

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ACTIVISION BLIZZARD, INC.

Petitioner

v.

MILESTONE ENTERTAINMENT, LLC

Patent Owner

Case No. IPR2025-00708

U.S. Patent No. 8,529,336

**DECLARATION OF RANDALL KATZ IN SUPPORT OF PATENT
OWNER MILESTONE ENTERTAINMENT, LLC'S RESPONSE TO
PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 8,529,336**

TABLE OF CONTENTS

I.	INTRODUCTION	1
A.	U.S. App’n No. 10/123,861/U.S. Patent No. 8,393,946	3
B.	Conception of the Inventions Claimed in the Variable Parameters Patents	11
C.	Drafting and Filing of First Variable Parameters Patent Application	15
D.	Conception and Reduction to Practice of Limitations of Challenged Claims	20

I, Randall Katz, hereby declare as follows:

I. INTRODUCTION

1. Counsel for Milestone Entertainment, LLC (“Patent Owner”) has retained me as an expert in this matter to provide my independent opinion in regard to the matters at issue in *inter partes* review of U.S. Patent No. 8,529,336 (the “336 Patent”) in IPR2025-00708.

2. I am one of the inventors named in U.S. Patent No. 8,529,336 (the “336 Patent”) owned by Milestone Entertainment, LLC (“Milestone”), which is currently the subject of *Inter Partes* Review No. 2025-00708 initiated by Activision Blizzard. The 336 Patent is part of a family of patents referred to at Milestone as the “variable parameters” or “parameterization” patents.

3. I submit this declaration in support of Milestone’s Response including its effort to antedate U.S. Patent App. Pub. No. 2004/0002369 (“Walker”) (Ex1006), filed on May 1, 2003 and published January 1, 2004. I understand that the Walker reference was asserted as prior art against Milestone’s 336 Patent. As explained more fully below, Walker should not be prior art because my coinventor Gary Dawson and I conceived of the inventions claimed in the 336 Patent at least by December 4, 2002, and worked diligently to reduce the claimed inventions to practice by September 3, 2003, the date of filing the application.

4. I am a 1979 graduate of Yale College with a B.A. in Economics and Philosophy. I am CEO and Co-Founder of Milestone Entertainment, which I founded in 2000. Prior to founding Milestone, I held several key positions in the entertainment industry at Sony Pictures Columbia Tri-Star Television and at Mark Goodson Productions, the company founded by legendary game show producer Mark Goodson. At Sony, my primary responsibility was to explore and develop commercial opportunities in lottery and gaming.

5. I am also currently Chair of the UCLA Jonsson Cancer Center Foundation Board of Directors, Chair of the Yale Center for Environmental Law and Policy, and I serve on the board of the Tower Cancer Research Foundation.

6. As one of the named inventors, I am personally familiar with the conception and reduction to practice of the claimed inventions. I was also the primary point of contact with David Murphy, our patent lawyer, during the drafting, filing, and prosecution of the Milestone patents, including the 336 Patent. This declaration provides, among other things, an historical account of how Gary Dawson and I conceived of the inventions claimed in the 336 Patent, and then worked to file the patent application that led to the Milestone Variable Parameters Patents, including the 336 Patent.

A. U.S. App’n No. 10/123,861/U.S. Patent No. 8,393,946

7. The Milestone Variable Parameters Patents were not the first patents related to gaming that Gary Dawson and I obtained. For example, we are the named inventors of U.S. App’n No. 10/123,861, which was filed on April 15, 2002 (the “861 Application”) (Ex2014), and issued as U.S. Patent No. 8,393,946 (the “946 Patent”) (Ex2015). The 861 Application concerned “methods, an apparatus for their implementation, of unique player participation games, and for improved methods of play for games of chance. More particularly, these inventions relate to new and improved games involving player participation in a broadcast medium, such as television, and in other communication media, such as over the Internet or other communications network.” Ex2014 at [0001]. One important technique disclosed in the 861 Application was to provide physical lottery systems, like those run by state governments, with a “second chance” play conducted over an electronic system. *See id. at* [0020].

8. One example of the systems and methods claimed in the 861 Application was for a lottery game played in conjunction with remote electronic system accessed over the Internet or other network:

In one of the instant inventions, a game is provided in which the player must communicate electronically with a remote location which contains the information as to whether a player will win or lose the game, and if they win, the prize that they will receive. In one implementation, a

lottery game, such as a scratch off lottery game, may include a unique access or Ticket Identification Number (TIN). In order to determine whether the player is a winner, the player must electronically access a remote site. Modes of electronic addressing of the remote site include internet access, cable access, or access through a conventional communication network such as by a phone. The user is prompted to enter the TIN number, which is used by the system to access memory to determine whether the player has won or lost, and if they have won, the prize for winning. Game play proceeds via the electronic system in a way so as to ultimately inform the player as to whether they have won or lost and if appropriate, as to their prize.

When implemented in conjunction with a lottery type game, the system utilized consists of the lottery system, such as the online terminals located at various vendor locations, and additionally includes communication paths between the electronic game play path, e.g., via the internet through website game play, and its interaction with the lottery system and its associated database. The lottery processing system may be separate from or integrated with the servers and systems which permit electronic game play. These servers or systems may access information, such as ticket database information, financial data or lottery real-time information.

Id. at [0018], [0019].

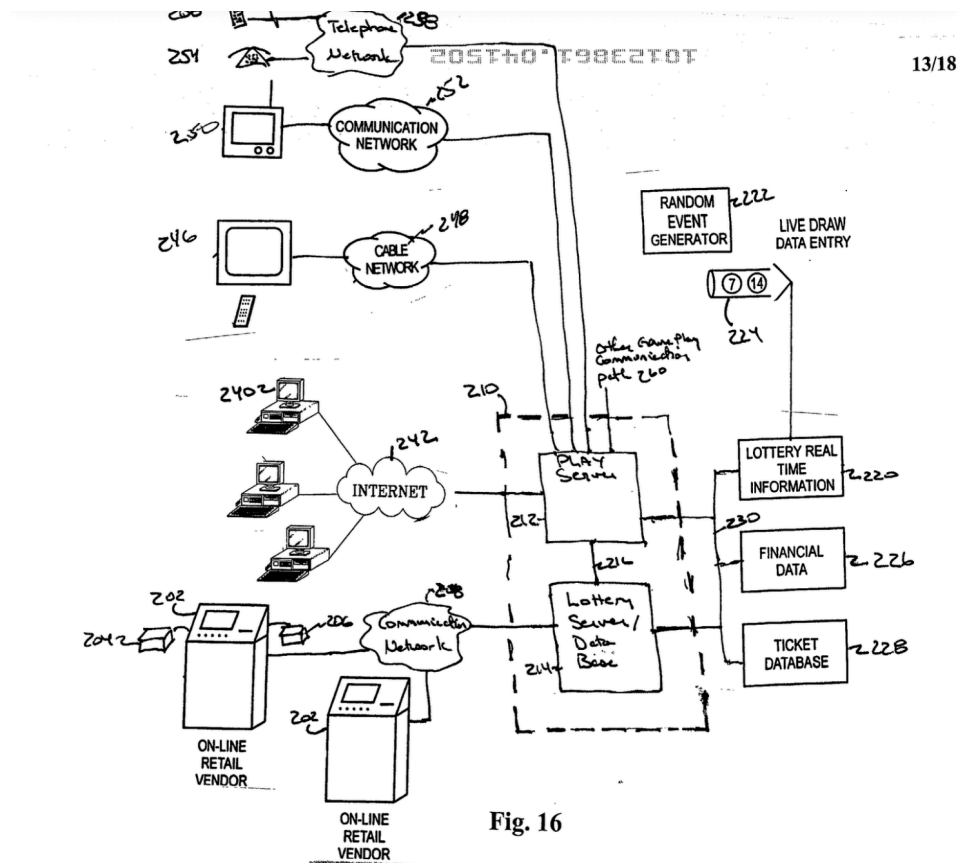
9. The 861 Application further explained how this system could be used to enable “second chance” play:

By way of a more specific example, the lottery game may comprise a conventional scratch-off type game, and include a second or auxiliary

game with the base game, such as by providing the two games on a given lottery ticket. ***The second game includes at least the provision of TIN number information for the player to electronically access the game play system.*** Optionally, the second game may include a scratch-off aspect on the same ticket which can reveal variable information, such as whether the ticket will entitle the holder to play the second game, e.g., where, for example, two out of five numbers must match, the prize amount the player will play for in the second game, or other variable factors such as the game to be played or the degree of difficulty of the game. ***The player enters their TIN number over the electronic communication system, wherein turn the number is checked for validity and entitlement for game play.*** Entitlement for game play may include a determination of whether the TIN number has been previously used. Assuming qualification and entitlement, the TIN number is utilized by the system to look up in memory various aspects about the game play, e.g., what game is to be played, whether the player will win or lose, and the type of prize to be awarded to winners. The system retains a record of TIN numbers which have been played. Redemption of prizes may occur at the authorized retail vendor locations equipped with the lottery infrastructure. The vendor may positively confirm that the TIN number has been played in the electronic game through use of the lottery terminals and infrastructure. Payment of the prize amount may be conditioned on receiving a positive indication that the TIN number has been utilized in the electronic game play.

Id. at [0020].

10. In order to enable this kind of remote electronic gaming, we disclosed in the 861 Application a system that included client devices, third party terminals, remote servers and databases, and networks to connect them. Figure 16 of the 861 Application presents one embodiment of such a system:



Ex2014 at Fig. 16.

11. The 861 Application further describes games having a “variable component”, which varies the game structure, such as the game to be played or the difficulty, and can also vary the prizing, such as the prizing amount:

The secondary game play includes provision of the identification number. The user would then electronically provide the identification number to the game play server/lottery system. The system would then access memory utilizing the identification number to determine the variables associated with that ticket identification number. Such *variables may include the prize amount, the game to be played and/or the degree of difficulty* as previously explained. The system database may then be updated to indicate that the game had been played. *The variable information as to the game play is then utilized to conduct game play in accordance with those variables.*

Ex2014 at [00125].

12. As this shows, Gary Dawson and I had already conceived of the “variable parameters” described in the Variable Parameters Patents, which are simply parameters that help define a game: its structure, rules, or odds, or its prizing – and the parameter can be varied to affect those things. What we had not done by that time was to connect the use of such variable parameters to achieving a set of objectives for the system, such as a global payout percentage, a win rate, or any other of a number of system-wide objectives. We called these types of parameters “mandated parameters” in the Milestone Variable Parameters Patents.

13. As I describe in more detail below, Gary Dawson and I conceived of the Milestone Variable Parameters Patents as an improvement to the inventions claimed in the 861 Application. As such, we relied on much of the disclosure in the 861 Application as the foundation for our new ideas. In keeping with this, the first of the Milestone Variable Parameters Patents, which issued as U.S. Patent No. 7,798,896 (Ex2001), is a continuation-in-part of the 861 Application. *See* Ex2001 at 1. The 336 Patent at issue here issued as a divisional from the 896 Patent. *See* Ex1001 at 1.

14. Since the Milestone Variable Parameters Patent family builds upon the 861 Application, there are many similarities between the earlier application and the shared specification of the Milestone Variable Parameters Patents.

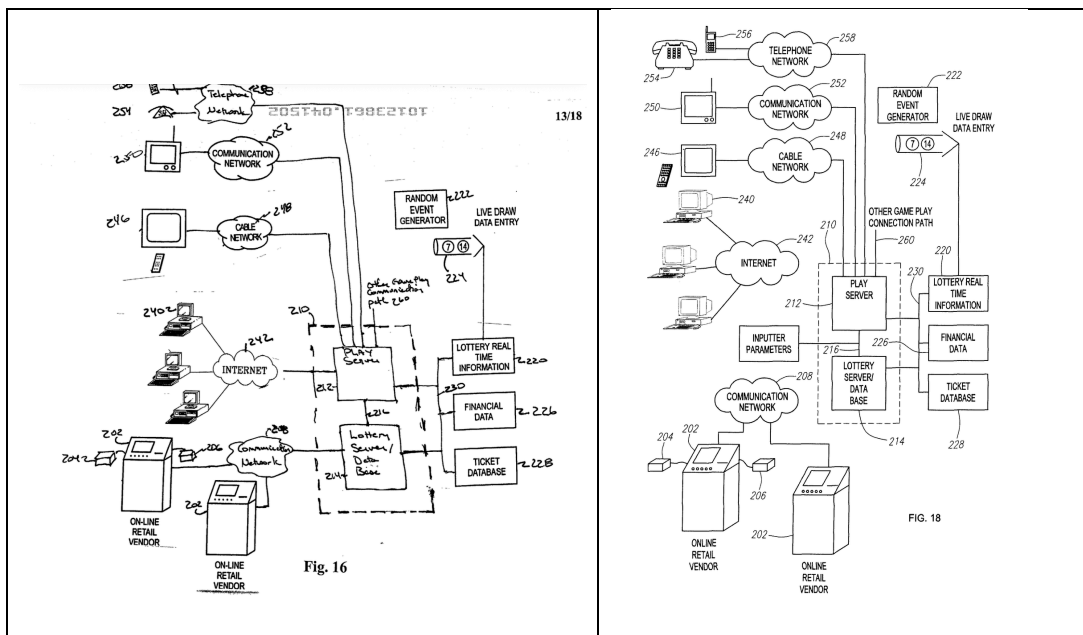
15. For example, many of the figures are identical:

Figures in 861 Application	Corresponding Figures in 336 and 279 Patents
Fig. 1	Fig. 3
Fig. 2	Fig. 4
Fig. 3	Fig. 5
Fig. 4	Fig. 6
Fig. 5	Fig. 7
Fig. 6	Fig. 8
Fig. 7	Fig. 9
Fig. 8	Fig. 10
Fig. 9	Fig. 11
Fig. 10	Fig. 12
Fig. 11	Fig. 13
Fig. 12	Fig. 14
Fig. 13	Fig. 15

Fig. 14	Fig. 16
Figs. 15a-15b	Figs. 17a-17b
Fig. 17	Fig. 19
Figs. 18a-18e	Figs. 20a-20e
Fig. 19	Fig. 21
Fig. 20	Fig. 22

16. Additionally, Figure 16 of the 861 Application, which depicts an embodiment of the disclosed and claimed system, and Figure 18 of the Milestone Variable Parameters Patents, are almost identical. As shown below, the only addition in Figure 18 is an “Inputter Parameters” box. That is because we understood that the system described in the 861 Application supplied almost everything needed to support our new ideas concerning using variable game parameters to achieve objectives set for the game (“mandated parameters”). All that was needed was a way for the system to receive the game play parameters, for example from a game operator.

Figure 16 of the 861 Application (Ex2014)	Figure 18 of the 336 Patent (Ex1001)
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17. As the 861 Application further shows, Gary Dawson and I had also conceived and reduced to practice at least by April 2002 various additional attributes claimed in the Variable Parameters patents, including many aspects of the dependent claims. This includes: association groupings and players' clubs (Ex2014 at [0021], [0017], [00121], [00126]); online registration (*id.* at [00117], [00123]); multi-level game play including advancement to other levels (*id.* at [0013], [0027], [0030], [0031], [0062], [0068], [0075]; limiting play to users within a given geographic area (*id.* at [007], [00123]); and wireless communication devices, such as personal digital assistants, which have graphical display capabilities. *Id.* at [0070], [0081], [0099], [00109], [00111], [00116].

B. Conception of the Inventions Claimed in the Variable Parameters Patents

18. In the fall of 2002, Gary Dawson and I conceived of further improvements to our patented gaming inventions. As the 861 Application shows, we had consistently been interested in creating improved games “having a higher level of audience interest and potential participation” and to “provide for enhanced modes of game play in association with existing forms of game play.” Ex2014 at [0036], [0038]. The problem we sought to solve in our new patents was how to maintain engagement and provide entertaining games, while still ensuring that desired objectives set by the game operator were achieved, whether that objective was a certain payout percentage (high or low), a certain win rate, or a certain level of engagement with a game player, such as a number of repeat plays, money spent, or time spent playing a game. We were quite aware that the interest of the game operator and the players could be at odds and result in games that were not enjoyable for the player or did not create lasting engagement with the game. A good example of this problem was the lottery, which was initially our primary market target. Perhaps because of the strict payout requirements for the lottery, the then-existing lottery games were of generally poor quality and not engaging.

19. As discussed above, we had already conceived of games with “variable components” such as “the prize amount, the game to be played and/or the degree of difficulty.” *Id.* at [00125]. In our system, that “variable information as to the game

play is then utilized to conduct game play in accordance with those variables.” *Id.* One of our insights was that we could use these variable components in conjunction with our gaming system to achieve the game operator’s objectives by inputting those objectives into the system and monitoring game play to determine whether they are being met. If such monitoring showed that some change to the game was called for so that the game operator’s objectives could be met, then the system could modify the variable game information, such as the game’s rules, odds, difficulty, or prizing, in order to meet the game objectives. This could be done in a way that maintained or promoted player engagement – by, for example, awarding more prizes of lower individual value, or by awarding a bonus level, or by forcing a player “win.”

20. Gary Dawson and I then arranged to meet with David Murphy, our patent prosecutor, to obtain patent protection for our ideas. The first meeting to discuss our next patent occurred on December 4, 2002. I have reviewed David Murphy’s notes from our December 4, 2002 meeting (Ex2016), and they accurately reflect my own recollection of our discussion. We also supplied David Murphy with a slide deck with an exemplary game, titled “Perfect 10” (Ex2006), that we discussed at the meeting and is described in the specification of the Variable Parameters Patents.

21. As we described in the specification of the Variable Parameters Patents, we created the “Perfect 10” game as an example of how our gaming system could

vary the parameters of a game, for example the prizing structure, to achieve a predefined outcome:

By way of example, the probability of an 8, 9 or 10 in Perfect 10 ‘should be’ 40%. Game play may be selected such that a ‘win’ occurs at that frequency. The predefined prizing structure may then be achieved in the secondary prizing phase. *Alternately, the frequency of a result qualifying a player for entry into the secondary prizing phase may be greater than the real world probability.* In the example of Perfect 10, the revealed numbers in the first phase of the game may ‘win’ more than 40% of the time (i.e., there is a percentage of events that qualify the player to enter the second, prizing phase which is greater than the real world percentage). *The prizing phase then corrects the prizing result to achieve the predefined outcome.*

Ex1001 at 39:53-65.

22. As the notes from the December 4, 2002 meeting reflect, we described to Mr. Murphy our ideas to enhance game play by varying game outcomes, structure, or prizing to ensure some result set by the game operator, such as a “Fair # [number] of low Tier Prize Winners,” “Force an even distribution of prizing,” “w/in [within] every X plays, [a] certain amount of low tier wins,” “Guarantee[] the payout,” or increasing the percentage payout of a lottery game. Ex2016 at 1.

23. As reflected in the meeting notes, we described to Mr. Murphy the concept of a GLEPS, or Guaranteed Low-End Prizing Structure. GLEPS was a well-known prizing structure for lotteries – in particular, “scratch-off” lottery games. In

a GLEPS structure, a certain number of “wins,” typically comprising lower-value prizes, are guaranteed across a given number of plays. The example we provided to Mr. Murphy was that in a 100-ticket packet of scratch-off lottery tickets, each costing \$1, the operator guaranteed “at least \$50 of wins.” *Id.* As the notes further reflect, we then described that one aspect of the problem we were attempting to solve was “[h]ow to translate that” – GLEPS – into “Internet or SMS”. *Id.* The notes reflect our proposed solution as described above, which could, for example, “[f]orce an even distribution of prizing” across an arbitrary number of game plays – in effect, a “virtual GLEPs.” *Id.* As the notes reflect, we conceived of a system in which there could be a “virtual stack” of lottery tickets, for example, “not limited to 100.” Within that virtual stack of games, for example, the system could ensure a “certain amount of low tier wins” within “every X plays.” *Id.* That is a guaranteed win rate – an example of what we called in the patents a “mandated parameter.” As the notes reflect, we characterized such a system as “[e]very player is entitled to his virtual GLEPS system,” *id.* at 2, by which we meant that our new invention could provide every player with a certain guaranteed payout of prizes across their game play.

24. As the meeting notes additionally reflect, we discussed with Mr. Murphy that the new system could be used to “>50% payout to 75%.” Ex2016 at 2. 50% was in my understanding the typical global payout for lottery games. We proposed that our invention could raise this global payout “to 75%” – a mandated

parameter – by “increas[ing] % of wins by the level 2,” *i.e.*, a secondary game level. *Id.* As the notes reflect that in such circumstances, we discussed that the game outcomes may need “To Be Predetermined,” or forced, as “that Guarantees the payout.” *Id.* Elsewhere, the notes of the December 4, 2002 meeting reflect that the system could force certain outcomes to achieve a global payout or some other goal, including “Force an even distribution of prizing,” and “ensure that w/in every X #” of plays, “the %” was reached. *Id.* at 1. At the meeting, we agreed with Mr. Murphy to draft and file a new patent application to protect these inventions.

C. Drafting and Filing of First Variable Parameters Patent Application

25. Shortly after meeting with Mr. Murphy in December 2002, I experienced a major health crisis. At the beginning of January 2003, I noticed a lump in my neck. I went to my doctor on January 6. It was a swollen lymph node. He took a series of blood tests and put me on a course of antibiotics.

26. I returned to see my physician later that month. There was no improvement. At this point, there became an urgency to confirm a diagnosis, and the volume of medical appointments began to increase significantly. There were more blood tests, and the doctor scheduled a “fine needle biopsy” (FNA) to be performed in his office. I was referred to a pulmonologist for an opinion. The FNA that showed that the test yielded no results. The next step was to schedule a surgical biopsy with the Head and Neck department at UCLA. Appointment with the surgeon was

scheduled for February 20, pre-op with the anesthesia team on March 3, and surgery on March 18.

27. During the period from the beginning of January to the surgery, I maintained a robust schedule of travel and meetings. I was in Quebec, Boston, London, Paris, Amsterdam, and Tokyo.

28. Results from the biopsy came in on March 25, and at that point my world was turned upside down. I was diagnosed with acute t-cell lymphoblastic lymphoma, a very rare and aggressive cancer. See <https://www.cancer.org/cancer/types/non-hodgkin-lymphoma/treating/t-cell-lymphoma.html>. Naturally, I immediately prioritized my treatment and recovery from this life-threatening illness. My first appointment with the oncologist was a day later, followed by several additional appointments, a CT scan and a bone marrow biopsy.

29. I was admitted to the UCLA hospital on April 1 to begin the first of 8 courses of an intensive chemotherapy protocol called Hyper-CVAD, which lasted throughout the remainder of 2003. See <https://www.macmillan.org.uk/cancer-information-and-support/treatments-and-drugs/hyper-cvad>. Each course of therapy required 3 to 4 days in the hospital, with 3 weeks in between each cycle. Through September 2003 and onward, treatment, and recovery from the treatment, became my new full-time job, 24 hours a day, seven days a week.

30. The treatment cycle consisted of the following:

- **Course A (Cycles 1, 3, 5, 7):**

- **Cyclophosphamide:** Given as two infusions daily on Days 1, 2, and 3, along with a bladder protectant drug called mesna.
- **Dexamethasone:** A steroid given on Days 1-4 and Days 11-14.
- **Vincristine:** Given on Days 4 and 11.
- **Doxorubicin (Adriamycin):** Given on Day 4.

- **Course B (Cycles 2, 4, 6, 8):**

- **Methotrexate:** Given as a 24-hour infusion on Day 1. This requires subsequent administration of leucovorin (folinic acid) rescue until methotrexate levels in the blood are safe.
- **Cytarabine:** Given as two infusions daily on Days 2 and 3.

31. The drugs were initially administered in the hospital through a central line (PICC). However following the first cycle, it became infected. I required a surgical procedure to install a “port-a-cath,” which is an under the skin catheter.

32. Immediately following each cycle, I required daily injections of Neupogen for 7 days. This was to help reduce the duration of neutropenia (low white blood count) which is a very common and expected severe side effect. During this period, one is extremely susceptible to infections and fever. Any fever over 100 required hospitalization, so I was constantly monitoring myself.

33. During this time, I was also given antibiotics and antifungal medicines. I also required nearly daily blood tests.

34. In addition to the aforementioned chemotherapy regimen, I also required 6 intrathecal injections. This is to inject chemotherapy directly into the spinal fluid via a lumbar puncture. This was done using x-ray guidance (fluoroscopy) for precise placement. Some of these occurred during my days in the hospital and some required a separate appointment. A major side effect of these is severe headaches, which could be greatly reduced if I remained in bed for 6 to 8 hours.

35. Hyper-CVAD is associated with significant toxicity. I was fortunate that nausea was well controlled. However, other side effects increased over the course of treatments. I required several blood transfusions during the period between treatments. The 3-week period in between hospital treatments is supposed to be enough time for blood counts to get back to normal. However, after each cycle it took longer and longer for the counts to normalize.

36. Fatigue increased with each cycle as well. Mucositis is a common and painful side effect of Hyper-CVAD. This results in mouth sores which can't be easily treated. Morphine provided the only relief.

37. I had one hospitalization (apart from treatment) due to an infection in the port-a-cath. This required IV antibiotics. Once I got home, I needed to continue on IV antibiotics for several days. In addition to the regular blood tests in between treatments, there were CT scans, PET scans and bone marrow biopsies. There were also Epogen (Procrit) injections to increase low red blood cell counts (anemia.)

38. Following the intensive cycles of treatment, I was put on a maintenance regimen in late September 2003 to prevent relapse and maintain remission achieved during the initial treatment phases:

- **Mercaptopurine (6-MP):** 50 mg orally, three times daily
- **Methotrexate (MTX):** 20 mg/m² orally, once per week
- **Prednisone/Dexamethasone:** 200 mg orally for 5 days, monthly

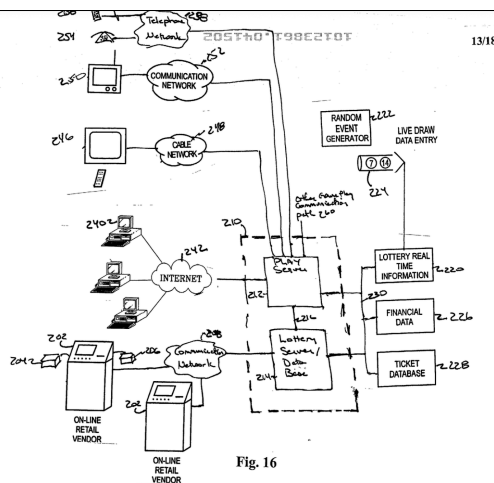
39. During this latter period, many of the side effects began to lessen, and my hair, which had completely disappeared, began to regrow. I still required weekly blood tests and doctor visits, and regular scans. At this point, things began to slowly return to normal.

40. My illness, and the therapy regimen I've described above, made it very difficult for me to do anything other than undergo treatment, and then recover from it – including working on our new patent application. When I did have time available, I frequently felt too unwell to work. Nonetheless, during this period, I worked with Mr. Murphy as often as I could, and for as long as I could, in view of my health and treatment regime. I have reviewed Mr. Murphy's declaration and description of our meetings during that period from his billing records, and they align with my own recollection. The first patent application based off of the December 4, 2002 disclosure was filed September 2, 2003, as SN 10/654,585; this was just as I was completing my initial course of chemotherapy.

D. Conception and Reduction to Practice of Limitations of Challenged Claims

41. Below, on a limitation by limitation basis, I set out when Gary Dawson and I first conceived of the challenged claims of the 336 Patent, along with the corroborating support I am aware of.

336 Patent Challenged Claims	Evidence Demonstrating Conception By December 4, 2002
1pre. A method for electronic interaction with users of the system through a series of interactions, comprising the steps of:	My coinventor Gary Dawson and I conceived of this limitation no later than April 15, 2002. For example, the 861 Application discloses a method for electronic interaction with users of the system through a series of interactions. Figure 16 and its accompanying description disclose such a method:



Ex2014, Fig. 16.

[00115] Fig. 16 is a schematic and block diagram of one version of the system for implementing game play of the form described herein. Original vending of the tickets may proceed through any number of channels. For example, an online retail vendor unit 202 may be utilized when a computer generated play slip is required. Such systems may be utilized to enter a player selected number or for a quick pick operation. In the case of a scratch-off product, an online system is not necessarily required, as the vendor may merely provide the physical product to the customer.

	Optionally, the vending of the physical ticket product may be scanned or otherwise notated by the vendor, and that information that the ticket has been sold may be provided to the processing system to be described, below. Alternatively, lottery kiosks may vend the tickets or other computer generated play slip. <i>As yet another alternative, the purchase of the ticket may be made through the internet or other electronic communication modality. As shown, the online retail vendor location system may further include printers 204 and scanning systems 206, such as a barcode scanning system. A communication network 208 interfaces the various vendor locations with the processing system 210.</i> The processing system 210 may include various functionalities, such as the play server 212 and the lottery server 214. <i>The play server 212 may be, for example, a web server for hosting the website accessed by the player.</i> The
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	lottery server 214 may be a separate server or computer which interacts with the various vendor locations. While shown as separate systems, the play server 212 and lottery server 214 may be part of the same computer or computer system 210. The particular form of implementation of the overall system may be varied as is well known to those of ordinary skill in the art. As shown, the play server 212 interfaces with the lottery server 214 over a communication path 216. The communication path 216 permits bi-directional data flow, control flow and other signal flow between the various functional parts of the computer system 210. The computer system 210 may interface with lottery real time information memory 220, such as being provided through the use of a random event generator 222 or live ball draw 224. Financial data memory 226 may contain various financial or accounting data on the players. Finally, the ticket database 228 also
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	interfaces with the computer system 210. A bus 230 is shown interconnecting the various memory components 220, 226 and 228, further coupling to the computer system 210. The particular bus architecture may be varied to meet the system requirements as are well known to those having ordinary skill in the art. The contents of the various memory systems 226 and 228 are described in greater detail in connection with Figs. 18A through E, 19 and 20. [00116] <i>The player may engage in the electronic game play through any number of modes of entry.</i> Computers 240 may access the system via the internet 242 or other communications network. An interactive TV system 246 may interface with the system 210 via a cable network 248. A wireless display enabled device 250 may communication with the system 210 through a communication network 252. Any form of
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	electronic communication enabled device may be utilized, whether wired or wireless, such as a cell phone, personal digital assistant, pager, messaging system, wireless application protocol (WAP) system, or other form of communication tool. Preferably, the system includes a graphical display capability, most preferably including the ability to display both static and dynamic images, preferably at variable degrees of resolution, ranging from low resolution to normal resolution to high resolution. <i>Id.</i> at [00115], [00116].
1a. receiving mandated parameters, the mandated parameters being those which must be achieved by the system as a whole,	As discussed above, my coinventor Gary Dawson and I conceived of this limitation no later than December 4, 2002. As the notes of the 12/4/02 meeting reflect, we had identified several examples of mandated parameters that must be achieved by the system

	as a whole, including a “Fair # [number] of low Tier Prize Winners,” “Force an even distribution of prizing,” “w/in [within] every X plays, [a] certain amount of low tier wins,” “Guarantee[] the payout,” or increasing the percentage payout of a lottery game. Ex2016. The example of ensuring a “certain amount of low tier wins” within “every X plays” is a guaranteed win rate – an example of what we called in the patents a “mandated parameter.” <i>See, e.g.</i>, Ex1001 at 5:7-11 (“Exemplary mandated parameters may consist of prize pay out and win rates, and may include such factors as the minimum payout amount, the maximum payout amount, a defined percentage payout, the number of prizes, and/or the form of prizes.”). The example of guaranteeing a payout percentage (<i>e.g.</i>, “>50% payout to 75%.”) (Ex2016) is a global payout percentage, which is another specific example called out in the Variable Parameter Patents.
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	Ex1001 at 5:7-11. I further understand that Petitioner's expert Mr. Crevelt has agreed that any person of ordinary skill in the art would recognize a reference to win rates and global payout percentages as disclosing mandated parameters; I agree with him. <i>See generally ¶¶13-24, above, which are incorporated by reference.</i> The 861 Application discloses techniques by which a set of parameters may be received by the gaming system: The secondary game play includes provision of the identification number. The user would then electronically provide the identification number to the game play server/lottery system. <i>The system would then access memory utilizing the identification number to determine the variables associated with that ticket identification number. Such variables may include the prize amount, the game to be played and/or the degree of difficulty as previously explained. The system</i>
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	database may then be updated to indicate that the game had been played. <i>The variable information as to the game play is then utilized to conduct game play in accordance with those variables.</i> Ex2014 at [00125]. While that example relates to “variable components” of games, it clearly discloses that we understood our system can receive a parameter set and implement it. Moreover, we understood from conception that variable parameters and mandated parameters could be interchangeable depending on context. As the specification of the Variable Parameters Patents explains, <i>Parameters may in one context be a “mandated” parameter and yet in another context a “variable” parameter.</i> For example, in one game, the lottery may mandate certain prizing structure, such as the use of a GLEPS structure, wherein other game, the lottery does not provide such a mandate, but <i>rather, the system determines to utilize a GLEPS type structure as a variable parameter.</i> To the extent that the
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	description herein refers to something as a “mandated” or “variable” parameter, it is to be understood that the reference is to the particular implementation then being described. <i>What is a “mandated” parameter in one game may be a “variable” parameter in another, and vice versa.</i> Ex1001 at 15:32-43.
[1b]. storing in a memory coupled to the input at least the mandated parameters,	My coinventor Gary Dawson and I conceived of this limitation no later than December 4, 2002. As discussed above in connection with 1[a], which discussion I incorporate by reference, we had conceived of a system that implemented “mandated parameters” by December 4, 2002. <i>See generally</i> ¶¶13-24, above, which are incorporated by reference. The 861 Application discloses techniques by which a set of parameters are stored by the gaming system. For example, it teaches that a “TIN number is utilized by the system to look up

	in memory various aspects about the game play, e.g., what game is to be played, whether the player will win or lose, and the type of prize to be awarded to winners.” Ex2014 at [0020]. <i>See also id.</i> at [00118] (“Figs. 18A through E depict various types of data fields and particular data which may be stored within the system, whether in the computer system 210 or in one of the various databases or memory systems, such as the financial data memory 226 or ticket database 228.”). The 861 Application further explicitly discloses storage of game parameters in memory. For example, in connection with Figure 18a, it discloses: “For example, <i>in the event that variable game play as to the particular game to be played forms a part of the system</i>, the <i>memory</i> would include an identification as to that game. As shown, the <i>TIN 65432981 indicates that the HOT SEAT game will be played, whereas the</i>
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game JACKO will be played for someone entering the TIN 65432982.” Id. at [00120].

TIN Number	Game	Prize Amount	Non-Montetary Prize	Last Date to Play	Game Play Required to Reveal Prize?
65432981	Hot Seat	\$1,000.00		05/03/02	Yes
65432982	JACKO	\$50.00		04/23/02	No
65432983	LOTO	\$500.00		Open	Yes
65432984	LOTO	0	Free Play	Open	Yes

Fig. 18a

Id., Fig. 18a.

In addition, the 861 Application further discloses storing game parameters in memory, including information on outcomes, and prizing:

Fig. 19 shows a simplified flow diagram for game play where affirmative game play on the electronic system is required prior to redemption of the prize. A player would obtain a base game ticket at an authorized retailer. The user or player would then enter the identification number into the communication device, e.g., the internet website. *The game play server/lottery system would then access the system memory to retrieve the stored information associated with the identification data, such as to determine whether the player wins or loses, and if they win, the amount and form of their win.*

	<i>Id.</i> at [00124]. The 861 application again discloses storage of parameters in paragraph [00125]: Fig. 20 shows a chronological flow for a electronic game having a variable component. Initially, the player may obtain a base game ticket from an authorized retailer. At this point, the player may play the base game. If they win, they may elect at that point to redeem their winnings. The secondary game play includes provision of the identification number. The user would then electronically provide the identification number to the game play server/lottery system. <i>The system would then access memory utilizing the identification number to determine the variables associated with that ticket identification number.</i> Such variables may include the <i>prize amount, the game to be played and/or the degree of difficulty</i> as previously explained. The system database may then be updated to indicate that the game had been played. <i>The variable information as to the game play is then utilized to conduct game play in accordance with those variables.</i> Ex2014 at [00125].
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	While that example relates to “variable components” of games, it clearly discloses that we understood our system can receive a parameter set and store it in memory. Moreover, we understood from conception that variable parameters and mandated parameters could be interchangeable depending on context, as discussed above in connection with limitation 1[a]. I further understand that Petitioner’s expert Mr. Crevelt has stated that a POSITA would have understood, in light of a disclosure of a server with memory, that such a server “is used to process and store information in its memory, including the mandated parameters.” Ex1003 at ¶94. I agree with him.
[1c]. processing in a processing system coupled to the memory for implementing	My coinventor Gary Dawson and I conceived of this limitation no later than December 4, 2002.

the mandated parameters by utilizing variable parameters, the processing system utilizing the variable parameters to achieve the mandated parameters,	As discussed above in connection with 1[b], by December 4, 2002 we had conceived of a system that used variable game parameters to achieve a set of objectives defined by the operator of the game as a whole. I incorporate the discussion of limitation 1[b] by reference. As discussed above, in connection with the 861 Application, by April 15, 2002 we had already conceived and reduced to practice a system that received, stored, and implemented “variable components” in game play, including game selection, difficulty, and prizing. <i>See generally</i> ¶¶13-24, above, which are incorporated by reference. We even called these parameters “variable game play parameters” in the original April 15, 2002 claims. <i>See</i> Ex2014 at Claims 23-29. By December 4, 2002, as discussed above and as reflected in Ex2016, we had determined that such
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	variable parameters could be used to achieve objectives set by the game operator. For example, the notes from the 12/4/02 meeting reflect that we proposed that our invention could raise this global payout “to 75%” – a mandated parameter – by “increas[ing] % of wins by the level 2,” <i>i.e.</i>, a secondary game level. Ex2016 at 2.
[1d] storing information regarding particular game play events as determined by the processor,	My coinventor Gary Dawson and I conceived of this limitation no later than April 15, 2002. The 861 Application discloses storing information regarding game play events. For example, it describes that “the game play server/lottery system would then access the system memory to retrieve the stored information associated with the identification data, such as to determine whether the player wins or loses, and if they win, the amount and form of their win. The

	system records would be updated to indicate that game play occurred.” Ex2014 at [00124]. As a further example, in connection with Figure 18C, it discloses that the “date of play and time of play,” both game play events are stored in memory. Ex2014 at [00122]. <i>See also id.</i> at [00118] (“Figs. 18A through E depict various types of data fields and particular data which may be <i>stored within the system.</i>”). Similarly, the 861 Application discloses that “[o]ne data field” that may be stored “may indicate simply whether the person is a frequent player, and if so, the number of points they possess.” <i>Id.</i> at [00123]. Such points accumulated through game play are also “game play events.” As a further example, the 861 Application discloses that “[s]tatistical processing of survey data or other game play data may be compiled by
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	the system.” <i>Id.</i> at [00126]. This discloses both storing game play events and analyzing them. The 861 Application also discloses a processor controlling the actions of the system. <i>See id.</i> at [00111], [00112], Fig. 14, Fig.16.
[1e] generating presentations for at least displaying game play events,	My coinventor Gary Dawson and I conceived of this limitation no later than April 15, 2002. The 861 Application discloses that the game play device displays game play events generated by the system. For example, it discloses that in one game, a “graphical depiction of the randomly selected indicia are displayed to the player. Optionally, the display may consist of a depiction of a ball, such as the type of ball used in a lottery drawing.” Ex2014 at [0023]. <i>See also id.</i> at [0060] (“The total display 18 shows the total amount of money, points, prizes (cash or non-cash) or other winnings accumulated by the

	player. The strike display 220 shows a depiction of the number of negative events, here strikes, which have occurred.”), [0070] (“Certain of the displays may show a graphical image, whether static or <i>dynamic</i>, and yet other displays may show textual information. Combinations of any of the preceding, e.g., text on certain displays and high resolution dynamic images on other displays, may be utilized.”), [0081], [0090] (“Multiple players may play in parallel against the house, with the display for the other players being included upon all player's screens.”). <i>See also id.</i> at [00106], [00116], [00121], [00124], Figs. 2, 19.
[1f] performing game analytics on the game play events,	My coinventor Gary Dawson and I conceived of this limitation no later than April 15, 2002. As discussed in connection with limitation [1d], incorporated here by reference, the 861 Application discloses storing information

	regarding game play events. The 861 Application further discloses performing analytics on the stored game play events. It discloses, for example, that “[s]tatistical processing of survey data or other game play data may be compiled by the system.” Ex2014 at [00126].
[1g] and varying the displays presented to the user to achieve the mandated parameters.	My coinventor Gary Dawson and I conceived of this limitation no later than December 4, 2002. As discussed above in connection with 1[b], by December 4, 2002, we had conceived of a system that used variable game parameters to achieve a set of objectives defined by the operator of the game as a whole. I incorporate the discussion of limitation 1[b] by reference. By April 15, 2002, as shown in the 861 Application, we had also conceived of game play devices which display game play events generated by the system. I incorporate the

	discussion of limitation 1[e] by reference. These displayed game play events included game play events determined by variable components as disclosed in the 861 Application. As such variable components disclosed in the 861 Application included “the prize amount, the game to be played and/or the degree of difficulty,” and the “variable information as to the game play is then utilized to conduct game play in accordance with those variables,” Ex2014 at [00125]. The displays necessarily would vary as those parameters are implemented or modified to achieve the mandated parameters.
3. The method for electronic interaction with users of the system of claim 1 wherein the users interaction with the system at least in part	My coinventor Gary Dawson and I conceived of this limitation no later than April 15, 2002. The 861 Application discloses, for example, that in “yet another aspect, the games described herein may be played either as a probability game or as a predetermined outcome game. <i>In the case of a</i>

determines the outcome of an individual game.	<i>probability game, the outcome is determined based upon the actions of the player.”</i> Ex2014 at [0035].
4. The method for electronic interaction with users of the system of claim 1 wherein the mandated parameters are selected from the group consisting of: prize pay out and win rates.	My coinventor Gary Dawson and I conceived of this limitation no later than December 4, 2002. I incorporate the discussion in limitation 1[a] by reference. As the notes of the 12/4/02 meeting reflect, we had identified several examples of mandated parameters that must be achieved by the system as a whole, including a “Fair # [number] of low Tier Prize Winners,” “Force an even distribution of prizing,” “w/in [within] every X plays, [a] certain amount of low tier wins,” “Guarantee[] the payout,” or increasing the percentage payout of a lottery game. Ex2016. The example of ensuring a “certain amount of low tier wins” within “every X plays” is a guaranteed win rate –

	an example of what we called in the patents a “mandated parameter.” <i>See, e.g.</i>, Ex1001 at 5:7-11 (“Exemplary mandated parameters may consist of prize pay out and win rates, and may include such factors as the minimum payout amount, the maximum payout amount, a defined percentage payout, the number of prizes, and/or the form of prizes.”). The example of guaranteeing a payout percentage (<i>e.g.</i>, “>50% payout to 75%.”)(Ex2016) is a global payout percentage, which is another specific example called out in the Variable Parameter Patents. Ex1001 at 5:7-11. I further understand that Petitioner’s expert Mr. Crevelt has agreed that any person of ordinary skill in the art would recognize a reference to win rates and global payout percentages as disclosing mandated parameters; I agree with him.
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5. The method for electronic interaction with users of the system of claim 1 wherein the variable parameters are selected from the group consisting of: game selection and game structure.	My coinventor Gary Dawson and I conceived of this limitation no later than April 15, 2002. As discussed in connection with limitation 1[b], by April 15, 2002 we had already conceived and reduced to practice a system that received, stored, and implemented “variable components” in game play, including game selection, difficulty, and prizing. <i>See generally</i> ¶¶13-24, above, which are incorporated by reference. We even called these parameters “variable game play parameters” in the original April 15, 2002 claims. <i>See</i> Ex2014 at Claims 23-29. I incorporate the discussion of limitations 1[b] and 1[c] by reference. For example, the 861 Application discloses: The secondary game play includes provision of the identification number. The user would then electronically provide the identification number to the game play server/lottery system. The system would then access memory utilizing the identification number to
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	determine the variables associated with that ticket identification number. Such <i>variables may include the prize amount, the game to be played and/or the degree of difficulty</i> as previously explained. The system database may then be updated to indicate that the game had been played. <i>The variable information as to the game play is then utilized to conduct game play in accordance with those variables.</i> Ex2014 at [00125]. A variable defining “the game to be played” discloses that the variable parameter is game selection. A variable concerning the “degree of difficulty” of the game is a variable parameter concerning game structure. I understand that Petitioners’ expert has confirmed that a POSITA would understand that game difficulty is a variable parameter concerning game structure.
13. The method for electronic interaction with users of the system of claim 12 wherein the association groupings are	My coinventor Gary Dawson and I conceived of this limitation no later than April 15, 2002.

competitive game play pairings.	For example, the 861 Application discloses both association groupings, and using such groupings for competitive game play pairings: “In yet another variation, game play may be enabled between multiple players. Buddy lists or other <i>association groupings may be utilized to form competitive game play pairings.</i> ” Ex2014 at [00126]
18. The method for electronic interaction with users of the system of claim 1 further including user registration.	My coinventor Gary Dawson and I conceived of this limitation no later than April 15, 2002. For example, the 861 Application discloses various forms of user registration, including online registration: “However, a player may desire to be a registered user so as to participate in additional features or functionalities, such as to participate in a frequent player's club. Provision may be made in the interface to permit registration online.” Ex2014 at [00117]. <i>See also id.</i> at [00123] (“Through a registration process,

	either directly with the lottery, or via an authorized vendor, or otherwise through online registration, the player may become registered whereby they are confirmed to possess the requisite citizenship or state or national contact to satisfy the lottery requirements.”), Fig. 17, Fig. 18d.
19. The method for electronic interaction with users of the system of claim 18 wherein the user registration is an on line registration system.	My coinventor Gary Dawson and I conceived of this limitation no later than April 15, 2002. The discussion of Claim 18 is incorporated by reference.
20. The method for electronic interaction with users of the system of claim 1 further including a leader board.	My coinventor Gary Dawson and I conceived of this limitation no later than April 15, 2002. For example, Figure 18e of the 861 Application discloses tracking “Frequent Player Points”: “Yet further data elements relate to the frequent player aspect. One data field may indicate simply

	whether the person is a frequent player, and if so, the number of points the possess.” Ex2014 at [00123], Fig, 18e. <table><tr><th>Frequent Player Points</th><th>Form of Compensation</th><th>Acknowledgment Number</th></tr><tr><td>13244</td><td>Cash</td><td>4220263541000coke</td></tr><tr><td>0</td><td>Airline Miles</td><td>164777538865</td></tr><tr><td>0</td><td>Further Game Play</td><td>164777538866</td></tr><tr><td>103</td><td>Cash</td><td>164777538867</td></tr></table> Fig. 18e Tracking frequent player points permits a leader board of registered players, which is how we conceived of their use.	Frequent Player Points	Form of Compensation	Acknowledgment Number	13244	Cash	4220263541000coke	0	Airline Miles	164777538865	0	Further Game Play	164777538866	103	Cash	164777538867
Frequent Player Points	Form of Compensation	Acknowledgment Number														
13244	Cash	4220263541000coke														
0	Airline Miles	164777538865														
0	Further Game Play	164777538866														
103	Cash	164777538867														
24. The method for electronic interaction with users of the system of claim 1 wherein the game play analytics includes a decision engine to maximize game play.	My coinventor Gary Dawson and I conceived of this limitation no later than December 4, 2002. As discussed in connection with limitation [1d], incorporated here by reference, the 861 Application discloses storing information regarding game play events. The 861 Application further discloses performing analytics on the stored game play events. It discloses, for example, that “[s]tatistical processing of survey data or other game play data may be compiled by															

	the system.” Ex2015 at [00126]. By December 4, 2002, as discussed in connection with limitation 1[c], we had conceived of using “variable components” to achieve a set of objectives for the game, such as those set by a game operator, based on assessment of game play results. The discussion of limitation 1[c] is incorporated by reference. As the notes of the December 4, 2002 meeting reflect, we conceived, for example, that the system could use variable parameters to provide “w/in [within] every X plays, [a] certain amount of low tier wins,” Ex2016, which we expected to maximize game play.
25. The method for electronic interaction with users of the system of claim 1 wherein the prize is a non-cash prize.	My coinventor Gary Dawson and I conceived of this limitation no later than April 15, 2002.

	For example, the 861 Application discloses non-monetary (“non-cash”) prizes in the form of point awards or awards of free play: In the preferred embodiment, there would be three results possible with a mystery box, a positive result such as a multiplier for the money, such as a doubler of the contestant' prior winnings, an updating of the safe level for the player or an additional monetary amount. Alternatively, other positive results such as a free play or a reduction in the number of negative events is possible. Ex2014 at [0028]. While any number of pay-out schemes may be utilized, one preferred method is to share the jackpot amongst those hitting the target number on the nose, and to give those players who were within the predetermined distance from the target number an incentive for future game play, such as a free game play or reduced entry fee play. <i>Id.</i> at [00100]. In yet another mode of game play, a network, such as the internet, may be utilized to permit game play, whether for a monetary amount or to provide other points or indications of score.
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	<i>Id.</i> at [0032]. The total display 18 shows the total amount of money, points, prizes (cash or non-cash) or other winnings accumulated by the player. <i>Id.</i> at [0060]. Alternatively, instead of money, the player may play for points. <i>Id.</i> at [0077]. <table><tr><th>TIN Number</th><th>Game</th><th>Prize Amount</th><th>Non-Montetary Prize</th><th>Last Date to Play</th><th>Game Play Required to Reveal Prize?</th></tr><tr><td>65432981</td><td>Hot Seat</td><td>\$1,000.00</td><td></td><td>05/03/02</td><td>Yes</td></tr><tr><td>65432982</td><td>JACKO</td><td>\$50.00</td><td></td><td>04/23/02</td><td>No</td></tr><tr><td>65432983</td><td>LOTO</td><td>\$500.00</td><td></td><td>Open</td><td>Yes</td></tr><tr><td>65432984</td><td>LOTO</td><td>0</td><td>Free Play</td><td>Open</td><td>Yes</td></tr></table> <i>Fig. 18a</i> Ex2014 at Fig. 18a	TIN Number	Game	Prize Amount	Non-Montetary Prize	Last Date to Play	Game Play Required to Reveal Prize?	65432981	Hot Seat	\$1,000.00		05/03/02	Yes	65432982	JACKO	\$50.00		04/23/02	No	65432983	LOTO	\$500.00		Open	Yes	65432984	LOTO	0	Free Play	Open	Yes
TIN Number	Game	Prize Amount	Non-Montetary Prize	Last Date to Play	Game Play Required to Reveal Prize?																										
65432981	Hot Seat	\$1,000.00		05/03/02	Yes																										
65432982	JACKO	\$50.00		04/23/02	No																										
65432983	LOTO	\$500.00		Open	Yes																										
65432984	LOTO	0	Free Play	Open	Yes																										
26. The method for electronic interaction with users of the system of claim 25 wherein the non-cash prize is points.	My coinventor Gary Dawson and I conceived of this limitation no later than April 15, 2002. The discussion of Claim 25 is incorporated by reference.																														
29. The method for electronic interaction with users of the system of claim 25 wherein	My coinventor Gary Dawson and I conceived of this limitation no later than April 15, 2002.																														

the non-cash prize is advancing to other levels.	The discussion of Claim 25 is incorporated by reference. For example, the 861 Application discloses multi-level games, where the prize for a correct answer, for example, is advancement to a next level. The contestant is presented with a question and four possible answers. If the contestant answers the question correctly, they advance to a next level, each level being associated with a higher monetary prize amount, which is roughly twice the amount of the preceding level. Ex2014 at [0013]. Yet another game is one played at a multiple number of levels. At each level, the contestant is presented with multiple options, such as a depiction of four uniquely labeled boxes, amongst which the contestant may choose. The options would include at least one positive outcome and at least one negative outcome. In the case of four boxes, e.g., one could include a strike, two could include a monetary amount, which may be either the same or different and optionally, the fourth box could comprise a mystery box, described below. The contestant selects, at
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	random, one of the options. <i>If the option selected is one of the positive options, such as a monetary amount, they proceed to the next level</i> and the winnings are added to the prior winnings total. If a negative option is selected, such as a strike, in the preferred embodiment, the level is reset and play continues at that level. <i>Id.</i> at [0027]. In another aspect of this invention, game play in a first game may require progression through a plurality of levels, leading to game play on a second game for those who have reached the maximum level on the first game. In one implementation, the maximum prize level in the first game may be equal to the minimum prize level in the second game. <i>Id.</i> at [0031]. <i>See also id.</i> at [0062], [0067], [0075], [0076].
42. The method for electronic interaction with users of the system of claim 1 further including the step of limiting	My coinventor Gary Dawson and I conceived of this limitation no later than April 15, 2002. For example, the 861 Application discloses: Pre-registration is optionally utilized. In this implementation, a sequence or time clock would be utilized in order to limit or control

use to geographic presence of users within a given area.

individual interfaces to a specific time or geographic “window”.
Ex2014 at [0007].

Fig. 18D shows yet further data elements potential of use in the system. Optionally, the system may contain citizenship information. Various state and national lotteries are strict about geographic participation in a lottery. Thus, for example, it is often necessary for a potential player to establish a local account, such as a local bank account, or possess certain identification information such as a social security number or other national identification number. Through a registration process, either directly with the lottery, or via an authorized vendor, or otherwise through online registration, the player may become registered whereby they are confirmed to possess the requisite citizenship or state or national contact to satisfy the lottery requirements.

Id. at [00123].

Citizenship Information	Computer Address	E-mail Address	Physical Address	Registered Frequent Player
469384323FR	1324597223	jami@hotmail.com	3 rue de la Seine, Paris, FR	yes
3555462NL	3968736293	FRStone@aol.com	unknown	no
SSN 564-35-1283	6945112442	unknown	unknown	no
SSN 523-25-3232	6978854645	dons@earthlink.net	1243 Main St, Yuba, CA 91331	yes

Fig. 18d

Id. at Fig. 18d.

44. The method for electronic interaction with users of the system of claim 1 further including the step of providing an applet for a remote communications device.	My coinventor Gary Dawson and I conceived of this limitation no later than April 15, 2002. For example, the 861 Application discloses the use of a personal digital assistant as a remote communications device for game play: Fig. 14 shows a schematic diagram of an overall system for use in performance of the games described herein. A processor is coupled to one or more player participating via an electronic communication system. For example, a player may participate through a wireless device, such as a cell phone, personal digital assistant, pager, messaging system or any portable wireless unit. Ex2014 at [00111]. A wireless display enabled device 250 may communication with the system 210 through a communication network 252. Any form of electronic communication enabled device may be utilized, whether wired or wireless, such as a cell phone, personal digital assistant, pager, messaging system, wireless application protocol (WAP) system, or other form of communication tool. Preferably, the system includes a graphical display capability, most preferably including the ability to
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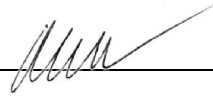
	display both static and dynamic images, preferably at variable degrees of resolution, ranging from low resolution to normal resolution to high resolution. Ex2014 at [00116]. The reference to “wireless application protocol (WAP) system” refers directly to a browser applet running a specialized markup language. Moreover, a POSITA in 2002 would have known that a personal digital assistant, such as a Palm Pilot, used applets for programs, including for game play.
45. The method for electronic interaction with users of the system of claim 44 wherein the communications device is a wireless communications device.	My coinventor Gary Dawson and I conceived of this limitation no later than April 15, 2002. The discussion of claim 44 is incorporated by reference.
46. The method for electronic interaction with users of the	My coinventor Gary Dawson and I conceived of this limitation no later than April 15, 2002.

system of claim 44 wherein the communications device includes graphical display capability.	The discussion of claim 44 is incorporated by reference.
47. The method for electronic interaction with users of the system of claim 46 device is a wireless communications device with graphical display capability.	My coinventor Gary Dawson and I conceived of this limitation no later than April 15, 2002. The discussion of claim 44 is incorporated by reference.
50. The method for electronic interaction with users of the system of claim 1 further including the step of providing a user's club.	My coinventor Gary Dawson and I conceived of this limitation no later than April 15, 2002. For example, the 861 Application discloses various forms of user registration, including online registration to join a frequent players' club: "However, a player may desire to be a registered user so as to participate in additional features or functionalities, such as to participate

	in a frequent player's club. Provision may be made in the interface to permit registration online.” Ex2014 at [00117]. <i>See also id.</i> at [00123] (“Through a registration process, either directly with the lottery, or via an authorized vendor, or otherwise through online registration, the player may become registered whereby they are confirmed to possess the requisite citizenship or state or national contact to satisfy the lottery requirements.”), Fig. 17, Fig. 18d. Optionally, frequent player's clubs may be utilized, such as where points are rewarded for game play. Typically, such a club or system requires player identification, and preferably includes a second form of player identification, such as a code or their own personal PIN number. <i>Id.</i> at [0021]. <i>See also id.</i> at [00121] (“ In certain applications, it may be desired to have a user identification and a secondary form of identification such as a PIN number or password. These may be utilized when higher levels of
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	functionality such as a frequent player's club are utilized.”)
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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge based on the information available to me at this time, and that this declaration was executed on January 12, 2026, in Beverly Hills, CA.



Randall Katz