 exhibits 4:14 exists 29:2 expands 14:20 explain 8:13 11:2 20:4 26:4 46:6 55:3 64:15 65:8 81:4 82:12 117:12 explains 13:20 explanation 10:4,12 87:15 explicitly 44:12 extending 30:21,24 31:4 40:13 59:9 extends 63:16 111:23	extracted 42:15 72:10 extraneous 27:12 f f 120:1 face 34:25 fact 64:22 78:17 84:22 87:8 97:4 115:1,3 fair 61:19 familiar 20:14 52:23 99:6 fantastic 9:10 far 105:9 fashion 69:16 feature 35:17 37:5,14 65:1,3 88:10 february 3:13 federally 1:19 fields 96:24 figure 11:9,11 11:14,18 12:6 12:17 13:7 16:10,18 19:8 20:2,8,11 21:2 21:7 22:3,6,8 23:6,15,22 24:4,7,25 25:1 25:6,9,10,12,21 28:8 32:11 36:19 39:5,20 47:18,23 55:12
---	--	--	--

56:5 63:2,8 64:15 65:8 72:13,19,22,25 73:25 74:24 75:6,13,23,25 76:7 82:2 83:25 84:1,2 85:17 89:23 96:19,21 98:11 118:2 figures 12:2 file 27:1 42:1 final 78:24 finally 7:25 fine 48:11 118:25 first 2:9 5:22 7:2 11:6 38:13 44:16 53:16 68:23 70:4 80:8 87:9 95:9 99:8 102:18,22 102:23,25 103:16,16,18 103:19,20 104:15,20 105:1,5,6,15,15 106:5,7,19 108:4 109:9 110:7,13,15 fit 47:23 five 92:8 fixed 46:11 flip 87:3 95:19	focus 38:12 71:9,10,12 95:21 followed 111:14 follows 5:23 109:21 forgive 108:2 format 47:23 forward 87:3 fourth 73:18 front 10:22 full 6:16 73:6 fully 79:1 function 110:9 111:15 functionality 29:16 further 5:10,13 25:24 55:23 76:14 119:6 g game 13:21 14:13,15,15,16 19:9,10,10 20:23 22:5,9 22:20 23:5,16 23:20,21,23 24:10,19 25:22 26:9,10,12,18 26:24 27:2,19 28:4,19 29:13 29:24 30:6,22 31:4,15,22 32:12,16,24	33:6,11,22 34:3,9 35:9,10 36:20,25 37:24 38:2,6,7,22,24 40:24 41:4,6 41:13,19,20 43:12,24 44:8 44:12 50:13 51:17 54:6 59:18 60:17 63:11 65:21 66:6,12,16 68:18,25 69:8 69:17,22 70:6 70:23 71:17,24 71:24 72:9 73:10,22 74:21 75:4,11 76:12 78:12 79:6,17 80:23 97:6,15 98:12 101:21 101:25 102:6 102:14,15,24 103:7,8,10,12 103:14,17,21 103:23 104:3,3 104:4,4 105:7 105:10,20 106:14,23 107:25 108:9 108:17,19,24 109:7 110:3,8 110:10,24 111:6 115:14 116:4,10,14	117:6 games 14:17 19:13 24:12 26:11,12 garbled 63:5 general 14:15 generate 17:25 32:3 42:10 generated 24:11 27:16 33:5 34:5 35:23 38:9 41:12 52:2 83:13,17 84:7 84:10 117:15 117:20,23 118:4,5,11,15 generates 36:10 generating 36:16,18 generic 13:23 genuine 12:24 getting 66:2,4 114:13 give 7:7 10:20 20:19 72:15 115:21 given 88:3 120:9 gives 31:24 glass 2:16 6:8 go 6:25 12:2,4 33:12,15 40:10 63:2 68:9
--	--	---	---

83:25 85:3 89:22 93:9,15 96:19 102:11 112:6 113:12 115:7 goes 26:6 31:21 54:19 69:14 70:13 102:19 going 6:25 7:9 9:5 10:19 11:1 11:9 15:20 22:7 26:23 28:5,7,16 45:22 48:9 53:13,15,21 55:11 59:3 71:8 73:5 80:2 80:4 84:18 87:3,4 90:10 91:16 95:9,19 95:22 101:8 104:10,11 105:24,24 107:6 112:7 115:7 good 6:13,14 8:6 48:18 79:13 120:3 great 107:16 112:12 ground 6:24 guess 25:22 84:22 86:18 93:6 106:4 117:25	<h>h</h> <h>h 3:6</h> hails 2:3 3:4 6:2,3,12 17:6,7 18:4,25 19:1 21:8 22:25 28:25 30:11 32:8,9,23 35:14,16 36:1 36:7,8,17 39:14 40:9 42:18,19 43:15 43:18 44:14,15 45:11,12,18 46:18 47:2,7 47:14 48:11,14 48:17,19,24 50:7 52:17,18 53:5,10,11 54:15,17 55:11 55:13 56:14 57:15,24 58:14 58:15,21,25 59:3,7 60:2,19 61:16,18 62:18 62:19 63:4,7 64:8,21,24 65:4,7 66:10 66:20 67:1,13 68:8 69:25 70:2 71:1 72:12 74:20 75:2,9,16 76:8 77:3,13 79:4 79:15 80:1,9	81:23 85:15 86:19,22 90:4 91:3,7 94:10 96:18 97:20,21 100:6,14,23 101:15 107:5 107:12,16,21 111:4,18 113:4 114:11,18 115:6 118:19 118:25 119:8 half 25:12 hand 27:25 120:11 handy 71:14 happen 35:4 happened 112:19 happening 31:17 39:10 happens 30:5 38:19 harass 114:10 harassing 114:12 head 7:9 hear 42:24 43:1 hearing 5:19 held 1:17 highlight 71:14 73:5 87:5,8 95:23 104:22 112:7 highlighted 47:22 49:4	68:13 112:9 highly 52:11 hoffman 2:15 6:5 hold 114:8,8 hopefully 20:9 59:4 hostetler 2:3 6:3 hour 9:23 48:10 how's 115:23 huhs 7:11 hutton 1:16 3:3 3:9 5:21 6:13 6:18 12:18 36:2 42:24 48:25 114:16 119:9 hypothetical 54:18 hypothetically 46:19
			<h>i</h> identical 34:16 identification 18:21 85:16 identified 10:1 41:19 91:14 94:3 102:17,20 103:16 105:1 108:14 109:3,8 identifier 13:7 13:10,11,12,15 15:16,24 16:2

16:12,25 17:1 17:13,18,23 18:9,13,20 19:5 21:18 22:13,16,19 23:15 24:2 41:12,25 42:3 42:6,12,12,15 44:7,11,19,24 45:1,25 47:17 47:18 48:5 49:8,14,22,25 50:3,10 51:6 51:16,19,20 52:7,9 59:22 59:24 66:13 67:7,23 68:3 69:1,9,15,20,22 70:7,18,21 71:4,5 72:1,1,3 73:18 75:5,6 78:15 90:15 94:20,21 116:25 117:2	illustrates 11:14 25:21 immediately 13:5 88:16 implementati... 48:2 important 7:4 7:7 include 49:9 73:16 included 85:13 includes 37:11 44:19 45:14 66:13 87:12 including 110:12 incomm 6:7 incremented 47:12 index 4:1 indicate 69:15 98:8,11 indicated 120:5 indicates 14:24 indicating 100:18 indication 7:19 97:6 indicia 18:22 21:14 51:21,22 110:12 individual 13:12 27:9 inference 98:19	inferences 99:3 inferring 90:16 info 13:15,18 14:15,15 19:9 19:10 22:20,21 23:20,21,23,24 24:6,10,11,20 24:23 25:5 26:12,12 48:5 information 12:13 14:12 18:23 19:4 22:7,14,23 23:25 26:13,14 27:18 28:18,21 29:13 30:7 31:14,23 32:12 32:25 33:7,10 33:23 34:4,15 34:15,16 35:3 35:12 41:14 42:2 57:17,23 57:25 58:6,10 61:12 63:21 64:6 65:25 66:1,3,5,24 67:8,10,12,22 68:1,2 69:20 70:12 71:16 72:10 74:6,7 74:11,14,16,22 76:10 77:6 78:3,8,22 81:12 90:7,18 90:23 91:10,15	92:1,6,14,18,23 93:11,17,20,21 94:2,12,15,17 94:20,25 103:13 104:2 informed 67:21 infrastructure 56:24 62:3 65:20 inside 25:15 58:9 instance 25:25 26:15 30:14 33:17 34:20 37:9,18 62:17 instances 25:11 34:9 73:12 77:23 instant 67:11 102:12 instructs 7:23 intend 94:22 intended 85:9 inter 3:9 interactive 1:6 interacts 38:14 39:10 interested 80:7 120:10 interface 54:3 56:3 international 1:6 interpret 10:17 18:15 42:9
---	--	--	--

50:1,8 67:16 70:17,24 76:4 86:20 interpreted 47:9,11 invention 15:16 15:24 42:3 44:10,23 54:5 59:16 85:8 101:14 115:12 inventory 31:24 involve 56:11 82:15 involved 56:12 involvement 55:10 involving 6:21 ipr 8:16 10:5 ipr2023-01235 1:3 issued 13:3,4 46:1,20,21 issues 41:21 47:13 61:11 items 94:23 98:18	k keep 100:17 105:24 keeps 58:8 kept 47:11 key 70:19 kin 120:9 kind 57:17 94:18 107:9 kinds 14:17,18 kiosk 15:25 18:11 30:17 31:18,18,20,21 32:7 42:4 44:4 44:25 46:3,17 47:5,12 50:13 51:22 52:3 82:19 kiosks 40:24 89:18 know 7:15 8:2 21:22 24:12 58:11 65:2 78:21 83:21 known 41:19 44:8,12 51:16 52:15 78:18	larger 25:15 law 1:16 leave 100:4 leeway 107:7 left 27:25 legal 1:24 12:25 19:21,22 19:24 legislation 20:1 level 68:17 lieu 5:11 likely 22:11 36:15 limitations 101:9 limited 94:22 line 4:3,7,12 15:10,22 17:9 20:18,20 40:13 40:14 44:17 45:21 49:16,18 50:20,23 52:22 52:25 53:16,22 59:8,9 60:3,6 68:14,23 71:10 71:11,13 72:19 73:4,9 75:17 80:6,11,22 87:24 88:1 92:21 95:9 101:16,17,20 108:1,4,8,13,18 112:8,10 115:8 115:11 116:3,9 116:18	lines 18:5 49:5 49:5 87:9 little 12:2 107:7 llach 8:17,25 9:6,6 85:19,21 85:22,25 llp 2:3,8 load 69:17 local 40:16 location 57:13 locations 27:9 look 66:23 70:21 74:10 118:22 looked 81:10 looking 10:24 11:4 15:22 40:12 64:15 65:8 67:14 104:24 116:2 looks 54:1 56:1 56:18,23,23,24 62:2,2,4 lookup 63:1 70:19 78:9 lost 83:25 lottery 11:19 13:19 14:7 16:20 19:3,13 19:19,25 20:1 21:15,16,20,24 27:24 28:6,13 28:18,22,23,23 29:3,5,10,11,15 29:19,23 30:6
j	l		
jason 2:15 6:4 jim 2:16 6:7 job 120:16 joined 6:4,7 jurisdiction 19:20 48:7	l 2:3 labeled 19:15 21:22 25:15,15 30:14 63:20 lacks 77:5 language 19:21 19:22,25 87:10		

31:13,22 32:6 32:19 33:18,24 34:6,21 35:5,8 35:13 37:4,9 38:4,8,12,15,20 39:4 40:3 42:16,22 43:7 44:4 45:8,14 45:15 51:22,24 52:15 53:18 54:12,20 55:18 58:17 59:13 62:10,12,15,21 65:17 69:10 70:7 71:23 73:1,16,23 77:7 78:20,23 81:9,11,11,16 82:18,23 83:17 83:20 84:7,11 85:17,23,25 86:6 87:6,13 87:22 88:9 89:12,17,19,20 91:19 96:1,25 97:12,24 98:13 99:9,18 100:7 100:15 102:13 103:24 108:16 110:6,11 111:16 117:14 117:14 lotto 13:24 14:16 19:12 26:15	loyalty 98:22 99:2 lu 2:8 6:6,6 7:20 17:3 18:17 21:4 22:10 28:14 30:10 31:7 32:20 34:12 35:25 36:13 39:12 40:7 41:7 43:14,16 43:25 45:9,16 46:8,23 47:24 48:9,13,16,18 50:5 51:12 53:1 54:13 55:6 56:8 57:9 57:20 58:2,18 60:13 61:14 62:13 64:1,18 65:11 66:17 67:24 69:11 70:9 71:20 74:1 75:1,7,14 76:2,25 77:9 78:10 79:8 81:7 86:13 90:3 91:2 94:7 96:16 97:19 99:19 100:11 100:20 101:1 107:3,11,15 110:25 111:8 112:21 114:8 114:16,21	118:21 119:6 lunch 107:4,7 m machine 102:18,20,23 103:16 104:20 105:1,5,15 106:19 108:4 108:15 120:7 made 10:1 113:23 make 11:25 15:21 23:1,8 27:17 38:11 51:7 52:10,14 61:22 80:3 83:5 85:6 86:19 87:21 89:8 90:10 93:8 104:12 107:7,8 makes 76:23 making 27:3 46:1 51:19,20 manner 5:18 47:21 manufacture 21:21 manufactured 32:5 82:23 mapping 88:10 marked 4:14 89:5 market 2:4	marketing 118:7,10 marking 59:21 116:20,24 match 87:22 materials 8:12 matter 13:13 65:24 mean 33:13 52:5 53:6 78:17 95:16 means 21:10,13 56:20 102:20 104:21 105:2,5 105:16 106:7 106:19 107:24 108:4,15 109:6 memory 59:22 116:25 mentioned 93:4 103:7 merchandise 53:25 54:2,11 55:25 56:1,17 56:19,22 61:1 62:1 merely 68:25 merit 1:20 met 87:17 meter 102:18 method 101:8 102:12 104:14 methods 41:23 michael 1:15 3:3,8 5:21 6:18
--	---	---	--

mid 1:25 middle 18:8 79:18 96:23 97:23 108:12 million 21:21 21:23,25 26:19 26:21 minimize 59:3 115:20 minimum 48:4 64:5 67:6 68:3 70:11 minutes 48:13 48:14 107:6 mischaracteri... 43:17 44:1 61:15 69:12 77:10 94:8 96:17 101:2 111:1 112:22 misspelled 63:22 mistake 91:6 modifications 85:6,9 modify 14:13 moment 35:15 83:5 85:20 morning 6:13 6:14 move 92:11 myriad 77:22	n	60:25 61:25 notably 114:25 notary 1:22 5:15,16 120:3 120:13 notes 12:3 118:22 notice 1:16 120:4 noticed 9:14,17 nullification 112:14,18,24 113:6 114:25 115:5 nullifying 114:5,20 number 4:15 19:3,12 46:11 46:13,14,16 52:1 67:9 72:3 93:5 numbers 14:20 15:5 16:21 34:23 35:7,8 35:11,22 36:4 36:5,11,16,18 37:6,11,16,20 37:23 38:16,21 38:25 42:23 45:15 50:16 52:6,8 81:14 81:18,20,20 82:1,7,8,16,17 82:24 83:8,13 83:16 84:6,10	84:14 85:17 numerical 12:3 12:4
	n 3:1 name 6:2,17 national 1:21 natural 84:21 85:1 naturally 102:2 necessarily 34:16 35:2 50:6 52:3,5 82:18,20,22,25 necessary 35:12 need 8:1 10:1 52:6,13 58:11 70:12,21 82:5 needed 58:6 needs 22:19 69:9 70:6 74:14 82:6 neglected 117:10 neither 120:9 network 1:9 never 113:15 113:17 new 61:16 night 9:13 nine 14:21 nod 7:9 non 102:12 noon 107:4 normally 53:3 53:24 55:24 56:16,21 60:24	o oath 5:11,12 object 64:7 objection 5:17 7:22 17:3 18:17 21:4 22:10 28:14 30:10 31:7 32:20 34:12 35:25 36:13 39:12 40:7 41:7 43:16,25 45:9,16 46:8 46:23 47:24 50:5 51:12 53:1 54:13 55:6 56:8 57:9 57:20 58:18 60:13 61:14 62:13 64:1,18 65:11 66:17 67:24 69:11 70:9 71:20 74:1 75:1,7,14 76:2,25 77:9 78:10 79:8 81:7 86:13 90:3 91:2 94:7 96:16 97:19 99:19 100:11 100:20 101:1 110:25 111:8	

112:21 114:9 114:21 objections 7:20 58:2 obligated 96:6 obtain 93:11 obtained 31:15 obvious 95:11 obviously 103:11 occurred 113:7 113:15,17 occurs 112:1,4 offered 10:4 113:2 office 1:1 57:12 63:10,11,17 65:15,23 66:7 75:18 76:18 77:5 78:2,3,7 offices 1:17 official 120:11 oh 43:2 88:20 115:21 okay 8:4,18 9:3 12:14,20 13:1 14:1 15:5,14 16:23 18:25 19:7 20:25 23:11,18 24:17 25:8,19,20 26:3 27:14,22 29:8 30:12,20 31:8 32:8 33:3 33:16,21 34:2	35:14 36:7 37:3,8 38:10 38:16,18 39:15 39:19 42:18 43:9 44:14 45:4,11,19 48:13 49:23 51:4,7 52:17 54:9 55:16 58:14 59:2,6,9 61:7 62:9,18 62:24 65:4 67:18 68:22 69:5 70:1 79:21,25 80:1 81:3,24 83:3 83:11 84:5 85:21 87:19 88:13,23 89:7 89:22 90:21 91:13 92:4 93:14 95:8 96:11 97:3,10 98:4 99:15 101:19 102:11 104:11,19 105:13,17,23 106:12 107:10 107:11 109:19 112:17 114:23 116:8,19 117:4 117:18 118:8 118:13,19,21 119:8	once 71:17,22 ones 24:9 25:17 93:7 operate 21:2 55:4 56:5 58:17 59:12 operated 30:8 operation 21:1 27:7 29:24 30:5 39:9 60:8 63:1 78:9 111:19,23 opined 86:5 opinion 87:16 92:22 93:1 103:25 104:7 113:20 opinions 10:4,7 10:13 opportunity 34:22 oral 1:15 order 12:3,4,4 51:15 98:19 103:13,15 113:22 orders 36:21 ordinary 51:14 52:12 54:11 64:4 65:13 67:16 68:5 69:6 70:3,15 70:17 72:6 74:3 76:3 79:11 81:8	84:20,24 85:11 99:5 104:8 original 71:25 originates 76:11 outcome 120:10 outside 41:8 54:14 55:7 56:9 57:9,21 overall 53:5 own 34:23 35:7 35:21 37:6,15 37:23 38:15 75:18 owner 1:10 2:10 6:4
p			
p.m. 107:20 119:3,5,12 page 3:7 4:3,7 4:12,15 15:21 23:2 53:15 61:23 83:6 90:14 95:22 99:8 paid 112:25 113:9,11,22 paper 10:22 paragraph 9:19,24 15:8 15:11,13 44:16 50:19 53:6,9 53:17 68:14 70:5 71:3,9,12			

71:15 72:18 73:6 76:9 79:19,23 80:5 80:10,18 85:4 87:4 91:4,6,8 91:16,22 92:9 92:11,15,17,24 92:25 93:9,10 93:15 95:1,4 95:20 101:24 102:10 109:1,3 112:7 paragraphs 40:12 part 14:23 16:1 18:12,15 22:18 23:19 28:7 42:5 45:1,24 47:16 52:4 72:8 87:12 94:19 98:5 102:3 partes 3:9 participate 102:24 103:17 103:21 110:8 participated 80:16 participating 5:6 108:17 participation 102:14 105:6 particular 12:11 13:24 14:8 18:22	22:14 29:17 51:20 52:2 69:21 77:21 83:1 85:13,14 parties 5:13 party 5:17 120:9 pass 118:19 passage 15:23 16:5,7,11,24 17:2,9,14 40:21 43:10,21 45:21 46:4 47:22 49:4,7 49:12,24 52:21 53:22 55:21 57:3 75:17 76:21 77:4 79:5,16 86:21 87:5,24 90:12 95:21 112:9 passages 87:9 patent 1:1,1,3 1:10 2:10 3:10 3:11,12 6:4 8:16,17,17 9:5 9:6 20:18,22 58:20 62:16 74:9 86:11 90:25 91:9 109:5 111:12 111:17 path 25:22 pause 48:8 118:18	pay 20:7 79:13 payment 79:6 79:10,10,23 80:13 95:5,12 96:3,7,13 99:12,24 100:1 100:2,10,19 101:6,10,13 102:3 109:14 109:17,21,25 110:12,15,17 110:19 111:22 112:1,3,4 113:13,23 payments 113:1 pending 8:2 pennsylvania 2:4 perfect 115:24 performed 60:8 111:16 permitting 103:20 109:20 109:24 110:2,6 110:7,22,23 111:5,13 person 5:11 51:14 52:12 64:4 65:13 67:15 68:5 69:6 70:3,15 70:16 72:6 74:2 76:3 79:10 81:8	84:19,24 85:11 99:5 104:8 petition 3:9 petitioner 1:7 2:6 6:7 pgr 6:20 philadelphia 2:4 physical 18:22 21:14 30:1 51:21 111:25 111:25 112:3 physically 5:7 pick 14:9,10,19 14:24 19:12 34:23 117:11 117:13,22 118:3,6,7,10,16 picked 15:6 82:8,25 117:16 picks 117:25 picture 11:20 11:22 29:22 31:12 115:17 115:17 pictures 115:17 piece 13:13 18:22 53:14 74:7 pieces 23:13 106:6,6 place 13:3 83:1 120:4 play 54:8 59:19 103:1,19
---	--	---	---

played 81:15 82:7	64:15 65:1,5,8 102:5 114:3,9 114:15	pre 24:11 32:5 52:15 86:6 87:6,13,22 88:9 89:12	45:7,14 47:21 71:25 73:1 82:18,23 83:2 83:9,14,16,18 86:7 88:2,3,10 89:14,19,20,21
player 20:6 31:19,25 34:22 35:6,6,21 36:4 37:11,24 38:14 38:21,25 39:10 41:16 42:20 43:3,5 45:6,7 45:13 46:19 50:16 51:5 82:16 101:11 101:13 102:13 102:16 104:15 105:1 106:1,9 106:20 108:6 111:23 112:1,4 117:17	plural 76:5 plus 19:24 68:10 point 56:22 60:21 62:1 65:22 77:21 78:19,21 101:16 102:13 102:17,24 103:17 105:17 105:19 106:13 108:13 111:20 111:24 112:4,5 pointing 89:13 89:16 points 7:1 34:18 posita 91:23 95:10,24 102:2 103:4,11,22 109:3,5,10 110:5,9,17 111:11 113:16 114:1 115:2	precedes 97:12 preceding 50:19 103:5 prefer 62:20 preferred 41:18 42:22 43:7 44:6 80:23 preloaded 20:15,23 27:19 30:7 32:12,16 32:25 33:7,23 34:4,10 37:24 38:7 70:20,23 preloading 21:1 68:18 preprint 33:19 36:4 39:4 83:21 84:8,12 preprinted 11:14,18 15:16 15:24 18:9 21:15 25:11 28:17,19 29:2 29:7,12,20 30:1,14 31:14 32:4,17 33:5 33:24 34:17,24 36:10 39:21 40:2 41:18,22 42:3 44:7,23	present 2:14 5:7 31:16 54:4 59:16 85:8 115:12 presentation 77:22 presented 42:13 presumably 22:2 prevent 8:8 previous 31:10 previously 4:14 51:16 93:3,4 96:24 price 20:3,5,6 24:16 26:12 54:2,3 56:1,2 56:19 57:1 58:5 62:5 72:2 73:17 74:22,23 76:16,23 78:7 78:14,24 91:20 91:24 print 26:14,19 29:20 35:13 36:24 37:10,19 48:6 56:25 58:12 79:7

printed 28:22 32:5,6,18 33:11 34:24 38:4 46:17 48:3 51:21,24 72:4 76:5 82:19 83:1,19 86:6 87:6,13 87:22 88:9 89:12,17 97:5 102:18 104:21 105:6,16 106:7 108:15 printer 25:23 26:6,10,17,21 27:6,16 32:18 33:6,9 34:5 35:24 36:6,9 36:15,22,24 40:2 41:23 50:11 printing 29:17 31:13,13 40:22 111:19 prints 26:21 31:24 62:4 98:23 prior 23:4 61:2 67:19 105:25 106:8 probably 6:23 9:5 22:2,20 23:20,24 24:19 29:17 59:1	proceed 5:19 proceeding 6:20 proceedings 5:2 7:6 9:4 10:21 48:22 process 39:3 processing 41:21 produced 13:2 36:5 product 12:11 12:13 23:24 24:1,5 41:15 48:5 53:24 55:23 58:5 65:17 67:12 71:23 73:16,23 73:25 74:4,4,6 74:6,7,11,14,15 74:18 76:15,22 77:6 78:5,14 78:22 91:10,15 91:18,19,23,24 91:25 92:6,14 92:18,23 93:11 93:16,20,21 94:12,14,16,20 94:25 98:9 production 4:6 proof 110:12 110:17 provide 10:3,11 41:14 59:11 77:6 87:15	provided 61:13 92:22 97:15,16 111:15 112:25 provider 22:5,9 23:5,16 24:19 25:23 26:9,10 26:18,24 27:2 27:19 28:4,19 29:13,24 30:6 30:22 31:4,15 31:22 32:13,16 32:24 33:6,12 33:22 34:3,10 35:9,10 36:20 36:25 37:25 38:2,6,22,24 40:24 41:4,6 41:13,20,20 43:12,24 44:8 44:12 51:17 54:7 59:18 60:17 63:12 65:21 66:6,12 66:16 68:19,25 69:8,17,22 70:6,23 71:17 73:10,23 74:22 75:4,11 76:12 78:12 79:6,17 80:24 97:6,15 98:12 101:21 101:25 102:6 102:15 103:7,8 103:11,12,14 104:3,4 105:10	105:20 106:14 106:24 107:25 108:10,19,24 109:7 110:3,24 111:6 115:14 116:4,10,15 117:6 provider's 20:23 50:13 provides 26:11 78:7 80:25 providing 8:8 102:16 pt 25:15,25 27:23 28:7 30:14,25 32:2 88:3 89:24 public 1:22 120:3,13 pull 31:23 35:10 55:11 purchase 20:7 34:19 purposes 39:17 65:24 pursuant 1:16 120:4 put 6:1 19:21 40:17 56:25 58:23 59:8 62:4 63:3 80:5 84:1 91:5 92:12 95:20 104:11
---	---	---	---

puts 69:21	quoted 9:18	reads 20:22	recess 48:20
putting 66:2,3	r	56:23 60:22	107:17 119:2
q	r 120:1	61:11 62:2	recognize
qualifying	raise 7:20	69:7	70:10
19:21	raised 7:22	really 32:3 78:2	recognizes
question 7:14	rate 9:18,21	realtime 1:21	65:16 68:25
7:17,19,23 8:2	rather 66:1	recall 49:10	record 6:1,17
8:3 17:11 18:7	117:16	64:12	7:6,10,13 8:19
25:3 29:6	read 15:20	receipt 28:22	10:25 15:20
31:10,17 35:18	17:10,15,18	29:18 57:1	17:10 45:23
43:1,14,19	18:3 44:21	58:12 62:5	53:14 58:24
54:16 55:2	45:22 49:24	72:5,23 73:18	59:7,22,24
59:11 60:5	50:22 53:14,21	74:10,12,19	73:5 95:10
61:17 63:1	55:21 57:23	75:5 76:6,6	116:25 120:8
65:6 72:16	58:23 61:24	78:15 83:20	recorded 7:3
77:15 79:3	62:11 67:3	96:20 97:5,11	38:5,7 120:6
86:17 104:23	71:21 74:13	97:14,23 98:6	records 21:24
110:21 113:3,5	84:19 87:20	98:13,14,18,23	red 40:17,18
114:3,4,15,17	93:4 95:9	98:24 99:4	47:22 59:8
questions 7:2,8	101:5,8 102:8	receive 58:1,5	71:14 115:8
7:21 114:13	104:9,17	103:14,15	redeemed
118:23 119:7	108:14 111:12	109:12	42:13
quick 14:9,10	112:23 113:14	received 72:8,9	redo 115:22
14:24 117:11	113:16,20	109:8	refer 9:5 10:22
117:13,21,25	115:18	receiving	15:2 17:8
118:3,6,7,10,16	readable	101:10,12	20:17 82:22
118:22	102:18,23	102:3,16,21	89:18 108:6
quickly 15:2	104:20 105:2,5	103:3 104:5,15	115:4 118:11
quincy 2:8 6:6	105:15 106:7	104:24,25	reference 47:17
quincylu 2:10	106:19 108:4	105:25 106:8	50:18 79:24
quinn 1:17 2:8	108:15	109:2 111:22	85:19
6:8	reading 41:9	112:1	referenced 4:15
quinnemanue...	70:4 88:7	reception 103:5	21:19
2:10	103:6 109:4	104:1	references
			18:10

referred 4:14 61:5 92:15,17 referring 15:6 15:18 16:6,8 18:24 23:22 24:22 25:2,4 25:14 46:25 47:6 49:16 50:2,15,23 60:24 61:2 68:6 71:3 88:18 90:19,22 92:7 109:6 113:18 116:17 117:15 refers 16:19,20 16:24 57:3 67:25 106:5 reflect 35:1 46:22 refresher 6:25 regarding 81:12 region 1:25 register 39:23 40:5 53:18 54:1,20 55:25 56:7,18 57:18 58:1,8,9,11,16 59:12 60:9 61:11 62:11,21 63:9,16 65:15 71:17 72:4,23 74:12 76:6,11 76:22 77:7	78:4,19 96:20 97:5,8 98:6,14 98:17,19,23 register's 62:25 74:10 78:8 registered 1:20 regulatory 20:1 relate 24:3 related 17:25 19:11,22 relation 41:24 55:9 relationship 17:12,17,22 18:2 remainder 44:9 remember 32:10 60:23 62:7 68:20 remote 1:15 remotely 5:9,12 repeat 65:5 rephrase 7:16 17:5 32:22 report 8:15 reporter 1:20 1:21 5:5,25 40:16 reporting 5:8 5:18 represent 72:25 represented 14:8 31:3	representing 2:6,10 6:3 95:12 represents 26:7 72:22 request 4:6 35:9 41:21 54:5,6 57:18 58:1 59:16,17 60:4,7,17 61:12 63:20,25 64:11,16 65:10 65:19 66:6,21 73:10 76:16,17 76:24 77:25 78:1,12 95:13 95:18 96:2,7 96:13 99:11,17 99:23,25 100:9 115:12,13 116:4 requesting 76:12,15 require 52:4,13 96:1 99:10,17 99:22 required 7:22 19:25 22:12 26:14 29:16 65:18 79:6 92:24 99:21 requires 22:15 67:7 requiring 101:12	responding 31:19 response 29:15 58:1 78:8 100:8 116:14 responses 7:3 responsive 106:1,8 resume 104:10 resumed 48:23 107:19 119:4 retail 27:9 retailer 96:6 99:18 retailers 96:1 99:10 return 25:9 28:21 returned 49:1 returning 22:6 99:7 returns 26:25 review 3:10 67:20 reviewed 9:12 reviewing 16:17 reviews 17:19 67:4 84:16 revise 23:23 31:9 rhails 2:5 right 6:21 8:6 9:10 10:15 11:23 22:23
---	---	---	---

33:9,15 39:8 39:19 48:19 49:17 53:6,12 54:25 68:11 71:4,7,15 73:3 73:15 77:18 80:8,18 86:23 88:16,25 94:1 97:20 102:11 106:3,17 107:2 107:12 110:16 112:8,12 115:25 117:9 robert 2:3 6:2 role 12:8,21 13:9,18 19:18 room 5:8 rose 1:19 roughly 82:3 rules 6:24 run 62:5 running 57:1	saturday 13:24 13:25 24:13 26:15 saying 18:18 26:19 42:9 44:6 69:19 70:11 74:17 82:11 94:18 113:14 says 15:3,23 18:6,11 41:17 41:17 44:22 45:24 47:15 50:9 55:22,23 56:16,20 58:4 58:22 59:14 60:16 68:24 71:5,22 75:17 76:10,14 78:11 90:14 91:23 92:21 99:9 100:9 103:3 105:25 106:18 109:1,13,16,21 109:24 110:2 113:8 scan 30:5 55:9 93:3 98:22 99:2 scanned 28:17 29:3 30:2 40:5 53:4,25 55:24 56:17,22 61:1 61:4,10 62:1 62:11,15 64:6	72:10 76:11 77:8 94:17 97:7,24 98:12 104:2 scanning 89:4 93:10,20,24 scans 29:12 53:23 54:11,12 55:4,22 57:19 58:17 59:12 62:16,21 scenario 43:11 43:22 55:2 62:10 scope 41:8 54:14 55:7 56:9 57:10,21 scratch 97:12 98:10 screen 10:20 11:2,7,11 25:10 40:19 48:25 55:12 68:12 80:3 86:24 91:5 95:20 screwing 108:2 seal 120:11 search 84:15 seattle 2:9 sec 72:15 second 10:20 12:15 14:3 15:12 20:19 27:23 33:17	52:4 68:23 71:2 102:20 108:14,15 112:13 115:21 security 12:16 12:21,23 13:6 72:1 73:19 75:11,13,19,23 75:25 76:5 see 11:6,11 12:5,16,18 13:6,16 14:4,5 15:2 16:11,13 19:16 20:11,21 24:4 25:13,19 26:1,2,23 28:2 28:9,10 30:18 31:1 39:24 40:18 41:1 46:4 48:2 49:19 55:14 59:10 63:13,18 63:23 67:20 68:15 69:3 73:7,13,20 75:20,21 76:19 79:1,18 80:14 81:1 84:3 85:16 87:1,2 87:23 88:5,6 89:1 90:8,9,10 91:11,12,16,18 91:18,19,20,21 92:16 93:12,13 93:18,19 95:6
s			
s 3:6 sale 56:23 60:22 62:2 65:22 71:23,24 77:21 78:20,21 102:14,17,25 103:18 105:17 108:13 111:20 111:24 112:4,5 sales 63:20,21 sat 6:19			

95:14 96:9,10 96:20 97:1,17 98:1 99:13 101:19 103:6,8 104:12 105:3 106:10,21 107:24 112:9 112:15 115:15 115:19,21 116:6,7,12 117:3 118:22 seeing 88:18 seen 57:12 select 35:7,21 37:6,15,23 50:16 82:16 selected 36:4 36:11 37:11,20 38:21,25 40:22 45:15 50:11 67:9 81:18,19 106:20 108:5 selecting 42:22 43:7 83:8 106:1,9 selections 35:2 37:24 41:16 51:6 117:16,16 117:20,24 118:4,5,12,15 selects 38:15 self 15:25 30:16 30:23,24 31:5 31:18,18,20,21 32:7,19 34:21	37:14 39:11 40:4,23 41:5 42:4,21 43:6 43:11,23 44:24 46:2 47:5 50:12 selling 102:12 104:14 send 35:9,12 66:1,6 95:11 96:7,12 113:22 sending 66:2 sends 29:12,14 36:22 73:11,23 74:22 75:4,11 78:13,22 sent 26:18 28:19 40:16 42:16 66:16,25 69:22 73:10 78:12,17 94:19 95:18 99:23 100:2 sentence 15:8 15:12,17 18:6 18:8,16 44:17 45:22 49:13 50:8,15,19,22 50:25 51:2,4,9 53:3 60:25 68:24 69:7 70:5 71:2,6 80:21,21 93:4 99:8 112:13,15 113:5,14,16,24	114:5,19 115:1 115:4,9,10 116:2,17,21 117:5 sentences 80:20 separate 93:25 sequence 46:2 46:7,9,13,15,20 46:21,25 47:2 47:4,8,10,15 49:6 50:4,24 51:11 52:10 67:9 91:21,25 92:20 94:4 serial 46:13,14 46:16 52:1 series 26:5 service 15:25 30:16,23,24 31:5,18,18,20 31:21 32:7,19 34:21 37:14 39:11 40:4,23 41:5 42:4,21 43:6,11,23 44:24 45:6 46:2 47:5 50:12 set 92:8 sets 91:15 several 80:16 shake 7:9 share 10:19,20 11:3,7,12 20:12 22:7	25:10 40:19 48:25 55:12 58:25 63:3 68:12 80:3 84:2,3 86:21 86:24 92:12,17 104:10 shared 11:2 shopping 58:7 58:8 shorthand 120:7 show 102:5 showing 31:12 shown 16:10 22:8 24:7 27:24 39:5 47:23 72:13,19 88:15 89:25 90:1 shows 25:10 39:21 97:11,14 sic 41:22 72:5 115:14 side 84:2,2 signature 120:15 signed 9:16 10:8 silent 6:5 similar 46:12 48:1 similarly 7:11 single 28:6 30:23 80:21
---	---	--	--

86:17 98:5 sir 61:23 sit 84:18 skill 51:14 52:12 64:4 65:13 67:16 68:5 69:6 70:4 70:15,17 72:6 74:3 76:4 79:11 81:9 84:20,24 85:12 99:5 104:8 skilled 85:5 skipping 18:10 software 76:18 solutions 1:24 somebody 54:19 63:5 sorry 16:19 29:5,7 33:13 43:2,4 45:17 53:8 63:4 71:10 82:10 88:20 91:5 98:9 114:8 sort 25:11 sound 8:4 sounds 46:10 48:18 speak 7:5 114:5 114:20 speaking 23:1,4 specific 13:23 32:22 71:24 77:23 86:14	specifically 15:3 21:6 94:23 95:2 99:21 103:10 111:11 114:7 117:17 specification 85:4 109:5 111:12 specifications 36:23 specify 60:10 speculate 58:4 64:3,20,23 speculation 64:2 100:12,21 speed 1:21 spirit 85:8 spoken 7:7 standard 108:16 standing 120:3 start 10:16 35:18 53:15 starting 15:9 15:22 17:9 26:8 40:13 59:8 starts 15:11 20:20 46:11 49:17,20 51:4 52:21 53:22 60:25 77:19 state 5:14,16,18 6:16 59:21	116:24 statement 20:15,18 56:16 95:4 states 1:1 status 59:21 116:20,24 step 35:15 83:4 89:4 104:16,24 108:22,25 109:13,16,20 109:24 110:2 110:22,23 111:5,19,22 steps 93:22,25 102:16 110:20 stipulations 4:11 stop 105:18 store 22:4,15 25:16,18 27:17 28:1 30:15 39:22 42:11 53:23 55:22 57:12,14 63:10 63:10,17 65:14 65:23 66:7 75:18 76:18 77:5 78:1,3,7 90:1 stored 21:16 22:8,23 23:9 23:16 stores 38:25	street 2:4 strike 18:6 29:5 29:8 35:19 43:4 55:2 60:5 63:1 71:10,11 94:12 108:7 118:1 structured 89:9 sub 88:17 subheading 88:15,25 suggest 76:21 77:4 suggests 77:2 suite 2:4,9 sullivan 2:8 sunday 24:13 supermarket 79:12 supervision 120:7 supply 27:6 support 3:9 4:1 10:5 37:5 supports 37:14 supposed 13:3 sure 9:22 11:25 15:21 17:6 23:2,3,8 27:4 30:4 38:11 51:7 61:23 83:5 86:19 87:21 89:8 93:8 104:12 107:6,15
--	--	--	--

switch 11:9 20:8 71:8 72:14 73:4 switched 68:13 116:1 sworn 5:15,22 120:5 synonymous 110:19 system 11:15 11:19 12:1,9 12:22 13:2 14:20 19:19 20:16,24 21:17 21:20 22:5,15 26:9,10,18,24 27:2,19 28:4 28:20 29:13,24 30:7,22 31:4 31:15,22 32:13 32:16,25 33:7 33:12,22 34:3 34:10 35:9,10 36:20,25 37:25 38:2,6,8,22,24 40:24 41:4,5,6 41:14,20 42:16 43:13,24 44:5 44:13 51:17 52:16 54:7,10 55:4,9,17 56:5 56:11,12 59:18 60:1,18 63:12 65:15,21 66:7 66:12,16 68:19	68:25 69:8,17 69:23 70:6,23 71:17 72:9 73:11,23 74:22 75:4,11 78:2,4 78:13,20,21,23 79:7,17 80:24 81:5,9,11,11,17 82:4 83:18 84:7,11 97:6 97:16 98:9,12 99:18 100:7,15 101:22,25 102:6,15,23 103:7,9,11,13 103:15,25 104:3,4 105:10 105:21 106:14 106:24 107:25 108:10,20,24 109:7 110:4,7 110:24 111:7 115:14 116:5 116:10,15 117:6 systems 57:11 96:1 99:9 szrek 8:16,22 9:5,6 10:16,19 11:5,6 12:1,6 12:12 13:7 15:2,3,6 21:3 27:4 31:11 41:10 47:15 50:1 54:10	55:3,9 58:4,20 59:9 60:1,3 62:16 64:13,22 64:25 65:3,24 66:9,15,23,23 67:3,14,17,20 67:25 68:6,13 71:2,3 72:14 72:22 73:9,22 74:21 75:3,10 81:5 82:14 84:13 87:23 88:2 89:22 90:13,19 91:18 91:19,20,20,21 96:12,19 97:11 97:14 100:24 101:5,5,7,12 112:6,18 116:3 118:14 szrek's 10:18 11:15,19 12:9 12:22 13:19 19:19 20:8,14 41:3 52:19 64:10 65:9 74:17 86:7 88:10 89:13,17 89:19,20 90:22 98:8 101:4,4 t t 3:6 120:1,1 take 7:18 48:10 65:25 110:20 118:21	taken 1:16 40:4 48:20 107:17 119:2 120:4 takes 91:8 talk 24:5 53:6 55:1 80:20 101:20 110:23 111:5 113:25 116:10 talked 33:18 64:9 83:7,12 83:15 117:20 talking 16:16 17:1 22:22 23:9 24:24 25:5 35:17,20 41:10 44:18 53:2 60:3 81:25 82:1 89:24 92:13 93:10 107:23 118:14,15 talks 18:8 40:22 49:13,25 60:6 80:11 93:16 95:4 104:13,14,25 105:14 112:13 113:5 tamburri 1:19 tax 58:12 technical 99:22 tell 120:5 ten 48:13,14
---	--	---	---

term 47:8 86:6 87:6,13,22 88:9 90:6,18 91:9 92:5 117:11,14,15 117:21 118:3,7 118:11 termed 89:12 terminal 15:25 18:11 27:25 28:6,13,18,22 28:24 29:3,5 29:10,12,15,19 29:23 30:6,16 30:23,24 31:5 31:13 32:6,19 32:19 33:18,24 34:6,21,21 35:5,8,13 37:5 37:10,14,18 38:4,12,15,20 39:4,11 40:3,4 42:4,21 43:4,6 43:11,23 44:25 45:6 46:3 47:6 51:22,24 56:23 60:22 62:2 65:23 102:14 102:17,25 103:18 105:17 108:13,16 111:20 112:5 terminals 40:23 41:6 50:12 89:18	terms 58:20 68:7,7 90:17 testified 5:23 61:10 testifying 5:14 testimony 3:3 8:9 29:9,11 49:10 55:7 56:9 57:10 60:23 61:3,15 61:20 62:7 68:20 120:4,6 120:9 thank 48:19 101:19 115:24 118:20 119:1,9 119:10 thanks 107:16 thereof 120:10 thereon 105:16 106:7 thing 9:17 22:12 84:19 101:9 104:13 107:9 things 14:13 68:3,10 94:19 98:20 think 20:20 40:14 59:1 63:21,25 64:22 64:25 74:17 80:1,13 86:15 107:8 108:1 114:11,12	117:21 third 30:13 87:24 88:1 102:9 three 14:19 18:5 20:19 25:10,14 32:1 89:25 thursday 1:13 ticket 11:15,19 12:25 13:6,9 13:11,13,15,19 13:22 14:8 15:16,24 16:2 16:11,20,21,25 17:1,13,18,23 18:9,12,19 19:4,11,22 20:3,5,7 21:17 21:18 22:13,16 22:19 23:14 24:16 25:11 26:14 27:2,6 27:11 28:17,19 28:20,23 29:2 29:10,12,14 30:8,14 31:6 31:14,23 32:17 32:25 33:5,11 34:24 35:1,10 35:11,13 36:5 36:10,12 37:10 37:19 38:3,8 39:4,21 41:11 41:15,19,22,24	41:25 42:3,6 42:11,12,15 43:7 44:7,11 44:19,24 45:1 45:8,14,25 46:1,17,20,21 46:25,25 47:12 47:16,17 48:4 49:8,14,21,25 50:3,10,17 51:6,16,19,23 52:2,7,9,10,14 52:14 53:18,23 54:4,12,21 55:18,22 58:17 59:13,15,20 62:11,12,15,22 65:20 66:13 67:7,11,22 68:3,24 69:1,9 69:10,14,19,21 70:7,8,18,19,21 70:22 71:4,5 71:18,22,23,24 71:25 72:11 73:1 76:13 77:7 78:20 79:7 80:12,15 80:24 81:6,10 81:21 82:1,18 82:23 83:2,2,9 83:14,16,19,22 84:8,12 86:6,7 87:7,13,23 88:9 89:13,19
---	--	---	--

89:20,21 90:15 91:19,24 94:20 94:21 96:3,25 97:7,12,25 98:13,22 99:11 100:8,17 102:13,13,23 102:25 103:2 103:17,18,20 103:20 104:2,5 104:14,21 105:6,15 106:5 108:16 109:9 110:8,13 115:11 116:11 116:20,23 tickets 19:23 20:15,23 21:15 21:22 25:24 26:12,15,20,22 26:25 27:1,6 27:15,18 29:7 29:20 30:1 32:4 33:8,19 33:23 34:4,6 34:18 35:23 36:21,23 40:1 40:23 46:2 47:20 50:12 52:20 70:22 85:23 86:1 88:2,3,11 89:14,17 113:1 time 7:21,21 8:1 9:11,15	38:8 48:12 72:4 84:11,14 119:9 120:4 timing 99:3 today 8:9 9:4 10:16 today's 7:6 8:12 10:21 117:19 top 14:3 19:9 25:12,17 26:9 30:15 32:2 76:9 90:1,13 total 57:2 62:6 trademark 1:1 transaction 56:13 69:1,16 69:18 76:12 81:13,13,14 95:13,18 96:7 96:12 98:24 113:21,25 114:2,6,20 115:3,5 transactional 54:6 59:17 60:17 115:13 116:4 transcribe 7:12 transcribed 120:7 transcript 7:4 transcription 120:8	transform 65:19 transformation 65:18 transformed 54:5 59:17 60:7,16 64:11 64:17 65:10,13 76:17 77:25 115:13 transmission 103:5 104:1 transmitted 38:2 92:19,23 94:3 102:22 109:11 transmitting 92:14 93:16,21 93:24 94:11,14 trial 1:1 trouble 88:18 true 120:8 truth 120:5,5,6 try 7:4 34:13 106:3 114:24 trying 24:3 82:21 87:21 107:24 117:25 118:2 turn 19:8 80:4 two 27:10 30:21 34:9 92:18 93:24 94:23	type 14:11 49:14,21,25 50:9,10 71:23 73:25 74:4,6 74:15 76:15,22 77:6 91:18,24 types 32:11,15 34:10,17,18 94:14 typical 95:25 u u.s. 3:10,11,12 uh 7:11,11 uhs 7:11 ultimately 27:17 unable 108:14 under 120:7 understand 6:19,23 7:15 7:17 8:11 10:17,23 11:4 11:5,25 15:1 24:21 29:1 38:11 41:3 47:8 51:8,14 67:2 72:7 79:11 81:9 82:10 84:20,25 86:17,20 87:21 89:8 91:23 93:8 103:4,12 103:22 109:4,6 109:10 110:5,9 110:18 111:13
---	---	---	---

114:1 115:2 understanding 21:9,12 26:5 27:13 28:11 54:9 56:15 57:7,16 64:16 65:9 understood 7:19 65:19 68:6 unique 12:10 13:11,13 18:21 21:13,25 24:1 46:1,16 51:19 51:22 52:10,14 90:7,15,18,23 united 1:1 universally 86:11 upc 56:23 57:23 60:22 61:5,11 62:2 62:12,17 67:10 67:10 78:20 upper 27:25 urquhart 2:8 use 17:25 37:19 52:9 88:8 98:21 100:16 used 12:23 44:3 55:18 93:7 117:11,21 118:11 user 50:4	using 31:14 41:11 46:15 54:3 56:2 95:17 usually 19:21 19:23 46:11 57:12 76:14,16 77:19,25 v vague 17:3 18:17 21:4 22:10 28:14 30:10 31:7 32:20 34:12 35:25 36:13 39:12 40:7 41:7 43:16,25 45:9,16 46:8 46:23 47:24 50:5 51:12 53:1 54:13 55:6 56:8 57:20 58:18 62:13 64:1,18 65:11 66:17 67:24 69:11 71:20 74:1 75:1,7,14 76:2 76:25 77:9 78:10 79:8 81:7 86:13 90:3 91:2 97:19 99:19 100:11,20	valid 19:24 72:2 value 34:25 46:22 103:1,19 variety 68:2 73:12 91:14 various 85:6 verbiage 114:13 verifies 54:7 59:18 veritext 1:24 view 11:25 23:14 29:20 47:20 51:8 60:4,8,11,12,15 81:5 views 11:5 void 113:19,21 vs 1:8 w wager 14:7,10 wagers 40:22 wages 50:12 walk 11:24 walking 107:22 walks 45:7,13 want 7:13 23:8 25:9 26:15 47:7 48:6,10 51:7 61:22 79:13 86:19 89:8 93:8 95:21 104:12 107:4	wanted 59:10 67:20 wants 99:1 114:17 warehousing 27:7 washington 2:9 way 16:1 17:24 18:1,12,20 41:12 42:5 45:1 51:18 52:13 60:11 79:10 83:20 84:8,12 94:18 95:3 98:25 114:17,24 ways 82:25 we've 48:9 82:15 83:7,12 83:15 117:24 welcome 6:15 wheel 14:11,19 14:25 window 59:4 winner 80:12 80:13,25 81:6 81:22 82:5 winning 81:20 82:7,8 113:1 wishes 36:23 witness 4:2 5:14,15 17:4 17:19,21 18:18 21:5 22:11 28:15 31:8
---	--	--	--

32:21 34:13	51:15 54:10
36:3,14 39:13	56:11 77:21
40:8 41:9 44:2	118:24
45:10,17 46:9	working 42:21
46:24 47:4,10	43:4,6
47:25 50:6	works 41:4
51:13 53:2,8	46:7 54:12
55:8 56:10	100:25
57:11,22 58:3	written 7:3
58:19,22 59:2	wrong 61:9
59:6,14 60:15	x
62:14 63:6	x 3:1,6
64:3,19 65:5	y
65:12 66:18,22	yeah 46:24
67:4,6,25	47:3 72:17
69:13 70:1,10	88:22 111:2
71:21 74:2	z
75:8,15 76:3	zero 21:23
77:1,11 78:11	46:12
79:9 81:8	zoom 1:15 6:5
84:16,18 86:14	11:7,10 20:11
94:9 99:20	59:4 84:3
100:13,22	88:24
101:3 111:2,10	
112:23 114:10	
114:12,23	
118:20 119:10	
120:9,11	
word 115:1	
words 14:9,14	
19:11 51:25	
67:11 96:5	
113:12	
work 12:1 17:1	
44:11 45:6	

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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