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

The Zoom Videotaped Deposition of DWIGHT CREVELT, taken pursuant to Notice of Taking Deposition, before Staci A. Heichert, RDR, CRR, CRC, and a Notary Public in and for the County of Scott, State of Minnesota, on December 19, 2025, commencing at approximately 10:00 a.m.

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13 ALSO PRESENT:
14 Scott Jensen, EVP and COO of Milestone
Jason White, Videographer
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REPORTER'S NOTE: All quotations
24 from documents are reflected in the manner in
which they were read into the record and do
25 not necessarily indicate an exact quote from

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5 EXHIBITS
6 No exhibits marked.
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1 P R O C E E D I N G S
2 THE VIDEOGRAPHER: Good morning.
3 We are now on the record.
4 This begins the video deposition of
5 Dwight Crevelt in the matter of Activision
6 Blizzard Inc., versus Milestone
7 Entertainment, LLC.
8 Today's date is December 19th,
9 2025, and the time is 10:01 a.m.
10 This deposition is being taken via
11 Zoom. The videographer is Jason White and
12 the court reporter is Staci Heichert of Magna
13 Legal Services.
14 Will counsel please state their
15 appearances -- please state their appearances
16 beginning with the noticing attorney, after
17 which the court reporter may swear in the
18 witness.
19 MR. NELSON: Good morning. My name
20 is William Nelson from the Tensegrity Law
21 Group on behalf of the patent owner,
22 Milestone Entertainment.
23 With me today is Mr. Scott Jensen,
24 who is the EVP and COO of Milestone.
25 MS. NGUYEN: Good morning. This is

1 Lisa --
2 MR. NELSON: That's all.
3 MS. NGUYEN: Good morning, this is
4 Lisa Nguyen of Paul Hastings representing
5 Activision Blizzard, the petitioner.
6
7 DWIGHT CREVELT
8 having been first sworn to tell the truth,
9 the whole truth and nothing but the truth,
10 was examined and testified as follows:
11
12 BY MR. NELSON:
13 Q. Well, good morning, Mr. Crevelt. How are you
14 today?
15 A. Just fine.
16 Q. Good. So my name is Will Nelson. I'm with
17 Milestone Entertainment or here on behalf of
18 Milestone Entertainment.
19 Would you please state your full
20 name for the record, please.
21 A. Dwight Crevelt.
22 Q. And you're testifying today from Missouri; is
23 that right?
24 A. Yes.
25 Q. Okay. Have you had your deposition taken

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before, Mr. Crevelt?
A. Yes, I have.
Q. And have you had your deposition taken before in a matter concerning patents?
A. Yes.
Q. Have you had your deposition taken before in an inter partes review proceeding?
A. Yes.
Q. All right. Well, it sounds like you are a veteran of these types of things, but I will just go over a few housekeeping matters as we get started, if that's okay with you, all right?
A. That's fine.
Q. Okay. So from time to time, your lawyer may object to a question that I ask. As you likely know, this is really to preserve the objection for the record. And unless your lawyer instructs you not to answer a question that I have asked, you should answer the question to the extent you have an answer.
Do you understand?
A. Yes.
Q. Okay. Particularly since we are proceeding remotely in an online format, it's important

that you try to listen until I finish my question and not start speaking before I finish asking my question.
Do you -- will you try that?
A. Yes, I'll try.
Q. Okay. Me too. I will my -- I will do my best to give you the same courtesy, sir, which is to let you finish anything you've got to say before I ask the next question, okay?
A. Okay.
Q. Good. It's important, here, that you answer with words rather than shaking your head or nodding, giving a verbal answer is going to help the court reporter have the best record, okay?
A. Yes. Understand.
Q. Okay. If you have any questions about the questions that I've asked, will you please ask me to clarify them?
A. Yes, I will.
Q. Otherwise, I'm going to assume you understood what I asked, okay?
A. Okay.
Q. I will -- I will try and take a break every

hour or so, just so that we can all take care of whatever we need to take care of.
But if you need a break, will you just say so?
A. Yeah, yes, I will.
Q. Okay. Is there any reason that you cannot testifying truthfully, accurately, or completely today?
A. None that I'm aware of.
Q. Very good.
So you understand that you are here today in connection with a series of declarations you have filed in support of petitions for inter partes review concerning certain patents owned by Milestone, correct?
A. Correct.
Q. And, in fact, you are here today to testify, just like you'd to confirm, in connection with the IPR proceedings numbered IPR2025-00708, 00709, 00710, '711, and '712.
Is that your understanding?
A. That's my understanding, yes.
Q. Okay. When were you first engaged to provide consultant or expert services in connection with these IPR proceedings?

A. I honestly don't remember.
Q. Okay. At the time that you were engaged, understanding that you don't remember the specific time, prior to that date, had you ever heard of Milestone Entertainment?
A. Not that I know of.
Q. Have you -- had you ever seen any of the Milestone patents, to your knowledge?
A. Not to my knowledge.
Q. Had you ever seen the patent that we'll be calling Kelly683 prior to being engaged for your service here?
A. I don't know whether I'd seen that one previously or not.
Q. Prior to being engaged to provide expert opinions for these matters, had you ever seen the patent -- the patent that we'll be calling Walker?
A. And I don't recall if I had seen that one in the past or not either.
Q. Okay. How about the -- the patent that we'll be calling Schneier today, had you seen that patent before being engaged to serve as an expert?
A. I don't think so, but I don't know for sure.

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Q. Okay. I'll ask it a different way.
Are any of the patents that -- that you relied upon in your declaration here, other than your own, obviously, I know you've seen those, had you seen before being engaged to perform expert services?
A. I don't remember if I had seen those patents or found them or how I became acquainted with those.
Q. Very well.
Okay. Mr. Crevelt, do you have any hard copy or paper documents in front of you today?
A. You did some send here, and I -- and there are hard copy documents here.
Q. I -- and that's a fair -- fair answer. I'm asking a slightly different question.
Since I'm not in the room with you, I don't see what you have in front of you.
Do -- do you have any paper document that you're planning to rely on today? Or are you just going to look at exhibits online?
A. I did not bring any paper documents with me.
Q. Okay.

A. I would prefer to have paper documents to use versus --
Q. Of course.
A. -- trying to scroll through a computer.
Q. That's -- that's completely fine with me. And so I assume those -- those documents are -- are nearby.
I'd first like you to turn to Exhibit 1001 from the '336 IPR, which is IPR202500708, that would be the '336 patent from Milestone, just so that you have that in front of you.
A. Okay. I'm going to try to bring that up here, or get that here.
Q. Yeah. I -- it should be in front of you in AgileLaw, but if you want to work in paper, that's just fine with me, Mr. Crevelt.
A. Yes. Again, I would prefer paper and --
Q. That's just fine.
A. And counsel has just -- '336, yes.
Q. Okay. Do you recognize this Exhibit 1001 from the '708 IPR?
A. Yes.
Q. This is the '336 patent assigned to Milestone Entertainment, correct?

A. Correct.
Q. This is one of the patents about which you've offered certain opinions regarding the validity of this patent. Is that right?
A. Yes, this is -- this is one of the patents.
Q. Very good.
And I'd just like to ask you to turn to -- one second here -- page 49 using the -- the stamping on the lower right, just so that you have claim 1 of the '336 patent in front of you.
A. Okay.
Q. And let me know when you're there, sir.
A. I'm there.
Q. Okay. So you see claim 1 of the '336 patent in front of you; is that right?
A. Yes.
Q. And this claim 1 is one of the claims of the '336 patent that you have opined in a -- in a declaration, is disclosed or rendered obvious by a certain prior art reference.
Is that right?
A. That is correct.
Q. Okay. And it -- you can keep that exhibit nearby, because I think you'll -- we may want

to refer back to it. But I'd like to ask you to next turn to Exhibit 1003 in the '708 IPR, which is your declaration or your corrected declaration. And that will show up in front of you.
MR. NELSON: But I'd like, like to ask counsel to hand that to you, please.
THE WITNESS: Okay. I have that.
BY MR. NELSON:
Q. This is Exhibit 1003 is a copy of the declaration you filed in support of a petition for inter partes review of the '336 patent, correct?
A. Yes, it is.
Q. Okay. You wrote this declaration?
A. Yes, I did.
Q. I'd like you to turn to paragraph 71 of your declaration here, and that is going to be on your page 36 using the numbering at the bottom.
Let me know when you're there.
A. Yes, I'm here.
Q. Paragraph 61 says:
Notably, Kelly683 discloses mandated parameters for the system as a whole

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1 to achieve in the form of prize payout,
2 parenthesis, here, quote, global payout
3 percentage and then there's a citation, end
4 quote, win ratios, end quote, period.
5 Do you see that sentence?
6 A. Yes, I do.
7 Q. So Kelly683 -- so Kelly683 refers to a patent
8 assigned or invented by a gentleman named
9 Kelly, that is one of the prior art
10 references you relied on in your declaration.
11 Is that correct?
12 A. That is one of the prior art references, yes.
13 Q. Okay. And, here, I'm -- am I correct that
14 you're addressing whether or not the Kelly683
15 reference discloses mandated parameters as
16 recited, for example, in claim 1 of the '336
17 patent; is that right?
18 A. This section of an overview of the Kelly
19 patent. And in addressing that issue, it is
20 not the specific language necessarily that I
21 used in the actual claim.
22 Q. Mm-hmm. Okay. Well, we can turn there, but
23 you did write this, right?
24 A. Yes.
25 Q. This is in your declaration , this paragraph

1 71, right?
2 A. Yes.
3 Q. Okay. So -- so you wrote paragraph 71, and
4 you believed it was true at the time you
5 signed the declaration, right?
6 A. Yes.
7 Q. Okay. And so here you wrote that Kelly683
8 discloses mandated parameters, and one of the
9 disclosures of Kelly that you contend
10 discloses the use of mandated parameters, as
11 claimed in the Milestone patents, is the
12 disclosure of a global payout percentage.
13 Do you see that?
14 A. Yes.
15 Q. And that is your opinion, that because Kelly
16 discloses -- or discusses a global payout
17 percentage, it discloses, in your opinion,
18 the mandated parameters that are described in
19 the '336 patent, correct?
20 A. That is -- that is one of the parameters that
21 Kelly discloses that would qualify as a
22 mandated parameter.
23 Q. And what's your understanding of what a
24 global payout percentage is?
25 A. That's a pretty straightforward term. It

1 would be the percentages of what you'd want
2 to make the system pay.
3 Q. Is -- just to make sure I understand your
4 answer, Mr. Crevelt. Your understanding of a
5 global payout percentage is that it's
6 a -- the percentage of the income taken in
7 that is paid back to players of a game; is
8 that right?
9 MS. NGUYEN: Objection,
10 mischaracterizes the witness's testimony.
11 THE WITNESS: Yeah, that is trying
12 to narrow that to, a global payout percentage
13 would be what you expect the entire system to
14 payout percentage-wise, just like the win
15 ratios is what you expect the win ratios on
16 the games to be. These are the kind of
17 parameters that is required in the claim 1,
18 and these are examples of them. It's not the
19 only ones. But it doesn't need to be
20 specifically additional ones.
21 BY MR. NELSON:
22 Q. So I get that, Mr. Crevelt, but you just told
23 me that a global payout percentage is what
24 you expect the entire system to payout
25 percentage-wise, so as a percentage of what,

1 sir? What -- what does the percentage refer
2 to in global payout percentage, in your
3 understanding?
4 A. The return to players based on play.
5 Q. The return to players based on play. And you
6 understand that a percentage is -- is
7 essentially one number over another, right, a
8 percentage of something, so what is the
9 percentage of here in global payout
10 percentage, percentage of money taken in?
11 A. It's wherever you're using for your payout
12 money, points, whatever you're using to play
13 with, whatever the percentage of that played,
14 with that returned.
15 Q. So it's a pretty -- pretty broad term --
16 A. Yes.
17 Q. -- is that what you're telling -- okay.
18 And you've heard the term "global payout
19 percentage" before in the gaming industry?
20 A. It's familiar.
21 Q. Did you -- had you heard that term before you
22 read Kelly683?
23 A. Oh, I'm sure.
24 Q. And -- and is the meaning of global payout
25 percentage that you just described to me a --

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1 commonly understood in the gaming industry?
2 A. Yes, it would be.
3 Q. And was that the case in 2004?
4 A. Yes.
5 Q. Okay. And if -- if it helps you, we can go
6 to paragraph 90 now of your declaration here,
7 exhibit -- or Exhibit 1003 for the '708
8 patent.
9 And if you look on page 37, just
10 before paragraph 89, you'll see a heading.
11 Do you see that heading that says:
12 1A, receiving mandated parameters,
13 the mandated parameters being those which
14 must be achieved by the system as a whole.
15 Do you see that?
16 A. That's correct, yes.
17 Q. Okay. And so that's a claim limitation for
18 the '336 patent, correct?
19 A. Yes.
20 Q. And here, this, in this section, beginning at
21 paragraph 89 and running through
22 90 -- paragraph 93, it is true that you're
23 offering your opinion as to why Kelly683
24 discloses the mandated parameters limitation
25 of this claim. Is that right?

1 A. Yes, it is.
2 Q. Okay. So, and, in fact, in paragraph 91 of
3 your declaration in the '708 IPR, you have a
4 discussion of this global payout percentage.
5 Is that right?
6 A. It's a discussion of the mandated parameters,
7 of which global payout percentage is won. It
8 also talks about win ratio. It also defines
9 finished payout, the number of prizes, the
10 form of prizes.
11 Q. Mm-hmm. Are you finished? I don't want to
12 speak over you.
13 A. Yes.
14 Q. Okay. So Mr. Crevelt, why would a person
15 still in the art in 2004 have understood
16 Kelly683's discussions of a global payout
17 percentage to disclose the use of mandated
18 parameters as claimed in the Milestone
19 patents?
20 A. Mandated parameter would be something that is
21 required by the system to meet, as described
22 here, a global payout percentage would be one
23 of those items.
24 You have multiple payout
25 percentages for different machines and games,

1 but have you to have a global payout
2 percentage so that you know that your entire
3 system is profitable.
4 Q. Within the -- you have experience in the
5 casino industry; isn't that right?
6 A. Yes, I do.
7 Q. Do casinos typically establish a global
8 payout percentage for the games that any
9 operate?
10 A. Generally, yes.
11 Q. In your experience, what's the typical level
12 payout percentage for a casino?
13 A. That would depend on how management is trying
14 to do, but it's usually in the, you know,
15 high 90s.
16 Q. Sometimes around 95 percent to 98 percent,
17 typical kind of casino global payout
18 percentage?
19 A. In terms of gaming machines, I would say it
20 is in the 90s. In terms of gaming tables,
21 other things in the casino, that would be
22 different.
23 Q. Lower or higher?
24 A. Lower.
25 Q. And for gaming machines, in your experience

1 in the casino industry, global payout --
2 payout percentages are in the
3 90th percentile?
4 A. Unless otherwise mandated by states, yes,
5 they are, they are in the higher, higher
6 range.
7 Q. Do you have experience with public lotteries,
8 state lotteries?
9 A. I have some with that, yes.
10 Q. Do you have an understanding of what the
11 global, typical global payout percentage for
12 a lottery game is?
13 A. My understanding is much lower.
14 Q. Yeah, 50 percent sometimes?
15 A. Sometimes, or less.
16 Q. Understood.
17 A bad bet, right?
18 Okay. And as you note, you also -- the --
19 your opinion is also that Kelly683 discloses
20 something called a win ratio, which you also
21 contend discloses mandated parameters as used
22 in the Milestone patents. Is that right?
23 A. Win ratio is listed there, yes.
24 Q. Is -- is a win ratio the same as a win rate?
25 A. I would use win ratio to describe the -- how

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often something hits. So win rate is a similar term.
Q. Okay. I just want to make sure I understand your testimony.
You -- you think win -- so, in your view, a win ratio is how often something hits, you mean that there's a win or a winning event or a prize award versus not?
A. Yes. There's particularly a ratio on a gaming device or system that the win ratio is how often the game hits or you get a winner.
And that may be based on number of games played or type of game, sometimes it is referred to as a hit frequency.
Q. And you, prior to providing service in these matters, you had heard the term "win ratio" in -- in the industry?
A. Yes.
Q. It's a commonly used term?
A. It's a common term, along with hit frequency and similar things. Anyone skilled in the art understands these terms.
Q. And that was true in 2004 as well?
A. That is correct.
Q. And why would a person of skill in the art

reading Kelly683 understand the discussion of win ratios to be a disclosure of mandated parameters as claimed in the Milestone patents?
A. As described by Kelly, these are parameters that are set up for the entire system to maintain, which are mandated parameters, according to the claim structure, so they qualify for those values, and it is something that you would want to do with your system is set up these kind of parameters so you know you're going to make money.
Q. A few more questions about win ratio and -- and win rates. Is a defined number of wins in a game over X number of plays of a game a win rate?
MS. NGUYEN: Objection, vague.
THE WITNESS: That probably is a formula that could be used, depending on your situation, you might calculate it that way.
BY MR. NELSON:
Q. And can a defined number of wins awarded for every X number of plays be a mandated parameter in the context of the Milestone patent?

A. Yes, it would be as far as the system level is, you want to make sure you have enough wins over the amount of place. You would typically refer to it, however, as the -- through this many plays, I want to have this many wins.
So the X would be in the wins, you would have a defined number of plays, typically, in the industry.
Q. X would represent the number of wins over Y number of plays. Is that fair?
A. And you would -- yeah, those numbers would be mandated, yes.
Q. And that's a win ratio, too, right? I mean, X number of wins and Y number of plays, right?
A. Yes, that's a win ratio.
Q. And so that's a mandated parameter, in your view?
MS. NGUYEN: Objection, vague.
THE WITNESS: That is -- that can be a mandated parameter, yes. And for the system, you would have a systemwide mandated parameter for that, yes.
MR. NELSON: Let's turn to global

payout percentages for just a moment.
BY MR. NELSON:
Q. Is a 75 percent global payout percentage a mandated parameter?
A. In the Milestone patents?
MS. NGUYEN: Objection, vague.
THE WITNESS: If you are setting that up as your global parameter so that the whole system is going to maintain 75 percent, that would be an example of what you could set as a global parameter.
BY MR. NELSON:
Q. As a mandated parameter?
A. It would -- it would qualify as a mandated parameter under the claim 1, yes.
Q. You are you familiar with the term "GLEPS," G-L-E-P-S?
A. I am familiar with that from seeing it in the patent. In the industry, I had not run in to that acronym before, but it is defined in -- in the patents as a specific acronym.
Q. But you had not heard that term before in the industry prior to reading the Milestone patents?
A. I have not heard that acronym.

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Q. Have you heard the term, "guaranteed low in prizing structure"?
A. I have heard similar references that you want to make sure you have a minimum prizing structure, whether it is termed guaranteed prizing structure or low prizing structure. I'm familiar with the concept and may -- again, not in the term of that acronym.
Q. Hmm-hmm. So you're familiar with the concept. What, in your understanding, is the concept of a GLEPS or a minimum prizing structure?
A. Again, you want to make sure you have a, a minimum level of prizes to keep player interest. So you are going to have -- it will be one of your prizing structure strategies and -- in a game.
So again, you want to make money but you want to make sure people think they have a chance to win something.
Q. So an example of a GLEPS or a minimum prizing structure would be to seek, for instance, to guarantee that a certain number of game plays will result in a certain number of -- minimum number of prizes being awarded across that

set of game plays. Is that fair?
MS. NGUYEN: Objection, vague.
THE WITNESS: You would set up a parameters so that you're going to try and reach that level.
Most games do operate with some state of randomness so that you have a chance to fit within that range.
But you would set a range and try and -- and your goal would be to meet -- make sure you at least hit that level; and if not, you need to do something to adjust it.
BY MR. NELSON:
Q. You were you -- were you familiar with the concept -- I understand you're not -- you hadn't heard the term before. But were you familiar with the concept of a GLEPS or a minimum prizing structure in 2004?
A. Yes.
Q. Were others in the industry familiar with those concepts?
A. Yes --
MS. NGUYEN: Objection, vague.
THE WITNESS: Yes.
BY MR. NELSON:

Q. Can a GLEPS structure or a minimum prizing structure, as you described it, be a mandated parameter in the context of the Milestone patents?
MS. NGUYEN: Objection, incomplete hypothetical.
THE WITNESS: Yes, a GLEPS could be used -- could be considered a mandated parameter.
BY MR. NELSON:
Q. And that's because, as you testified, a GLEPS or a minimum prizing structure is a parameter that you're going -- or the operator is going to try and reach; is that right?
A. Yeah, that's a parameter that you're setting up to start with and you're going to try and reach that, that's correct.
Q. Okay. And if you could turn to the '336 patent, Exhibit 1001, which you should have next to you. Let me know when you have it.
A. Yes.
Q. If you could turn to column 15 of the '336 patent, Exhibit 1001 in the '708 IPR, let me know when you're there.
A. Column 15?

Q. Yeah. Are you there, sir?
A. Yes.
Q. Okay. If you look at line 32 -- do you know how the column line number works --
A. Yes.
Q. I assume you do but I can -- okay. If you look at line 32, I'm going to read to you, okay?
The '336 patent says: Parameters may, in one context, be a, quote, mandated, end quote, parameter and in yet another context of a, quote, variable, end quote, parameter.
For example, comma, in one game, the lottery may mandate a certain prizing structure, such as the use of a GLEPS structure, comma, wherein, other game, the lottery does not provide such a mandate but rather, the system determines to utilize a GLEPS type structure as a variable parameter.
Do you see that?
A. Yes.
Q. Do you disagree with that, that characterization of -- of using a GLEPS as a mandated parameter or as a variable

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parameter?
A. It's an example of where it could be used both ways.
Q. In your -- in your experience, can a GLEPS or a minimum prizing instruction of the sort we've been discussing be applied to a group of players of a given game?
MS. NGUYEN: Objection, vague, incomplete hypothetical.
THE WITNESS: It's common in the industry to have different levels of players have different prizing structures, so I would agree that yes, you could probably do that, the flexibility on prizing and meeting your parameters is very great.
BY MR. NELSON:
Q. And was that true in 2004?
A. Yes.
Q. Okay. In your experience, can a GLEPS or minimum prizing structure of the sort we've been describing be applied to a single player of a game? Across a series of plays?
A. Again, you've great flexibility in your system, so choosing a specific player would be a little bit unusual but there's nothing

that would probably prohibit it.
Q. Okay. Let's turn back to your declaration, to page 40, paragraph 94. Let me know when you're there.
A. Okay.
Q. Just directly above paragraph 94 is a heading that says 1B, quote, storing in a memory coupled to the input at least the mandated parameters.
Do you see that?
A. Yes.
Q. So what follows here in paragraphs 94 and 95 is your opinion regarding whether and how the Kelly683 reference discloses this limitation of claim 1 of the '336 patent. Is that right?
A. Yes. This is how Kelly discloses it.
Q. Okay. So here, in paragraph 94, you point out in the second full sentence that Kelly683 discloses that the gaming system server 108 contains a storage memory device; is that right?
A. Yes.
Q. Okay. You don't here or in paragraph 95 point to any disclosure in Kelly that there

are mandated parameters being stored in the memory, right?
A. As referenced in the previous paragraph up in 93: Kelly discloses receiving the global payout percentages and win ratios from an operator or other source, upon which the server 108 processes and stores those parameters.
Kelly also disclosed the prize input is received from the operator, other sources, or remote server and displayed in the prize table.
Kelly teaches the global payout percentages and the win ratios stored in the prize table. The information and prize table can be stored locally or central location can be downloaded when needed.
And that is referenced there, and, again, this is -- the prize table is where -- is stored in server 108.
Q. Okay. So let's, if you could pull out, then, Exhibit 1005 from IPR2025-00708 which is the Kelly reference.
Let me know when you're there.
A. Okay. I have Kelly.

Q. So if you could turn to column 44, line 29. Let me know when you're there.
A. I'm there.
Q. This section of the Kelly683 patent, Exhibit 1005, is what you've pointed to in paragraph 93 as showing that the global payout percentage and win ratios are stored in the prize tables; isn't that right?
A. This is something the prize data being stored in the -- the table of the prize data being stored in the -- in the server, yes.
Q. No part of column 44, lines 29 to 35 that you rely on disclosed storing that global payout percentage, does it?
A. We're also referring to figure 9A, which figured 9A says, "prize setup screen," this is the input screen that would be used to provide those parameters to the system for storage in -- in the prize table.
Q. There's no reference in figure 9 or 9A to storing anything, is there?
A. This references is showing the data being stored that has previously been indicated in the -- in the patent.
Q. Sir, you're -- you're -- you're inferring

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that because there's a memory and because this data is enter into a table that's being stored; isn't that fair?

A. No. Kelly discloses that the prize table is stored in the server, and this is an example of the prize table on the input screen.

Anyone skilled in the art knows that when you're going to input it, you got to store it someplace. And it has to be stored in this case, it will be stored in the prize server, or any other memory that was -- the designer chose to use.

Q. So you agree with me, a person skilled in the art would know, even though the word "store" isn't being used, they would infer from this, there's a memory and there's these parameters and there's this input, so, of course, it's being stored, right?

MS. NGUYEN: Objection, mischaracterizes the testimony.

THE WITNESS: Again, the Kelly does disclose storing the prize table in the gaming server 108, and this is describing the prize input screen, which is what the user would use to input that data so it could be

stored.

So it's -- it's incredibly obvious that that's how it works.

BY MR NELSON:

Q. Understood. Understood that's your view. Nothing in the section of column 44, lines 29 to 35 describe storing anything, correct? There's no use of the term there?

A. Again, this is teaching that, here's the data I'm inputting and I've got to store it someplace.

Q. And that's -- that's your view, even though nothing that you've cited actually recites storing, correct?

A. This is the data that's being stored and referred to as the prize table.

Q. And that's true, even though you haven't pointed to any description of that being stored, correct?

A. Again, I said that the prize table, Kelly discloses that that's stored in 108, and this is an example of what that prize table looks like and how it is input into the system. So yes, it does get stored there.

Q. You have not pointed in your declaration to

any explicit reference in Kelly683 to storing those mandated parameters in that table, have you?

A. I believe I have.

Q. Sir, you wrote in paragraph 94, this is at the bottom of page 40:

A POSITA would have thus understood that server 108 is used to process and store information in its memory, including the mandated parameters.

Do you see that?

A. Yes. That is correct.

Q. You're saying that a person skilled in the art would have understood, from what you've pointed to, that the mandated parameters are being stored; isn't that right?

A. Absolutely.

Q. You're not saying Kelly explicitly says the mandated parameters are stored, correct?

A. No, Kelly does say that the prize structure is stored in the 108 server, and the mandated parameters are part of that.

Q. That's not in paragraph 94, is it?

A. That's in the previous paragraphs.

Q. I'm asking about paragraph 94. Is there

any --

A. It's --

Q. -- disclosure -- is there any disclosure, sir, in paragraph 94 of -- in -- you that point to in Kelly683 of storing what you've called the mandated parameters in the server 108?

A. Again, the second line there:

Kelly discloses the global payout percentage and win parameters ratios are received as prize input from an operator or remote server and then processed and stored by the server in the prize table.

Q. And you haven't cited a single thing for that, have you? That's just your say so, correct?

A. No, it's, Kelly discloses the gaming system 108 storage and memory device as a hard drive or memory or where you would store it.

That is the storage device that Kelly discloses.

Q. You've pointed to no disclosure that in Kelly, those parameters, the global payout percentage and win ratio, are actually stored.

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You've just pointed to the fact that there's a server with storage and that there's a table with a global payout percentage; isn't that right?
A. Again, a person skilled in the art understands that this teaches this very clearly and very plainly.
Q. And the what is -- is being taught very clearly and very plainly, is that if there's memory in a server and then there's mandated parameters, a person of ordinary skill and art would understood that, that's where you stored those parameters; is that right?
A. They have to be stored someplace and that is the storage device provided, so that's where they're going to be stored.
Q. Perfect. Thank you.
Let's turn back to your declaration in the '708 IPR here on page 41, beginning with paragraph 96.
Are you there?
A. Okay. 96?
Q. Mm-hmm. And here there's a heading 1C just above it.
Do you see that?

A. Yes.
Q. And that heading is, reads, quote:
Processing in a processing system, coupled to the memory for implementing the mandated parameters by utilizing variable parameters, comma, the processing system utilizing the variable parameters to achieve the mandated parameters.
Do you see that?
A. Correct.
Q. And so you understand that what you're describe below that heading in paragraphs 96 through 99, is your opinion regarding how in Kelly683, in your view, discloses that limitation of the '336 Milestone patent; is that right?
A. Yeah, those next few paragraphs describe my opinion as to how Kelly meets that claim limitation, yes.
Q. Okay. And this is the claim limitation that introduces in claim 1 of the '336 patent, the concept of a variable parameter; is that right?
A. It's -- it indicates using variable parameters to help achieve the mandated

parameters, yes.
Q. Okay. And let's turn to paragraph 98 of this section in Exhibit 1003 for the '708 IPR.
Are you there?
A. Mm-hmm.
Q. It's on page 42.
A. Yes.
Q. You write:
Like the '336 patent, the gaming system of Kelly683 uses both a game structure and prizing structure as variable parameters.
Do you see that?
A. Yes.
Q. And then you write:
For game structure, Kelly683 explains that the global payout percentage and win ratio can be achieved, and I'll skip the parentheses, by adjusting the game structure.
Do you see that?
A. Yes.
Q. Okay. And so in -- and I'm correct, am I not, that, here, you're saying that Kelly683 discloses first -- at least two kinds of mandated parameters, global payout percentage

and win ratio, correct?
A. It -- it discloses at least those two, yes.
Q. Yes.
And then in your opinion, Kelly683 further discloses, for this paragraph, that its system can adjust the game structure to achieve a global payout percentage or a win ratio. Is that right?
A. Yes.
Q. Okay.
MR. NELSON: Why don't we take a break for ten minutes and then we'll come back and pick up where we left off on this paragraph, okay?
THE WITNESS: Okay.
MR. NELSON: Thank you.
THE VIDEOGRAPHER: We are off the record at 11:02.
(Whereupon, a break was taken.)
THE VIDEOGRAPHER: We are on the record at 11:12.
BY MR. NELSON:
Q. Okay. Mr. Crevelt, before we broke, we were looking at the section of your declaration, Exhibit 1003 from the '708 IPR concerning the

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use of variable parameters to achieve mandated parameters.

And I'd like to ask you to look at paragraph 98 of your declaration, on page 42.

A. Okay.

Q. You write:

Like the '336 patent, the gaming system of Kelly683 uses both a game structure and prizing structure as variable parameters.

Do you see that?

A. Yes.

Q. And you write:

For game structure, Kelly683 explains that the global payout percentage and win ratio can be achieved by adjusting the game structure.

Correct?

A. Yes.

Q. And then you, just below that, running on to page 43 of Exhibit 1003, you give a -- provide a quotation from Kelly683. Is that right?

A. Yes.

Q. Okay. And here, Kelly683 and this is at column 38, line 65, to column 39, line 7,

Kelly683 discloses that, for example, in an action game, the speed of controlled objects responsive input devices, and the like, can be adjusted so that most players don't receive a score higher than, I think it must want to say, a particular value.

Do you see that?

A. Yes.

Q. Okay. Your opinion is that Kelly's closure of adjusting the speed of controlled objects is a variable parameter that relates to game structure?

A. Yes.

Q. How does altering the speed of a controlled object relate or represent a variable parameter that adjusts the game structure?

A. It changes the degree of difficulty in the game.

Q. Anything else?

A. The ability to -- you know, again, the ability to do it, but changing, that's a very easy way to change the degree of difficulty is one way of --

Q. Is the degree of difficulty a game, an aspect of game structure?

A. Absolutely.

Q. And why is that?

A. Well, again, your game is based on what you're playing and the structure and the degree of difficulty of how fast things are going and how fast it is moving has a definite impact on the performance of the player and is part of that structure.

Q. And your opinion is that a person skilled in the art would recognize adjusting the speed of a controlled object as a variable parameter that adjusts the game structure?

A. Yes.

Q. Okay. The next part of the quotation from Kelly683 in your declaration that you're relying on recites:

In card games, the frequencies of winning combinations of cards can be adjusted.

Do you see that?

A. Yes.

Q. You understand that to be a reference to essentially forcing certain winning combinations to occur more frequently than they otherwise would, or less frequently than

they otherwise would, correct?

A. Yes.

Q. This is -- this is describing putting a thumb on the scale of a game, for instance, right?

A. I wouldn't characterize it that way but it does -- it is a method of changing the -- the payouts available for the game, yes.

Q. It's a form of forcing an outcome, isn't it?

A. It can -- it's a way of changing the outcome, whether it's forcing it higher or lower is -- depends on which way you go.

Q. But changing the frequencies of winning combinations can result, if you're lowering the frequencies of winning combinations, in more losses, right?

A. I believe that's correct, yes.

Q. And we'll see if we agree on the -- on the other way.

Increasing the numbers of winning combinations, that is intended to result in more wins across a series of plays, correct?

A. Correct.

Q. A person skilled in the art would recognize Kelly's disclosure of changing the frequency of winning combinations as a variable

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parameter; is that right?
A. Yes.
Q. Would a person skilled in the art recognize forcing a certain number of losing outcomes across a series of games as a variable parameter?
MS. NGUYEN: Objection, vague.
THE WITNESS: I think that's what you just said a second ago, but yes, changing the combination of cards and adjusting it would be a variable parameter.
BY MR. NELSON:
Q. Would person skilled in the art recognize, generally, that forcing a certain number of winning outcomes across a series of games as a variable parameter?
MS. NGUYEN: Objection, vague.
THE WITNESS: Again, yes, that is a method of increasing the payouts and a person skilled in the art would understand that.
BY MR. NELSON:
Q. Are you familiar with the concept of certain games having, for a given instance of game play, predetermined outcome?
A. Would you rephrase that question again?

Repeat that question?
Q. Are you familiar with the concept of certain games having, for a given instance of game play, a predetermined outcome, the outcome's predetermined?
A. I'm aware of a lot of games and especially in the gaming industry where the outcome is predetermined.
Q. Can you give me some examples?
A. Slot machines.
Q. How about a lottery ticket, like a scratcher, is that a predetermined outcome, each ticket?
A. In a lottery game, a scratch off, each ticket -- I've seen tickets that could have potential winners or potential losers on it, each one.
But I'm not sure if it fits the total category as predetermined. My knowledge of lottery scratch offs and the usage I've had with them is that they would be -- you have a predetermined number of winners that you know are going to happen and based on the overall number of tickets issued, you're going to have an appropriate payback percentage.

However, if some of those winning tickets don't materialize, you're going to have a higher pickup -- or higher win ratio or, I should say, a higher revenue.
So I'm not sure as it's exactly the same thing you're asking -- what you're asking for, but I'm familiar with the concept of a scratch off.
Q. Okay. And why is a slot machine an example in the gaming industry of an game in which the outcome is predetermined?
A. In most slot machines or gambling devices of that style, a player instigated action is used to select the winning combination. So that may be the coin in, it may be a handle pull, it may be a button push, but at that moment in time, a random number generator or whatever is used to preselect the winning outcome.
And then the rest of it is just display, whether it is video, whether it is spinning reels or whatever that predetermination has occurred separate from the action of the game play in a lot of basic slot machine games or slot machine style

games.
Q. In a -- in a predetermined outcome game like a slot machine, is altering the frequency at which a predetermined win occurs so that that predetermined win occurs more frequently the use of variable parameters?
A. Could you repeat that question? I don't quite understand what you're asking.
Q. Okay. Well, you -- you described to me the way in which you understand slot games to the games with predetermined outcomes, correct?
A. Yes, most gaming machines, slot machine type games are determined.
Q. If the operator programmatically alters the frequency at which those predetermined wins occur in a slot machine, would you understand that to be a use of variable parameters?
A. If you were in a gaming environment that allowed the modification of that, of a parameter, such as that, it would be a variable parameter.
Q. Looking back at paragraph 98, the quote from Kelly683, page 42, the next bit of Kelly683 recites that:
In quiz games, the difficulty of

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1 the questions at various times during the
2 game can be adjusted so the average players
3 will typically win a certain number of prize
4 credits per game.
5 Do you see that?
6 A. Yes.
7 Q. You're presenting that as an example from
8 Kelly683 of the use of a variable parameter
9 concerning game structure to achieve a
10 mandated parameter?
11 A. Yes, degree of difficulty, again, is a factor
12 that you can increase or decrease based on
13 the player to change the prize credits or to,
14 you know, guarantee a prize or make it more
15 difficult to reach a prize, yes.
16 Q. And that's a variable parameter, in your
17 view, concerning game structure?
18 A. The degree of difficulty of the question
19 would be a variable parameter, yes.
20 Q. And returning back up to the discussion of,
21 in card games the frequencies of winning
22 combinations of cards can be adjusted, how
23 would a -- why would a person of skill in the
24 art understand adjusting the frequencies of
25 winning combinations in any game to be a

1 variable parameter concerning game structure?
2 A. The structure of the game lists is
3 essentially what -- what the game -- how the
4 game is played and the odds of the games
5 coming up, of getting a winning combination,
6 and if you're changing the combinations,
7 you're changing the odds, and that's making
8 the game more difficult or easier to win, so
9 someone skilled in the art understands that.
10 Q. In this paragraph where you're quoting
11 Kelly683 reference, the last sentence there,
12 and this is on page 43, Mr. Crevelt:
13 Durations of games, which have a
14 fixed duration, can also be adjusted to
15 achieve an average payout level of prize
16 credits.
17 Do you see that?
18 A. Yes.
19 Q. I take it you quoted this part because it's
20 your opinion that the duration of a game can
21 be a variable parameter used to achieve a
22 mandated parameter.
23 Is that right?
24 A. Yes, this entire section is an example that
25 Kelly lists of type of changes, variables you

1 can change, to effect the overall payouts,
2 mandated parameters, etc., and that's why I
3 quoted each of these as examples of variable
4 parameters.
5 Q. Okay. And your -- your opinion is that a
6 person skilled in the art would recognize
7 each of those as being a variable parameter?
8 A. Yes.
9 Q. Is the selection of a game to be presented to
10 a game player a variable parameter that can
11 be used to achieve set of mandated
12 parameters?
13 MS. NGUYEN: Objection, incomplete
14 hypothetical.
15 THE WITNESS: Letting a player
16 choose a -- which -- which of several games
17 to play, that could be -- that's an option to
18 the player. Each of those games would have
19 its own structure and play and variable
20 parameters associated with it. But it would
21 be a variable overall in the system.
22 BY MR. NELSON:
23 Q. What about the selection by the system of a
24 set of games to present to the user for
25 selection?

1 Is that -- could that be a variable
2 parameter?
3 A. You could use that as a variable parameter,
4 probably.
5 Q. We talked about the adjusting the frequency
6 of winning as a variable parameter.
7 Are -- or can adjustments to the
8 prizing amount to be awarded for a win be
9 used as a variable parameter to achieve a
10 mandated parameter?
11 A. Yes, it can.
12 Q. And can -- can you give me an example?
13 A. Change -- changing the prize level based on
14 an individual's level or qualification or
15 something like that is something you've
16 previously mentioned, and that would be an
17 example of, a variable parameter would be a
18 player's level would change a prize
19 structure.
20 Q. Is a system that lowers the value of prizes
21 awarded to players in order to maintain a
22 given global payout percentage using variable
23 parameters to achieve mandated parameters?
24 A. A system that did that would -- would fall
25 within that category.

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Q. Are you finished, I don't want to cut you off, Mr. Crevelt.
A. Yeah.
Q. Okay. Conversely, is a system that increases the value of prizes awarded to players in order to maintain a given global payout percentage using variable parameters to achieve mandated parameters as described in the Milestone patents?
A. Again, yes, you would increase or decrease the prize amount or prize level to maintain those parameters, whether, again, a previous one is lower again or it is higher, those would qualify as changing the -- using variable parameters to change them -- to reach the mandated payout structure or payout level.
Q. Is a system that adjusts game structure to ensure that a win occurs every Y number of game plays utilizing variable parameters to achieve mandated parameters?
MS. NGUYEN: Objection, vague.
THE WITNESS: Again, that is an example of something you might use variable parameters for, to accomplish that.

BY MR. NELSON:
Q. Using variable parameters to achieve a win rate, right?
A. It's -- it's any of the mandated parameters. That could be win rate, prize structure, could be global payout percentage.
Again, whatever the mandated parameters are, and I've given several examples of them, which you -- could be change anything that you want to try and adjust to get to those levels.
Q. Okay. Is a system that adjusts game structure to increase the frequency of wins in order to achieve a higher payout rate than would be provided by chance utilizing variable parameters to achieve mandated parameters?
A. A system that is modifying or using variable parameters to change the game structure, game play, or win frequency, etc., to achieve a global payout would qualify for that. Whether it is a skill-based or game of chance, it -- that's -- that doesn't matter.
Q. Is a system that forces a series of game outcomes across a series of play in order to

guarantee a global payout percentage utilizing variable parameters?
MS. NGUYEN: Objection, vague.
THE WITNESS: Again, you're describing a system that is forcing payouts. It doesn't say how it's forcing those payouts. You're not describing what it's doing to say that that's a variable parameter.
So I don't know that that restriction would fit into this category or not because you have not identified what parameters or what kind of a parameter is being changed. You're just saying, it's not forcing a play.
BY MR. NELSON:
Q. Is a system that predetermines a series of loss outcomes for game play in order to guarantee a global payout percentage utilizing variable parameters to achieve mandated parameters?
A. You haven't described using a -- the system as using anything to change the -- the game play or the structure or the prize structure to modify those -- to reach those levels.

So without making a change and describing how you would make a change, I don't see a variable parameter being used there in your -- in your description.
Q. Well, it may be that I'm -- I'm just not using a magic word for you. I've asked you about a system that alters a series of game outcomes to be a predetermined loss, yeah? A losing hand?
A. Yeah. Depending on how they are altering the game, if they are altering the game to make a predetermined win or loss, that would be changing a parameter, i.e., a game -- some game parameter to force a loss, that would be using some sort of parameter to change that -- that game, so yes.
Q. Is a system that increases the value of prizes to raise a global payout percentage from 50 percent to 75 percent utilizing variable parameters?
A. Again, the system here describes using variable parameters to raise -- to change the payout structure to meet that -- to meet a specific level or to meet the global, depending on what you were using, again, as a

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variable to make that change.
So if you're going to change the prize -- prize payouts to reach a certain level, it would appear that your variable that you're looking at is the amount of prizes paid, so, again, have you to have a variable in there to identify what you're changing, but as long as that variable is there, changing that structure would qualify, yes.
Q. Is a system that forces the delivery of a winning hand in a card game in order to assure that a GLEPS or minimum prizing structure is met across a series of games utilizing variable parameters to achieve mandated parameters?
A. You have identified using a changing the game structure or the -- or the payouts to achieve those global mandated parameters.
You have not in that, however, identified what variable they are using to make that change, so it would depend on what variable is being used, if a variable is being used to make that change.
Q. Is a system that increases the likelihood of

delivery of a winning hand in a card game to probabilities greater than chance in order to assure that a GLEPS or minimum prizing structure is met across a series of games utilizing variable parameters to achieve mandated parameters?
A. You, again, keep going after specific types and methods of doing this. My opinion here is that Kelly discloses that you can do this in this manner and using a number of variable parameters, game changes, prizing structure changes, it's not limited to any of those specific types of requests that you are asking about.
These are just examples of what can be done, and Kelly teaches how it can be done and how it meets the claim language here.
Q. Is your answer to my question yes, but that's just one example?
A. It's a very narrowed example of what could happen. Again, Kelly is much more flexible in how it does it and what it does and teaches a number of items. And to go through an infinite list of items is not what I opined on.

Q. The example I gave you is an example, in your opinion, of using variable parameters to achieve a mandated parameter, but just an example; is that right?
A. These are examples of ways you can do it, yes.
Q. And a person skilled in the art in 2004 would have recognized those examples as -- as being examples of using variable parameters to achieve mandated parameters; is that right?
A. Yes.
Q. You could look at your paragraph 97, which is just above. And this is in Exhibit 1003, the '336 deposition -- or '336 declaration.
Are you there?
A. Yes.
Q. At the bottom half of -- well, this paragraph, you're describing what the '336 patent discloses about variable parameters; is that right?
A. This lists a number of examples the '336 patent uses for variable parameters.
Q. Yep. And so you -- so you write in the second sentence of paragraph 97:
The '336 patent discloses that a

variable parameter may be the game structure itself, such as in the use of decision points, number of levels of game play, and/or duration of game play.
Do you see that?
A. Yes.
Q. Okay. And so you agree that the '336 patent describes, as examples of the variable parameter, the use of decision points, number of levels of game play, and/or the duration of game play, that's right?
A. Those are examples of variable parameters, yes.
Q. And a person of skill in the art would recognize each of them as such?
A. Again, they recognize those are examples of variable parameters. It's not an all-inclusive list or a mandated list, yes.
Q. What -- what was your understanding of the '336 patent's description of the use of decision points as a variable parameter concerning game structure?
A. Again, decision point and as listed here, a variable parameter may be gained for -- such as use of decision points is one of them.

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Number of level of game play, duration of game.

Decision point would be something like a decision point in a game where you would have to make a choice to go left or right, up or down, take something, not something, something within the game structure that is being used where --

Q. And you -- I apologize, sir. Go ahead.

A. Yeah. Again, something where the -- the player is probably making a decision in the play process of the game.

Q. And how would a person skilled in the art understand that a decision point can be used as a variable parameter to achieve a mandated parameter?

A. Adding more or taking them away. If you've got to go into different rooms to find a treasure, if you add more rooms, it makes it harder. You take them away, it makes it easier.

Q. Understood.

And in paragraph 97 you wrote on the bottom:

Variable parameters may also be a

prizing structure which, quote, may included the desired payout amount, GLEPS or other allocation variables, the frequency of wins, parentheses, 1 colon X, overall number of winners and prizing structure and allocation of prizes.

Do you see that?

A. Yes.

Q. So -- so the '336 patent says all of these things can be used as a variable parameter to achieve a mandated parameter; is that right?

A. Those are examples of things that you could use as a -- to -- as variable parameters to change the mandated ones, yes.

Q. How would a person of skill in the art understand that a GLEPS or a minimum prizing structure could be used as a variable parameter?

A. Well, if you -- simple changing the prize structure, the -- changing the amount paid, something like that is exactly what this is referring to, where you can change that payout to accomplish a higher or lower mandated parameter or global payout.

Q. So if I understand your testimony, a person

skilled in the art would understand that altering a GLEPS or minimum prizing structure to accomplish a higher payout would be the use of a variable parameter, yes?

A. Again, a GLEP -- GLEPS, as it has been described, is a minimum payout level, guaranteed lowest payout level.

Well, if you have a person whose ranking is novice, they may get the lowest payout level. However, have you an expert, you may actually give them a higher guaranteed payout level based on an expert by some other criteria so that you get a higher payout for that person.

And in combination of these, you maintain your overall payout percentage. So that -- again, that's one way a -- of skill in the art understands that you can change these variables to change the overall payouts.

Q. And a person of skill in the art would have known how to do that with a GLEPS or minimum prizing structure in 2004?

A. Absolutely.

Q. Okay. Okay. Let's go to page 44 of

Exhibit 1003 from the '708 IPR. You'll see a heading that lists 1D, Storing information regarding particulars game play events as determined by the processor.

Do you see that?

A. Yes.

Q. Okay. And if I understand your declaration correctly, what follows in paragraphs 100 and 101 is really your opinion regarding how Kelly683 discloses or renders obvious this limitation of claim 1 of the '336 patent. Is that right?

A. That's my opinion, yes.

Q. Okay. And -- and do you -- it's fair to say that you think that Kelly683 renders this limitation obvious, as you say; is that right?

A. Yes.

Q. Okay. And that's because your view is, as it reads in the second sentence of paragraph 100, Kelly683 discloses that the game play information provided by the game processor includes information on an initial game play event based on user input; is that right?

A. That's what's stated there, yes.

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Q. And then you've got this quotation from Exhibit 1005 at column 10, lines 12 to 15 about -- that reads: Each type of user input can provide a particular game command to the game process -- and the game processor interprets the commands and influences game states and game events in the game process accordingly.

Is that right?

A. Yes.

Q. Okay. So I'd like to ask you a little bit about what it means to store information regarding particular game play events.

Is storing the amount of money won in an individual instance of a game play, storing information regarding a game play event in the meaning of this patent?

MS. NGUYEN: Objection, incomplete hypothetical.

THE WITNESS: Again, this is storing information of the game play events, what's happened, what's done, the stakes in the game, the levels the game, whatever has happened in the game is being stored and obviously, you know, wins and losses, etc.,

would logically be one of those items stored but not all of those items stored. We're not limited to that item.

BY MR. NELSON:

Q. Understood.

Is storing a record that an individual or particular game player won a $1,000 prize storing a game play event?

MS. NGUYEN: Objection, incomplete hypothetical.

THE WITNESS: Again, we're -- I'm talking about game play events, that would be a game play event, and could very well be stored.

BY MR. NELSON:

Q. Is storing a record that a player of a game won a free play of the game for the next time around storing a game play event?

A. We could go through thousands of examples of game play events. This is not limited to any specific number or type of game play event.

Q. I promise not to do a thousand such examples, but can you answer the one example I did ask which is --

A. Yes.

Q. -- winning of free play --

A. It could be an example of --

Q. Okay.

A. -- something you were storing.

Q. Okay. Good.

And on my promise of a thousand, I just have a couple of more, not -- not a thousand.

Is the date and time a game was played a game play event that can be stored?

A. There's no reason why it could not be stored.

Q. And it's a game play event, in your view?

A. Yes.

Q. How about the amount of time a game was played for by a particular user, is that a game play event that could be stored in the meaning of this patent?

A. That could be stored either as a game play or details so that it could be analyzed, yes.

Q. Is providing a link to another different game, like a mini game, during the course of game play, a game play event?

A. A game play event would be, again, anything that occurs in the game, and if you're going to a secondary game or a tertiary game, that

would be -- again, be a logical game play event to be stored.

Q. Okay. Let's turn to page 46 of Exhibit 1003 from the '708 IPR matter, your declaration. Let me know when you're there.

A. I'm there.

Q. Okay. You'll see a heading 7 that reads, 1.F, quote, Performing game analytics on the game play events, comma, end quote.

Do you see that?

A. Yes.

Q. So it's your understanding that what -- what we see in paragraph 104, that follows, is your opinion regarding how, in your view, Kelly683 discloses this limitation; is that right?

A. Yes, this is what I opined on.

Q. And you write here in paragraph 104:

In my opinion, Kelly683 discloses a process for, quote, providing statistical information, end quote, and then parentheses, performing game analytics on the game play events.

Do you see that?

A. Yes.

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Q. You're pointing to Kelly's disclosure of providing statistical information as disclosing this limitation or performing game analytics; is that right?
A. Yes, my citations there in 104 and -- do indicate that Kelly does do analysis and statistics on the game play, including such play events, again, as a number of games a person has played, the time the player took to play a game, the number of times a player has participated in similar tournaments, and the like, number of times a prize -- a specific prize was -- was hit.
Again, this is an analysis of the game play events that has occurred, so they can adjust to make any related goals or achieve -- again, achieve the game-related goal, number of times they've won something.
This is an analysis of that data they describe.
Q. So you, for instance, point to Kelly683 at column 32; is that right?
A. I point to several places here, but 32 is one of them, yes.
Q. Yeah , column 32, lines 72 to 73, let's go

there in Exhibit 1005, the Kelly reference, if you will, please.
Are you there?
A. Yes.
Q. At line 27 Kelly teaches, quote:
In other embodiments, additional information can also be stored in the tournament list which can be used to determine a winner or to provide statistical information for the operator of the tournament.
That's the quote you that pointed to, right?
A. That is the quote also including, for example, the time a player took to play a game, the number of times the player has played a particular or similar tournament, and the like, yes.
Q. And -- and this -- this block of text is where you pulled the quote -- the quote providing statistical information from, right?
A. This is one example of where it's analyzing data and creating statistical information. When you're analyzing your data, you're going

to create statistical information. You're not going to look at every underlying piece of data individually. You're going to have to combine it and put it into ranges and things, and a person of skill in the art knows how to do that.
Q. Understood. But that wasn't my question. You -- you provide a phrase in quotes here, providing statistical information, paragraph 104, very top, right?
A. Yes.
Q. Yes.
A. Providing statistical information, yes.
Q. Yes. And -- and you pulled that from column 32, lines 27 and 32, that's where that appears in Kelly --
A. That's where it appears, yes.
Q. Okay. And you know that Kelly683's discussion of providing statistical information here is to provide statistical information for the operator of the tournament, right?
A. In this one embodiment, yes.
Q. Why is providing statistical information to an operator of a system performing game

analytics on game play events?
A. Well, you've got to analyze some data, and the data that you're collecting is your game play events, and you're going to use that in any analysis. That's the data you are collecting in the system is the game play events, and therefore, any analysis you do on it, for whatever purpose, is going to be on those game play events.
Q. And a person of skill in the art in 2004 would have recognized that right away, right?
A. Yes.
Q. Okay. All right. I'd like you to turn to page 59 of your declaration, Exhibit 1003 in the '708 IPR.
MR. NELSON: And Mr. Crevelt and Counsel, we're going to switch over to the Walker grounds here. I have been going for an hour and I know it is his noontime.
Do you want to break for a quick lunch, do you want me to press ahead? I could do either one.
MS. NGUYEN: I know you wanted to eat.
THE WITNESS: Yeah. Fine.

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1 Yeah --
2 MR. NELSON: Do you want to --
3 because this is a whole new thing, so do you
4 want to pause here for awhile and we'll pick
5 it up when we come back?
6 THE WITNESS: We can do that.
7 MR. NELSON: Okay. That's fine
8 with me. How much do you need, 30 minutes,
9 45 minutes? What do you want?
10 THE WITNESS: I don't know, what's
11 it going to take?
12 MS. NGUYEN: I don't know because
13 it's --
14 THE WITNESS: We don't know if the
15 food is here.
16 MS. NELSON: Oh, do you want to
17 take a moment to see that and then --
18 MS. NGUYEN: Yeah, I think if the
19 food is here, then just 30 minutes but if is
20 the food is not, maybe 45.
21 MR. NELSON: Yeah, do you want to
22 check on that and then we can decide what to
23 do?
24 MS. NGUYEN: Sure.
25 THE VIDEOGRAPHER: All right. We

1 are off the record at 12:15.
2 (Whereupon, a break was taken.)
3 THE VIDEOGRAPHER: We are on the
4 record at 1:53.
5 BY MR. NELSON:
6 Q. Okay. Mr. Crevelt, looking at page 59 of
7 Exhibit 1003 in the '708 IPR, you'll see a
8 heading that refers to Ground 2 and a
9 reference called Walker.
10 Do you see that?
11 A. Yes.
12 Q. Okay. And it's your opinion, as I understand
13 it, that the Walker prior art reference
14 discloses or renders obvious certain of the
15 claims of the '336 patent. Is that right?
16 A. That's correct.
17 Q. Okay. And this section 11 of your
18 declarations walks through the bases for your
19 opinions; is that right?
20 A. Yes.
21 Q. Okay. Let's go -- and you may want to have
22 with you Exhibit 1006 from the '708 IPR
23 proceeding, which is the Walker reference
24 itself, so that we can --
25 A. Yes.

1 Q. -- have that handy.
2 Okay. You have that with you?
3 A. Yes.
4 Q. Okay. Very, very good.
5 All right. If we could go to page
6 63 of Exhibit 1003, your declaration, in the
7 '708 IPR, there's a -- it's on page 62. You
8 let me know when you're there.
9 A. You said page 62 or 63?
10 Q. You know what, I may have said 62 but I meant
11 to say 63.
12 Are you there?
13 A. Yeah, I'm on 63.
14 Q. Okay. And, again, we have the heading 1A,
15 Receiving mandated parameters, comma, the
16 mandated parameters being those which must be
17 achieved by the system as a whole.
18 And so, in your opinion, in
19 paragraphs 149 through 151, or rather, the
20 paragraphs 149 through 151, present your
21 opinions regarding how, in your view, Walker
22 discloses this limitation 1A of the '336
23 patent. Is that right?
24 A. Yes, this section is what I have opined on,
25 yes.

1 Q. Okay. And in paragraph 149, you write, that:
2 Walker discloses one or more
3 predetermined criteria, parentheses, mandated
4 parameters, in parentheses, that must be
5 satisfied during game play, and then there's
6 a parentheses that must -- that says, must be
7 achieved by the system as a whole.
8 Do you see that?
9 A. Yes.
10 Q. Okay. So you're pointing, are you not, to a
11 discussion in Walker regarding the term
12 "predetermined criteria." Is that right?
13 A. You -- that's what the first part is I have
14 stated there, yes.
15 Q. And in fact, your opinion as stated here in
16 paragraph 149, is that a person skilled in
17 the art in 2004 would have recognized that
18 Walker's discussion of, quote, predetermined
19 criteria, would disclose the use of mandated
20 parameters as described in the Milestone
21 patents. Isn't that right?
22 A. Yes.
23 Q. And what about a predetermined criteria, as
24 discussed in Walker, that causes you to
25 believe that a person of skill in the art

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1 would recognize the reference to
2 predetermined criteria as being a reference
3 to a mandated parameter?
4 A. Yes, so as I stated in this section, that the
5 mandated parameters would equate that to the
6 predetermined criteria, that would be used to
7 adjust game results to maintain that the
8 percentage within is an appropriate range or
9 trying to maintain the global payout level,
10 for example.
11 But the -- these predetermined
12 criteria would be these mandated parameters
13 to start with.
14 Q. Thank you.
15 And my question was really about
16 why, why would a person of skill in the art
17 recognize a discussion of predetermined
18 criteria to be a disclosure of mandated
19 parameters as used in the Milestone patents?
20 A. Again, you've got to set your goals for your
21 system as to what you're going to do and how
22 it's going to perform so that you're going to
23 make money, so you're going to have some
24 criteria specified, and you're going to
25 then -- as we see, you're going to have to

1 collect, monitor, analyze, and make sure that
2 you meet those goals and, in turn, adjust the
3 game parameters to make sure you meet those.
4 Skill in the art understands that
5 that's what you -- what you want to do to
6 keep profitable.
7 Q. Okay. And when you were analyzing this
8 disclosure of Walker and you saw the phrase
9 "predetermined criteria," what meaning did
10 you ascribe to predetermined?
11 A. Again, it can be any criteria that you want
12 to use, particularly, it's going to be a
13 payout percentage, it's going to be frequency
14 of plays, whatever the implementer wants to
15 use to meet whatever requirements their goals
16 are.
17 Q. I think you answered my question as to
18 criteria. I was asking you about the word
19 "predetermined." What -- what meaning did
20 you have in your mind as you formed your
21 opinions regarding Walker and its disclosure
22 of predetermined criteria with respect to the
23 word "predetermined"?
24 A. Well, predetermining would be setting those
25 goals.

1 Q. In advance of something? Is that what
2 predetermined means to you?
3 A. Predetermined, you'd -- most of the criteria
4 would be predetermined criteria you want to
5 meet. You want to meet these kind of levels,
6 these kind of ranges. These kind of goals
7 you had in your -- in the operation, and
8 adjust as necessary to maintain them.
9 Q. Well, I appreciate all of that, and I just
10 want to make sure we're on the same page as
11 to the meaning you ascribed to predetermined.
12 What -- what meaning did that word
13 have to you in your analysis? We understand
14 criteria. It's a test or a standard or some
15 metric, right?
16 What meaning did you ascribe to
17 predetermined?
18 A. It's determined that the, you know, for the
19 beginning of the game or the design of the
20 game system.
21 Q. Okay. Before you read the Walker patent,
22 that is, Exhibit 1005, had you heard the term
23 "predetermined criteria" in the industry?
24 A. Most everything in the gaming industry has a
25 lot of predetermined criteria, the payout

1 percentages and designs, and absolutely.
2 Q. So is it, your answer is "yes," I had heard
3 that term in the industry?
4 A. Yes, I have heard that term.
5 Q. And -- and a person of skill in the art in
6 2004 would have heard that term and know what
7 it meant; is that right?
8 A. Yes.
9 Q. Now, in paragraph 149, you, in the middle of
10 that paragraph, provide an example of
11 Walker's predetermined criteria, I think I'm
12 going to read it to you. You write:
13 The Walker system achieves the
14 mandated parameters by, quote, adjustment of
15 a game in order to help ensure that a set of
16 results obtained during a plurality of game
17 plays of a game satisfy one or more
18 predetermined criteria, parentheses, e.g.
19 comma, that a standard deviation of the
20 results is not grater than a maximum
21 predetermined standard deviation and not
22 lower than a minimum predetermined standard
23 deviation, end parentheses, end quote.
24 Do you see that?
25 A. Yes.

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1 Q. So the use of e.g. there, a person of skill
2 in the art would understand that -- that
3 Walker is saying that what follows is an
4 example of his predetermined criteria?
5 A. That is an example of one, yes.
6 Q. Okay. And -- and the specific example is
7 that a standard deviation -- the standard
8 deviation of the results is not greater than
9 a maximum predetermined standard deviation
10 and not lower than a minimum predetermined
11 standard deviation.
12 But what did that mean to you?
13 Could you explain that?
14 A. This is explaining that in the analysis of
15 your criteria, your mandated parameter, as
16 I'm referring to them on, so it is a game
17 payout could be one of those parameters or a
18 number of games played.
19 You're going to track the data,
20 analyze it, and, in this case, they're using
21 the standard deviation as an example of one
22 method of analyzing that data to see if it
23 falls within a predetermined range, and if
24 so, then you're fine.
25 If it is outside that range, you

1 might want to adjust the game so that you can
2 better reach your goal.
3 Q. So at bottom here, your understanding of what
4 Walker is describing as an example is that
5 the game play results, whether it's the
6 number of wins, whether it's the payout or
7 some other metric, like the amount of time
8 played, should fall within an acceptable
9 range.
10 That's the predetermined criteria,
11 right?
12 A. That's -- that's the intention of the system,
13 yes.
14 Q. Okay. And that's the mandated parameter
15 in -- in your view?
16 A. Those various criteria you're going to
17 measure and track are your mandated
18 parameters. You want the number of games,
19 for example, adjust game results such that
20 they are -- they are maintained within the
21 range. That may be payouts, it may be number
22 of games played. It may be whatever that
23 specific parameter, mandated parameter you
24 want -- you want to be. I want to be an
25 80 percent game or 80 percent payback or

1 70 percent payback. You're going to track
2 those activities to make sure that the game
3 is falling within that range and adjust, if
4 necessary, to make sure it falls within that
5 range.
6 Q. Okay. And we'll talk about that adjustment,
7 if necessary, in a second, but I take it that
8 your opinion is that Walker's disclosure of
9 adjusting certain variables is a disclosure
10 of utilizing variable parameters to achieve a
11 set of mandate parameters. Is that right?
12 A. Yes.
13 Q. Okay. And why would a person with skill in
14 the art consider Walker's example of
15 maintaining game play results within a given
16 range to be a disclosure of the mandated
17 parameters of the Milestone patents?
18 A. Again, your mandated parameters are what
19 you're trying to achieve with the system and
20 to do that, you measure it and analyze it to
21 make sure you're there, whether you're high
22 or low, and Walker is describing that
23 process.
24 Q. And -- and your opinion, just to make sure,
25 is that a person with skill in the art in

1 2004 who read a discussion of predetermined
2 criteria for a game would know that those are
3 mandated parameters; is that right?
4 A. They are the parameters -- they are the
5 parameters that you were trying to achieve in
6 the game, and those fit into the disclosure
7 of -- as the mandated parameter, yes.
8 Q. Thank you.
9 Let's go on to page 66 of
10 Exhibit 1003, your declaration in the '708
11 IPR.
12 This is has got a heading, 1C,
13 which is, again, the recitation of processing
14 in a processing system coupled to the memory
15 for implementing the mandated parameters by
16 utilizing variable parameters, comma, the
17 processing system utilizing the variable
18 parameters to achieve the mandated
19 parameters.
20 And I'm correct, am I not, that
21 paragraphs 156, 157, all the way through 161,
22 presents your -- the bases for your opinion
23 that the Walker reference discloses this
24 limitation?
25 A. Those are the pages I have here, and that's

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what I have opined on, yes.
Q. Okay. Paragraph 158 on page 68, are you there?
A. Okay.
Q. The second sentence to paragraph 158, you write:
For gaming structure, Walker explains that the predetermined criteria can be achieved by adjusting one or more game parameters that, quote, may be variables that affect the performance, scoring, difficulty, outcome or other aspects of the game.
Do you see that?
A. Yes.
Q. Okay. So your opinion is that Walker's description of adjusting, quote, one or more game parameters, end quote, is disclosing the use of variable parameters to achieve a set of mandated parameters. Is that right?
A. Yes.
Q. Okay. And you further quote Walker that the game parameters include factors that affect the difficulty of a game, e.g., complexity of a game, hits provided, sensitivity of controls, difficulty of question -- trivia

questions, and number of opponents.
Are -- is it your opinion that each of those is a variable parameter or could be a variable parameter used to help achieve a predetermined criteria or a mandated parameter?
A. Yeah, these are examples of game parameters that would be used as variable parameters.
Q. And why would a person with skill in the art understand that adjusting the hints provided in a game could be used as a variable parameter to achieve a set of mandated parameters?
A. Again, it depends on the type of game you're looking at. But if you are looking at a quiz game or something like that, different types of hints, some easy, some others, would affect the ability of a person to play and win. Adding more hints, taking hints away.
Again, any of these items, based on the structure of what game you're playing, can be used to increase or decrease the difficulty or -- of the play or the frequency of the wins or all of those items to necessarily reach the goals you're trying to

get to.
Q. Mm-hmm.
You go on in this paragraph to -- to describe just after that a quote from Walker mentioning the rules of a game, e.g., number of strikes allowed in a baseball game, cost of vowels in a word guessing game.
Do you see that?
A. Yes.
Q. Those disclosures of the rules of a game in your view are disclosures in Walker of variable parameters that could be used to achieve a set of mandated parameters. Is that right?
A. Yes, I quote from 156, and I go all the down through to 166 in Walker, which lists a number of factors that can be used to adjust the game structure, to affect those as variable parameters to adjust the game structure to meet your mandated parameters or your predetermined criterias in this case. Mm-hmm.
Q. And your opinion is that a person of skill in the art in 2004 would have recognized that the rules of a game can be variable

parameters to reach a predetermined criteria or mandated parameter. Is that right?
A. Yes, any one of these items could be used and altered to change the parameter, and someone would understand that, yes.
Q. And that would have been true in 2004?
A. Yes.
Q. How about 2002?
A. Yes.
Q. And I take it your answer is the same for the other things you've listed here in 158, including the factors that affect the duration of the game, e.g., a number of rounds, a number of lives, and an amount of time that the player is allowed to achieve an event in a game or complete the game play of a game, is that right, these are all variable parameters?
A. They're all variable parameters, yes.
Q. Why in your view is there any limit to what could be a variable parameter, as long as it is affecting the likelihood of obtaining a predetermined criteria or mandated parameter?
MS. NGUYEN: Objection, vague.
THE WITNESS: A variable parameter

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would be associated with whatever game you're playing and the goals you have in mind, so it's, it comes down to who is implementing it and what they're trying to implement.

So it's more of a design choice as to what you're going to use.

BY MR. NELSON:

Q. So in your view, a variable parameter, the term "variable parameters" as used in the Milestone patents, really covers effectively any programmatic change that might be made to the game system to achieve a predetermined criteria or mandated parameter. Is that right?

MS. NGUYEN: Objection, vague. Mischaracterizes the witness's testimony.

THE WITNESS: Again, the number of variable parameters is -- is listed here as an example thereof. There is no requirement that any one of these or any specific one of any type is used. So it was up to the designer to choose which variable parameters they want to use. And --

BY MR. NELSON:

Q. And that's a broad universe, right? That's a

broad category of --

A. That's a --

Q. -- programmatic changes.

A. Yes.

Q. Yes?

A. It's a very broad category of potential variables.

THE VIDEOGRAPHER: Did we lose Ms. Nguyen?

MS. NGUYEN: I don't know why it looks like my Zoom is updating. But --

MR. NELSON: She's in the same room. How could we lose her?

MS NGUYEN: My Zoom is updating. That's why.

MR. NELSON: That would be something if we lost her right out.

Okay. Lisa, can I just go ahead? I mean, I assume it is fine.

MS. NGUYEN: Yeah, please go ahead. I can still hear. Yeah.

MR. NELSON: Okay.

BY MR. NELSON:

Q. Let's go to page 70 in your declaration of the IPR. You'll see a subheading 1D, Story

information regarding particular game play events as determined by the processor.

Do you see that?

A. Yes.

Q. Okay. And in paragraph 162, this is your -- this is essentially setting out the bases for your opinion that Walker discloses this limitation 1D of the '336 patent. Is that right?

A. Yeah, 162 is where I have listed that, yes.

Q. And -- and you've highlighted what you contend is a discussion of -- of storing the number of lives or rounds or rounds of game play that have occurred. Is that right?

A. Yeah, I have included those as examples, yes.

Q. A number of lives that have been played. Is that -- is that a game play event?

A. Yes, that would be a game play event.

Q. How about a number of rounds that have been played? Would that be a game play event?

A. Yes, that would be a game play event.

Q. The number of levels achieved, is that a game play event?

A. Yes, that would be a game play event.

Q. Any person of skill in the art would have

recognized that in -- in 2002?

A. Yes.

Q. And you confirmed already, haven't you, that the amount of time a particular player has played a game is a game play event? That's right?

A. Yes, I believe so, yes.

Q. Okay. If you turn to -- okay. Actually, let's change gears here. I would like you to pull out your declaration from IPR -- one second, please.

Right, IPR202500712. This is your corrected declaration in connection with the '279 patent from Milestone, so if you could ask your counsel to hand that to you.

A. Okay. I've got that.

Q. Okay. And that's Exhibit 1003 of the '712 IPR.

I would also ask that you pull out Exhibit 1001 from the '712 IPR, which would be a copy of the '279 patent from Milestone.

A. I have that also.

Q. Okay, very good.

And So can you confirm for me that Exhibit 1003 from the '712 inter partes

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1 review, is the corrected version of your
2 declaration putting forth your opinions and
3 the bases for those opinions regarding
4 whether the prior art that you discussed
5 discloses or renders obvious certain claims
6 of the '279 patent. Is that correct?
7 A. Yes, this is the corrected version.
8 Q. And this is your opinions regarding
9 Milestone's '279 patent, yes?
10 A. Correct.
11 Q. Okay. Very good.
12 I'm just going to put that up on
13 the screen so everybody else can have it.
14 Okay. Very good.
15 If you could please turn to, bear with me,
16 page 54 of the exhibit.
17 A. Page 54?
18 Q. Yes.
19 A. Okay.
20 Q. And here you'll setting for -- that has one
21 1.B.i, followed by, quote, Store mandated and
22 programmable variable parameters for the
23 use -- for use in the course of game play,
24 end quote.
25 Do you see that?

1 A. Yes.
2 Q. And so here in the paragraphs that follow,
3 paragraphs 122 through 128, you are
4 presenting your opinions, and the bases of
5 those opinions for why you believe that
6 the -- excuse me -- Kelly reference is
7 disclosing this limitation. Is that right?
8 A. That is correct.
9 Q. Okay. And if I could draw your attention to
10 126 on page 57. You write:
11 A POSITA would have understood that
12 the game and prizing structure programmable
13 because they are adjustable by the operator.
14 Do you see that?
15 A. Yes.
16 Q. O okay. And first of all, did you mean to
17 say, a POSITA would have understood that the
18 game and prizing structure are programmable
19 because they are adjustable by the operator?
20 We're just missing that word?
21 A. Probably are is -- probably fits in there
22 okay. I don't see a grammatical difference
23 at this point.
24 Q. Okay. Programmable means adjustable by the
25 operator. Is that what programmable means?

1 A. So the program -- the operator can program
2 the game structure parameters to make the
3 game less difficult. So the operator can
4 input those parameters to change them.
5 Q. So the -- so the meaning of programmable you
6 applied here in assessing whether Kelly683
7 disclosed programmable variable parameters
8 was this definition, are they adjustable by
9 an operator, yes?
10 MS. NGUYEN: Objection,
11 mischaracterizes the testimony.
12 THE WITNESS: The operator would be
13 inputting or theoretically use the term
14 program -- "program" or putting them into the
15 program, the mandated parameters such as
16 global payout percentages and win ratio.
17 There, again, also variable
18 parameters that the operator would be
19 identifying and those can be changed
20 programmatically by the system or, again,
21 someone could go in and change those if
22 you're modifying the system in some way.
23 BY MR. NELSON:
24 Q. So what makes a variable parameter
25 programmable in your view?

1 A. Well, the variable program -- the variable
2 parameters are changed by a program or an
3 analysis of software in the system under
4 normal circumstances, and that's the way it
5 would operate.
6 The mandated parameters are
7 typically input directly by the operator to
8 set up the overall structure.
9 Q. So the meaning you applied to programmable
10 variable parameter for this claim limitation
11 was that a parameter -- or, excuse me, a
12 variable parameter is programmable when it is
13 changed by a program or by analysis of
14 software in the system. Is that right?
15 A. The term "programmable" means it can be
16 changed and in the case of the mandated
17 parameters, the operator is the one that
18 typically makes those changes and stores that
19 information so that the system can, in turn,
20 change and -- programmatically change through
21 software, the other variables.
22 And those variables have been
23 programmed into the system, again, by the
24 operator.
25 Q. So a programmable variable parameter is a

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parameter that can be adjusted programmatically?
A. It can be adjusted programmatically or it can be adjusted directly.
Q. By an operator?
A. Potentially by an operator, but, most likely, it would be programmable by an algorithm somewhere in the system.
Q. Do you think '279 patent claim 1 encompasses, within its scope, a human operator changing the variable parameters of a game?
A. No. The human operator would not be changing the variable parameters during the operation. They would be setting those variable parameters and maybe thresholds associated with them prior to the game but not during the game.
Q. In operation, the -- the program or some program would be selecting which variable parameters to change or implement. Is that right?
A. That is correct.
Q. We can turn to page 66 of Exhibit 1003 for the '712 IPR. This is on page 66.
A. Okay.

Q. Are you there?
A. Okay.
Q. There's a heading there, 1.B. romanette ii, quote:
Record game play information regarding particular game play events and.
And so this section, running from paragraph 141 to 143, is your opinion and the bases for your opinion that Kelly683 discloses this limitation of the '279 patent. Is that right?
A. That is correct.
Q. Okay. And here, if we could take a look at paragraph 143, you write:
Kelly683 -- or sorry, further, Kelly683 discloses recording which games the user previously played.
Do you see that?
A. Yes.
Q. So I take it your opinion is that recording the games, or which games the user has previously played, is recording a game plan event, yeah?
A. That is one game play event that is being recorded.

Q. Yeah. We're on the same page, I think. Let's just make sure.
Your opinion is that when Kelly describes recording which games the user previously played, it is describing an example of recording a game play event, yes?
A. It is an example of recording a game play event, yes, it is.
Q. Yeah.
And -- and, in particular, you've outlined in -- or maybe Kelly has, I'd have to go look, item 2, a game identifier relating to a particular game played by the user of the network.
Do you see that?
A. Yes.
Q. Of the network gaming system?
Is recording a game identifier relating to a particular game played by a user of the network gaming system recording a game play event?
A. You have to know what game they're playing and you have to have some sort of identifier to identify that game; so yes, it would be.
Q. And a person of skill in the art in 2002

would have recognized that, yes?
A. Yes.
Q. Let's take a look page 74 of Exhibit 1003, your declaration from the '712 IPR. Let me know when you're there.
A. Okay.
Q. So here we've got a heading 10 with 1.C. romanette ii, quote:
Modify one or most programmable variables parameters to provide a second set of programmable variable parameters providing a second game play experience, wherein the first game play experience differs from the second game play experience, comma, and, end quote.
And so your -- this section of your declaration, paragraphs 162 through 166, set out your opinions and the bases for those opinions regarding how you believe Kelly683 discloses this limitation of claim 1 of the '279 patent. Is that right?
A. Yes, it does, and the references thereof, yes.
Q. Okay.
And you write in paragraph 164:

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First, Kelly683 discloses adjusting the parameters, parentheses, programmable variable parameters, characterizing the game structure, and then to provide a more difficult game play.

Do you see that?

A. Yes.

Q. And so you're pointing to a disclosure in Kelly that you understand makes the game more difficult and, thereby provides a second game play experience. Is that right?

A. Yes, as disclosed, that I have here, that changing the parameters, because the second game play would be more difficult from the first game play experience and difficult to achieve a higher score than a particular value, frequencies of winning, combinations lower, difficulty is a different experience.

Q. And so what you're saying is that once Kelly discloses making the game more difficult, that provides a new or second game play experience, yes?

A. Yes. That can provide a newer game play experience.

Q. And that --

A. With the probabilities, yes.

Q. Yes.

And that new or second game play experience is different from the first or earlier game play experience because it is harder, is that your opinion?

A. That is correct.

Q. Okay. And so your opinion is that a change to the difficulty level of a game discloses modifying programmable parameters to have a different game experience, yes?

MS. NGUYEN: Objection, vague, incomplete hypothetical.

THE WITNESS: Again, when you modify the game play parameters and make it more or less difficult, you are changing the probability of the person getting a win or winning and successfully completing that game. That is a new game play experience.

And, in fact, if we look at -- like I said, changing the difficulty changes the probability of the game, which would be a new experience, and like I say, in 165, also changing the prizing structure, such as it describes here in Kelly, for example, every

8,000 games to be -- consoles are to be awarded. If it is randomly determined that a third video console is to be awarded within the three thousandth game, than a different prize can be awarded so the desired odds are better met.

So, again, we've been talking about playing the -- changing the parameters of the game and making it more difficult or easy difficult or changing the probabilities thereof, and that changes the experience for the player.

BY MR. NELSON:

Q. And a person of skill in the art in 2004 would have recognized that in Kelly683, correct?

A. Yes.

Q. And also in 2002?

A. Yes.

Q. Okay. Let's talk about that.

You moved to paragraph 165, correct?

A. Yes.

Q. To give me an example?

Okay. And -- and if we look at

paragraph 165, there is a discussion beginning at the bottom of page 74 that -- that you referred to. I'm just going to read it to you, okay?

A. Okay.

Q. Quote, For example, every 8,000 games, comma, two video consoles are to be awarded. If it is randomly determined that a third video console is to be awarded within, e.g., the three thousandth game, then a different prize can be awarded so that the desired odds are better met.

And that's a quote from Kelly683; is that right?

A. Right.

Q. Okay. So I want to make sure we're on the same page here.

In this example provided by Walker of every 8,000 games, two video consoles are to be awarded.

The video consoles are prizes; is that right? In your understanding?

A. The video consoles are your game, where you're playing the game on. So two different players would be awarded a prize.

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Q. Some prize?
A. Yeah.
Q. Very good.
A. Yeah.
Q. Right.
Okay. And is the description that for every 8,000 games, two players are -- are to win or to receive an award, is that a description of a mandated parameter in your view?
A. I would list that as a -- again, part of the prizing structure, you're going to award certain prizes at certain frequencies so you're going to give a particular at every 8,000 plays, you're going to give a different award at every 15,000 plays. This is part of your prize table, your frequency.
So changing that, again, the players are expecting this and suddenly they find out they've got something else coming at them, it gives them a different game play experience.
Q. I understand all of that. I mean, you agree with me that what this is describing, don't you, is that this system is trying to ensure

that no more than two video consoles get an award, get a win every 8,000 games, correct?
MS. NGUYEN: Objection, vague.
THE WITNESS: It is not trying to assure that. This is giving you an example of changing the prize structure to change the game experience for a player.
If a player is expecting, based on the standard prize structure, to get two people in out of the 8,000 plays are going to get an award and suddenly you find out that someone at 3,000 plays gets an award, again, it is a different experience. They are now playing a different prize structure. So the game experience has changed.
BY MR. NELSON:
Q. Is altering the prizing to be awarded in a game, disclosing modifying variable parameters to provide a different game play experience?
MS. NGUYEN: Objection, vague.
THE WITNESS: It is modifying the prizing structure to provide a different game playing experience. And, yes, it is, because it's modifying the data there or the prize

structure so that the player has a different experience and, in turn, it's being modified to meet the global mandated parameters, whether it's up or down.
BY MR. NELSON:
Q. How about the scenario where every 8,000 games, two video consoles are to be awarded but upon the eight thousandth game, there's only been one award provided, would a system that then forces or alters the prizing to award a video console on that eight thousandth game, is that providing a different game play experience by modifying a programmable variable parameter?
A. Would you repeat that question? It seems --
Q. Sure. If you don't understand --
A. Yeah.
Q. -- I'll repeat it.
The starting point for this example is Kelly683's discussion that, for example, every 8,000 games, two video consoles are to be awarded, right?
A. Yes.
Q. And so what's desired is that across 8,000 games, there will have been two different

awards handed out, wins, essentially, yeah, a prize of some kind, follow me?
A. Right.
Q. Okay. And if, upon the eight thousandth game, chance and randomness have resulted in only one video console getting an award, would a system that then forced an outcome to provide a second video console with an award to meet that 8,000 game metric, would that be providing a game play, a different game play experience, by modifying a programmable random -- or programmable variable parameter?
A. Again, modifying the pay table in any way would qualify as a modifying a variable parameter to give a different experience. And it doesn't really matter whether it's 8,000 games in, 3,000 games in, or 50,000 games in.
If the system determines that it needs to modify it, it has the ability to modify it.
Q. And a person skilled in the art in 2004 would recognize that that type of thing would meet this limitation, yes?
A. That's the type of discussion we're having,

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is that the person skilled in the art would know how to change the pay table to meet these requirements, yes.
Q. If you could turn to page 77 of Exhibit of the IPR. You'll see a heading 12. Let me know when you're there.
A. Yes.
Q. All right. That heading has a 1.D and then recites, quote:
A decision engine coupled to the memory and operating with a Processor 2.
And you agree with me, don't you, that paragraphs 173 through 178 is your opinion and the bases for your opinion concerning how you understand or believe Kelly683 discloses this particular limitation of the '279 patent. Is that correct?
A. Yes.
Q. Okay. Now, Kelly683, I'm looking at paragraph 173, Kelly683 doesn't use the term "decision engine," does it?
A. No, the term "decision engine" is not used in Kelly, no.
Q. Okay. But if I understand your opinion, you've identified disclosures in Kelly that

you believe a person of skill in the art would recognize as a decision engine as claimed in the '279 patent; is that right?
A. As I state right here, in the '279 patent explains:
The decision engine uses data, including uses specific play such as number of times a game is played during a one contact session, contact or session, where the player continuously plays that game without interruptions or diverting to other forms of entertainment or information, and the frequency between player visits, such as to a sponsored website, etc., not to minimize prizing structure for desired goal, end goal, and maximizing game play.
That decision engine functionality there is a software program somewhere in the system.
Q. And so any time -- or rather, let me back up. And your opinion is that while Kelly does not use the term "decision engine," it discloses the functional aspects of a decision engine as claimed in the '279 patent. Is that right?

A. That is correct.
Q. Okay. And so, for instance, you, at paragraph 174 of your declaration, refer, again, to, I think, some language we've already looked at, which is providing statistical information, and that's at column 32 of -- of the Kelly reference. Is that right?
A. That's in column 32, yes.
Q. Yeah. Okay.
And then you say in paragraph 175 on paragraph 78, that:
The gaming system of Kelly683 uses the statistical information to optimize the prizing structure for a desired goal. Is that right?
A. That's the beginning of paragraph 175, yes.
Q. Okay. And I take it that it's your -- it's the descriptions in Kelly683 that occur in paragraph 174 about what Kelly683 does that disclose to a person skilled in the art of the claim decision engine. Is that right?
A. I have a number of citations to Kelly. All together, you look at them, it shows what is being analyzed and to analyze and change hit

ratios and frequency of games, some games may have a different hit ratio than other games depending on the nature of the game, randomness or the like, and difficulty of the specific prize or goal, normalization factor can be used to indicate how much of an individual ratio should be adjusted based on the particular game play.
That's example 105.
Q. Mm-hmm.
A. That's at -- of that column. So if you continue to read this entire paragraph and the reference is yes, these references and the descriptions thereof indicate that Kelly is doing the analysis and modifications that are purported to be for the decision engine.
Q. Is a gaming system that uses statistical information about game play events to optimize a prizing structure for desired goal, a gaming system that utilizes a decision engine?
A. Again, a decision engine is a software module to do something, is what someone skilled in the art would look at Kelly -- or look at the '279 and understand. And in Kelly, we're

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1 disclosing where you're using statistical
2 information, game play information to analyze
3 and adjust the game play structure or game
4 play itself.
5 And, yes, that would be equivalent
6 software application of the software
7 application of a decision engine that's in
8 '279.
9 Q. Okay. Let's go on to --
10 MR. NELSON: You know, this has
11 been, like, an hour and 15. I think I have
12 another hour of time. Do you want to take a
13 short break and then reconvene?
14 MS. NGUYEN: Yeah.
15 THE WITNESS: Want to do that?
16 Okay.
17 MR. NELSON: Yeah. Thanks.
18 10 minutes. Thanks, guys.
19 THE VIDEOGRAPHER: We are off the
20 record at 2:01.
21 (Whereupon, a break was taken.)
22 THE VIDEOGRAPHER: We are on the
23 record 2:13.
24 BY MR. NELSON:
25 Q. Okay. Mr. Crevelt, could you turn to page 84

1 of Exhibit 1003 from the '712 IPR, the one in
2 front of you right now.
3 A. Okay.
4 Q. You'll see a heading 14, with 1.D. romanette
5 ii, that reads, quote:
6 Determine the selection of the
7 first or second programmable variable
8 parameter sets, utilizing the recorded game
9 play information, with predefined criteria,
10 including at least one of, colon, a game
11 structure and a prizing structure.
12 Do you see that?
13 A. Yes.
14 Q. What is your understanding of this limitation
15 in the '279 patent?
16 A. Again, Kelly discloses this, as we've
17 discussed before, with all of the variable
18 parameters, first and second parameters, that
19 can either be a -- either a game structure
20 verbal parameter as modified and/or a prizing
21 structure is modified.
22 And as we've seen in the last
23 paragraph 1, Kelly does both prize structure
24 and game structure variable parameters.
25 Q. Mr. Crevelt, I already knew that you thought

1 Kelly discloses it.
2 My question was slightly different,
3 which is what you want -- what you or a
4 person of skill in the art would understand
5 this limitation to be describing. What's
6 occurring in the limitation and what
7 understanding did you apply in reading Kelly?
8 A. Again, as a person of skill in the art,
9 you're going to determine the selection of a
10 first or second programmable variable
11 parameter sets, utilizing the game play that
12 has been recorded, and with information for
13 the predefined criteria and it has to include
14 at least one -- it includes one of a game
15 structure or -- and/or, it says, "a prizing
16 structure," it has to include one of those in
17 those analysis, while Kelly includes both of
18 those in the analysis.
19 Q. You've read me the limitation but I want to
20 make sure we're in agreement on what it
21 means.
22 What did you mean predetermined
23 criteria means in the context of this
24 limitation?
25 A. Again, as I've -- as my opinion lists here,

1 it goes back to each of the sections we've
2 discussed previously about predefined
3 criteria, about game play structure, about
4 prizing structure. Each of those sections
5 that we have described are listed here.
6 If you want, we can go back to each
7 one of those individually, if you'd like, to
8 go through those. But this criteria is
9 saying that it needs to include one of those,
10 and in this case, we've discussed and I've
11 listed these here as XC9, XC14, etc., we can
12 go back and look at these individually if you
13 want, but again, they've all -- showing that
14 we have not only just one of those, Kelly
15 discloses both of those, which meets this
16 claim criteria.
17 Q. Let me just ask you again. If you need to go
18 to another section, you can. But what did
19 you understand predefined criteria to mean in
20 this limitation when you were analyzing
21 Kelly? What is it?
22 A. It's the same as the predefined criteria we
23 discussed earlier in the previous claims.
24 Q. I would be interested to know that because
25 this is the first time predefined criteria

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appears in claim 1 of the '279 patent. If you want to go look in those other sections, you may. But I'm, like, just trying to understand what is the definition of predefined criteria as was recited here, utilizing prerecorded game play information with predefined criteria. What do you think it means?

A. Your predefined criteria is the mandated parameters and variable parameters that you're using and the ranges criteria you set for those -- for that analysis.

Q. So your view in performing this analysis was that the predefined criteria of this limitation was a mandated parameter or included mandated parameters?

A. It can include mandated parameters and it can include the thresholds used for the analysis.

Q. And that's your opinion in paragraph 185, right, which is that, Kelly further discloses determining the selection of the game or prizing structures parameter sets by utilizing the difficulty or past wins based on a threshold related to the global payout or win ratios.

Is that right?

A. Yeah, because it's the -- we've discussed the analysis of these criteria of the mandated parameters, the variable parameters, to make changes to the game. That is the criteria you're using to make changes to the game.

And this is saying that one of those criteria must at least include a game structure or one must include a prize structure. So the predefined criteria is the data that we have analyzed, either mandated parameters and how the variable parameters fit into those categories and the game play has met the requirements for the mandated parameters.

Q. And it's your opinion that if -- if Kelly discloses that the game play has met the predefined criteria, the threshold for mandated parameters, then no alteration to variable parameters would be required. Is that right?

A. Would you repeat that question, please?

Q. Sure.

It's your opinion that Kelly discloses that if game play has met whatever

predetermined criteria have been established, whatever threshold for mandated parameters is present, then no alteration or variable parameters would be required. It's meeting the mandated parameters, so no variation is required, correct?

A. Kelly discloses the ability to change the mandated parameters, if necessary. You're providing a hypothetical of, well, if it's not necessary, he doesn't have to change anything.

Well, it still provides that disclosure and teaching that it can be changed, that win, when it's change, will depend on the game play information and what has occurred. And it may occur frequently. It may occur infrequently. That's not at issue here.

Q. Well, this limitation does describe determining a selection of a first or a second programmable variable parameter set, yes?

A. Yes.

Q. And you know already, because we've discussed it, that the second programmable variable set

provides a second game play experience that is different than the first, yes?

A. The second game play experience is designed to provide a different game play experience, yes.

Q. Yes. And so this limitation is describing picking one set of variable parameters or another set of variable parameters based on a comparison of game play information with some predefined criteria, yes?

A. I'm sorry, that -- I didn't get that question. Would you repeat that, please?

Q. This limitation we're discussing right here is describing picking one set of variable parameters, a first set, or another set of variable parameters, a second set, based on comparing recorded game play information with some predefined criteria, yes?

A. As I've listed here, the -- Kelly does disclose having both first and second programmable parameter sets, including one of which is a game structure, one is a prize structure.

This claim says, Determining the selection of either the first or the second,

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1 utilizing recorded game play information,
2 with predefined criteria, and for example, as
3 discussed, Kelly discloses past wins and
4 difficulty and recorded game play information
5 as is listed in Ground 1 limitation there and
6 in -- and it further discloses determining
7 the selection of the game prizing structure,
8 for example, utilizing the difficulty of past
9 wins based on thresholds related to the
10 global payout, win ratio, with predefined
11 criteria.
12 Or it says, with respect to game
13 structure, it discloses that the game is too
14 easy or too difficult, the game can be
15 adjusted during the course of play, as in
16 Ground 1 up there, and discussing ways to
17 adjust difficulty in action games, card
18 games, quiz games, etc.
19 With respect to the prizing
20 structure, again, the global payout system
21 win ratio is too high based on past wins, the
22 prizing structure can be adjusted to that
23 limitation.
24 And it goes to this. This is
25 saying it is using the game play information

1 and predetermined -- predefined criteria to
2 choose either a game or a prizing structure
3 change. And that's what Kelly does.
4 Q. I'm going to ask you again, to see if you can
5 answer it, this limitation, yes or no,
6 describes picking one set of variable
7 parameters or a different set of variable
8 parameters based on a comparison of recorded
9 game play information with some predefined
10 criteria, yes or no?
11 MS. NGUYEN: Objection, asked and
12 answered.
13 THE WITNESS: Yeah, I believe
14 that's just what I said.
15 BY MR. NELSON:
16 Q. So that's what this limitation is describing,
17 yes?
18 A. It's using the game play information and with
19 predefined criteria to choose a variable -- a
20 set of variable parameters, whether that
21 be --
22 Q. Okay.
23 A. -- structure or game -- game structure or
24 prize structure, yes.
25 Q. Okay. Good.

1 And as an example you give, I
2 think, in paragraph 185, Kelly further
3 discloses determining the selection of the
4 game or prizing structure parameter sets by
5 utilizing the difficulty or past wins based
6 on a threshold related to global pay out or
7 win ratio.
8 And then you say, with respect to
9 game structure as discussed in 1.D.i, if the
10 game is too easy or difficult, the difficulty
11 can be adjusted during the course of play.
12 Do you see that?
13 A. Yes.
14 Q. So you're pointing to a disclosure in Kelly
15 that says, if the analysis of recorded game
16 play shows that the game, for instance, is
17 too easy, we can adjust the difficulty to
18 make it more difficult, right? That's what
19 Kelly is disclosing?
20 A. That is one example of what Kelly is
21 disclosing.
22 Q. That's fine.
23 And that is one example of Kelly
24 disclosing this limitation, in your view,
25 yes?

1 A. Yes, it is.
2 Q. Okay. And if I understand your opinion here,
3 it's that the easy play that the user
4 experienced is under a particular set of
5 variable parameters, correct? Whatever they
6 are, whatever was put in place, the game has
7 proven too easy under that set of parameters,
8 yes?
9 MS. NGUYEN: Objection, vague.
10 THE WITNESS: Yeah. The set of
11 parameters that Kelly discloses can include
12 game play structure, and the structure of the
13 game. It can also include the prize
14 structure. And Kelly discloses how you can
15 use either of those, or both of them, to
16 modify the game play. And this claim is
17 saying, you must use at least one of those.
18 And Kelly discloses both of them.
19 BY MR. NELSON:
20 Q. Yeah. No, I understand that. But listen to
21 my question. I'm asking you about game
22 difficulty as a variable parameter, okay?
23 Can you -- you following me so far?
24 This is your example that you've got in
25 paragraph 185.

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If the game is too easy or difficult, the difficulty can be adjusted during the course of play.

Do you see that?

Top of page 85.

A. Yeah.

Q. Okay. And you agree with me that that example is an example of Kelly683 disclosing this limitation of determining a selection of a first or second programmable variable set, yes?

A. Yes.

Q. Okay. And when Kelly683 discloses that the difficulty can be adjusted during the course of play, that's selecting a second set of variable parameters for game play, isn't it, in accordance with this limitation?

A. This limitation only requires one set of variable parameters be selected, not two.

Q. Yeah, that's right. This limitation describes choosing between the first or second variable parameter sets, doesn't it?

A. It's choosing between two variable parameter sets. It's choosing -- it's choosing a variable parameter set, and in the case of

the game structure, the ease or difficulty of the game would be based on the play, and that is one of those structure -- that's one of those variable sets.

Q. Well, let's -- let's go back. In this example you've given, when the Kelly683 adjusts the difficulty during the course of play, how does that meet determining the selection of a first or second program programmable variable parameter set?

A. It is one of the programmable variable sets, so it would meet that limitation, as either being the first or the second.

Q. Is a system that analyzes recorded game play information and determines that the game does not need to be made more easy or difficult meet this limitation?

A. Again, Kelly is disclosing that it has the ability to do that. In operation, when and where that modification occurs is indeterminate.

Q. Is a system that has implemented a first set of variable parameters providing a first game play experience and then decides no modification is necessary because the game is

neither too easy, nor too difficult, and maintains the existing set of variable parameters, meeting this limitation or not?

A. System described as this will make those modifications when necessary. If they're not necessary, they obviously don't have to make them but they will make them when they are necessary.

And at the very, very beginning, if they're in -- within range, you're not going to make a modification, so the time frame in which it's indeterminant -- is -- when that modification is going to happen is indeterminate.

Q. Is this -- I'll ask my question again. Is a system that implements a first set of variable parameters that provide a first game play experience, that's what this claim recites, is a system that does that and then analyzes recorded game play information against some threshold value and determines that that first set of programmable variable parameters is appropriate because it is neither too easy, nor too difficult, for the player meeting this limitation or not?

A. It would be a system that following this limitation, it would, at that point in time, not make an adjustment. So yes, it would fit the overall concept but it's not required to make an adjustment at any given moment.

Again, your time frame is, when do I have to make that adjustment?

Q. So a system -- why don't you look at. I think this will be helpful if you look at Exhibit 1001, the '279 patent, claim 1, which is at column 45. Let me know when you're there.

A. I'm there.

Q. If you look at claim 1 at the bottom of column 45. Are you there?

A. Yes.

Q. One of the things that claim 1 recites is a play engine couple to the memory and operating of the Processor 2.

Do you see that?

A. Yes.

Q. The first limitation under that play engine is to implement a first set of programmable variable parameters to provide a first game play experience, right?

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A. Yes.
Q. So that's the -- you understand, don't you, that this claim is describing what that first set of programmable variable parameters, a first game play experience as a baseline, initial gaming experience, right?
A. Yes. The initial gaming experience would be the first set.
Q. That's right. And then the claim describes that you can modify one or more programmable variable parameters to provide a second set of programmable variable parameters, providing a second game play experience, wherein the first game play experience differs from the second game play experience.
Do you see that?
A. That is correct, yes.
Q. And so what's claimed here is a system that can move off of the baseline or the initial game play parameters to a different set, correct?
A. Correct.
Q. And that, for instance, could be the difficulty of the game, right, changes made to adjust the difficulty of the game,

correct?
A. Correct.
Q. Okay. And a little further down is the limitation we're talking about which is a decision coupled with the memory and operating with the Processor 2.
Do you see that?
A. Yes.
Q. And it says, 2, Determine the selection of the first or second programmable variable parameter sets.
Now, you understand, don't you, that that's a reference with respect to the first set to the initial or baseline game play experience, right?
A. Yes.
Q. And the second, reference to the second programmable variable parameter sets is the altered game play experience, something changed, perhaps difficulty, as an example. Yes?
A. That would be the -- that would be one example, yes.
Q. Okay. Just looking for an example. Not trying to lock you down to -- right.

And so what this limitation is saying, is you're going to select either the first, which is the baseline or initial programmable variable parameter set, or you're going to pick the second set, which is the changed experience, based on or utilizing recorded game play information, right? That's what it's saying?
A. It's going to -- it's going to utilize the game play information, yes.
Q. To decides A, can I stay with the baseline game experience, yes, the first set of programmable variable parameters, right?
A. Yes.
Q. You with me?
A. Yes.
Q. Or -- or do I need to change, right?
A. Yes.
Q. So let me ask my question again. Is a system that implements an initial or baseline set of difficulty for the game, and then determines that no change to the difficulty of the game is needed because the mandated parameters are being met, is it meeting this limitation of determining selection of the first or second

parameters?
MS. NGUYEN: Objection, incomplete hypothetical.
THE WITNESS: Again, it would meet the recommendations provided it has the ability to change, if it had not met those characteristics and not met those requirements.
BY MR. NELSON:
Q. And so I take it your answer is then, if -- if the system did determine on the basis of recorded game play information, as compared with some predefined criteria or threshold, that this game is too easy or too difficult for this user, it can -- it then changes the difficulty of the game, it is meeting this limitation, yes?
A. It would have to have the ability to change -- change it, yes.
Q. So a system, a game system, that has two play states, a base or initial game play state, and then a higher difficulty if the game is proving to be too easy, is that meeting this limitation?
A. It would, again, depend on, you're saying two

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different levels of play is what you've just -- of difficulty. Again, it would depend on whether or not it has the ability to switch between those or the criteria required to switch between those to meet this claim.

Q. But it could?

A. If -- if it -- if it has all those requirements to switch, yeah, it doesn't mean, you know, the -- a system that has this capability to change doesn't necessarily have to change on every given play, it will change when necessary, but it must have the ability to change. If it doesn't have the ability to change, it does not meet this -- this criteria.

Q. All right. Let's talk about prizing structure with respect to the same limitation. You discussed that in paragraph 185, and this is running on to page 85. Will you go to page 85 for me?

A. Page 58, yes.

Q. Yeah. You write, as another example from Kelly683:

With respect to prizing structure

as discussed in 1.D. romanette i, if the global payout or win ratio was too high, the prizing -- or based on past wins, sorry, the prizing structure can be adjusted to achieve the global payout or win ratio.

Do you see that?

A. Yes.

Q. And so that's describing a system which, in this example, is adjusting the prizing structure downward in some respect in -- in a new phase of game play because the global payout or win ratio was too high. Is that right?

A. That would be reasonable, yes.

Q. Yep. So it is either in -- I mean, this is your description, so I just want to make sure. You're saying that -- that the Kelly683 system is describing here either reducing the value of prize awards or the frequency of prize awards, right?

A. That's two examples of what it could adjust. It's not --

Q. Right.

A. -- a whole limit of what could adjust.

Q. But those are two examples of -- of

practicing this limitation, yes?

A. Yes.

Q. Okay. And so does a system that has an initial or base prizing table but is able to alter the frequency or value of awarded prizes based on a comparison of recorded game play with some threshold, is that practicing this limitation?

MS. NGUYEN: Objection, incomplete hypothetical.

THE WITNESS: Yeah, a system that is going to meet this -- this criteria has the ability to adjust up or down and down in the case of what you just stated.

BY MR. NELSON:

Q. Would meet this limitation, yes?

A. It would have to have the capability to go up or down, yes.

Q. Okay. And in the example we're discussing here with respect to the claim language of their being a first variable or second programmable variable parameter set, in the example we're discussing, the first variable parameter set would be the baseline prize table, just standard play, and the second

variable parameter set would be the altered prize table, yes?

A. In that case, yes, that's what -- that would be the way it would probably work.

Q. And then at the bottom of -- of paragraph 495, you have this example from Kelly again of the every 8,000 games, two video consoles are to be awarded, and then if it is randomly determined that a third video console is to be awarded within e.g., the three thousandth game, then a different prize can be awarded so that the desired odds are better met.

Do you see that?

A. Yes.

Q. Is that an example, in your mind, of -- of performing this limitation of determining the selection of a first or a second programmable variable parameter set?

A. That is one way in which it could be done, yes.

Q. What is the first programmable variable parameter set in this example?

A. Whatever the original pay table was.

Q. The initial or baseline?

A. Initial or baseline pay table, yes.

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Q. Okay. And what's the second set of variable parameters?
A. Again, where they changed or added that to, like, add a -- an additional award at 3,000 games.
Q. And what's the recorded game play information and what's the predefined criteria?
A. Well, again, the recorded game play information is all the plays that are happening and obviously, the -- in this one, it would be the number of games played and number of games won had anyone won those -- those bonuses.
Q. And what's the predefined criteria?
A. Again, it's trying to meet the overall payout structure based on those number of games and determine if it's paid out enough. If not, it needs to pay out more.
Q. Okay.
And a system that does that, that tries to meet the overall payout criteria based on the number of games and determine if it's paid out enough, and if not, it needs to pay out more, it's practicing this limitation?

A. The system would have to do that to -- to practice this limitation among everything else, yes.
Q. Okay. Let's go to page 98 of Exhibit 1003 from the '712 IPR. You'll see a claim 28, which is a dependent claim, at the top of the page there. Let me know when you're there.
A. Okay. I'm on page 98.
Q. Yeah. Thank you.
And claim 28 recites the system for electronic game play of claim 1, wherein the predefined criteria is the amount of time played.
Do you see that?
A. Yes.
Q. Okay. And -- and you understand this claim 28, when it refers to "the predefined criteria," is referring to the limitation we just looked at, which is 1D2, describing, determine the selection of the first or second programmable variable parameter sets utilizing the recorded game play information with predefined criteria, right?
A. It is a dependent claim from claim 1, yes.
Q. Right. And so what claim 28 is saying that

the pre -- is that the predefined criteria that will be used with recorded game play information is the amount of time played, right? That's going to be the predefined criteria, the threshold, right?
A. That is the predefined criteria, yes.
Q. Okay. The amount of time played, yes?
A. Yes. The amount of time played.
Q. Okay. So here, you've said that -- sorry, here we go.
Paragraph 226, as discussed in 1D2, that's the section we just spent a fair amount of time on, right?
Kelly683 discloses that the predefined criteria can be difficulty, which can be adjusted based on the duration of the game.
Do you see that?
A. Yes.
Q. So here, what you've said is that the predefined criteria discloses -- Kelly discloses that the predefined criteria can be the difficulty of the game, yeah?
A. It can be the difficulty of the game, yeah, based upon the duration of the game.

Q. Well --
A. And the duration is the amount of time played.
Q. But you're -- but here, all you've said is that the predefined criteria can be difficulty, which can't -- and the difficulty can be adjusted based on the duration of the game. Right?
A. No, this is saying that the duration of the game or the amount of time played is the predefined criteria and it's adjusting difficulty.
Predefined criteria can be the duration of the game and difficulty, which can be adjusted based on the duration of the game.
So it's adjusting the difficulty based on the duration of the game. So it's using the your overall time that's been recorded to decide that, eh, this guy has been playing too long and hasn't won anything, let's make it a little easier for him or let's make it a little harder for him.
The difficulty is the item being changed, the criteria it is using is actually

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1 the duration of the game.
2 MR. NELSON: Move to strike
3 everything after the "no."
4 BY MR. NELSON:
5 Q. Sir, you said in paragraph 226:
6 Kelly discloses that the predefined
7 criteria can be difficulty. And that
8 difficulty can be adjusted based on the
9 duration of the game.
10 That is literally what you said,
11 correct?
12 I'm not asking for your new
13 opinion. I'm asking what you wrote.
14 You wrote that Kelly --
15 A. That is what I said, yes.
16 Q. Okay. And you understand, don't you, yes or
17 no, that this dependent claim requires that
18 the predefined criteria be the amount of time
19 played, yes?
20 A. Yes.
21 Q. Okay. All right. Let's turn, if we could,
22 to something completely different. I would
23 like you to obtain from your counsel your
24 declaration from IPR2025710 with respect to
25 the '294 patent, will be Exhibit 1003 from

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1 the '294 patent, the 7/10 IPR.
2 Let me know when you have that.
3 A. Okay. I have that.
4 Q. And let's pull out, as well, Exhibit 1001,
5 the '294 patent itself, from IPR2025710. It
6 will be Exhibit 1001, just so you have it.
7 Do you have that in front of you?
8 A. Not yet.
9 Q. Okay.
10 A. Okay.
11 Q. Just one sec.
12 Okay. So I only put the
13 Exhibit 1001, the '294 patent in front of you
14 to make this less of a memory test.
15 Do you want to look at claim 1,
16 beginning on column 46 of Exhibit 1001?
17 Let me know when you're there.
18 A. Okay. I'm there.
19 Q. Great.
20 So do you see the start of the
21 claim 1 of the '249 patent at the top where
22 it says -- or it is at the bottom of -- of
23 column 46, where it says, One, a system for
24 affecting user experience on a user
25 communication device in a multilevel

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1 electronic game environment comprising.
2 Do you see that?
3 A. Yes.
4 Q. Okay. So let's go on to column 47. I just
5 want to remind you, I'll let you take a look
6 at the claim to remind you that this patent,
7 the '294 patent is really directed to
8 something a little bit different than the
9 claims we've been talking about, which, is
10 here, the use of -- of virtual money.
11 Does that refresh your recollection
12 as to what this patent is about?
13 A. I see that, yes.
14 Q. Okay. And, in particular, the claim recites,
15 a processor, coupled to the memory,
16 generating game play information.
17 Do you see that?
18 A. Yes.
19 Q. And it states that, A, the game play
20 information includes game play with virtual
21 money?
22 A. Yes.
23 Q. And it says that, B, the virtual money is
24 being acquired through game play and
25 purchase.

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1 Do you see that?
2 A. Yes.
3 Q. And then it says, See the virtual money
4 acquired by cash purchase being subject to a
5 multiplier.
6 Do you see that?
7 A. Yes.
8 Q. What did you understand when you were doing
9 your analysis of the prior art references,
10 the -- the phrase "virtual money acquired by
11 cash purchase being subject to a multiplier"
12 to mean?
13 A. If you'd like to go to that appropriate
14 section.
15 Q. Sure. I can help you get there if you'd
16 like. Do you want to go to page 44?
17 A. Page 44, yes.
18 Q. Yes, this is a discussion of Schneier 143,
19 one of the prior art references?
20 A. Right.
21 Q. Okay. So go ahead and look at what you need
22 to look at and tell me what you understood
23 the "virtual money acquired by cash
24 purchasing subject to a multiplier" meant.
25 A. Okay. The virtual money acquired by a cash

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1 purchase would be subject to a multiplier.
2 Q. Yes?
3 A. That would -- yes.
4 As it states here, like in Schneier
5 for -- well, first of all, it states -- '294
6 states that, A monitoring amount may be
7 subject to a multiplier on numerical value,
8 such as, $1 could equal 500 V-coins, the
9 multiplier would be 500, obviously, there.
10 Or it could be any -- any other usual amount
11 of 150, 1,000, or any other amount may be
12 used.
13 But if you look at Schneier
14 "virtual money acquired by cash purchase
15 subject to multiplier," again, the number of
16 credits the player receives per dollar may be
17 a variable. A purchase of ten credits may be
18 $0.50 each, while a purchase of 20 credits
19 may be $0.30 each, so that is a multiplier.
20 Q. And -- and that's the understanding of a
21 multiplier that you apply here in doing your
22 analysis, yes?
23 A. A multiplier is a number in which you're
24 converting the values from one value to
25 another. It can be large to small or

1 anything -- anything you want.
2 Q. Okay. Let's take a look, then, with that in
3 mind, at your declaration, at -- one second
4 here, page 65 of your declaration in this
5 '710 IPR, with respect to the '294 patent.
6 Let me know when you're there.
7 A. Okay.
8 Q. Are you there?
9 A. Yes.
10 Q. Okay. So claim 8 recites the -- the system
11 of claim 1, wherein the multiplier is
12 variable over time. Is that right? Can you
13 agree with me on that?
14 A. Yes, I see that.
15 Q. Okay. And what you've pointed to in
16 paragraph 154, you say, Schneier 143
17 discloses that the multiplier is variable
18 over time.
19 Specifically, Schneier discloses
20 that the, quote, the number of credits that a
21 player receives per dollar may also be
22 variable. A purchase of ten credits may cost
23 $0.50 each, while a purchase of 20 credits
24 may cost $0.30 each.
25 And you cite to -- to Schneier 143

1 at column 63, lines 31 to 34.
2 Do you see that?
3 A. Yes.
4 Q. So that -- that passage discloses that the
5 credits that a player receives per dollar may
6 be variable, for instance, if you -- you
7 could use $0.50 and get ten credits or,
8 rather, a purchase of ten credits would cost
9 $0.50 each but if you want to buy more, like,
10 the purchase of 20 credits, the individual
11 cost drops down to $0.30 each, right?
12 A. Yes. That's the example I stated there.
13 Q. Yeah. That's showing that the multiplier is
14 variable over currency amounts or credit
15 purchases.
16 It isn't disclosing that the
17 multiplier varies over time, does it?
18 A. That is one example of where the multiplier
19 is variable and it's variable based on the
20 time you buy and the amount you bought it in,
21 because not everybody buys in at the same
22 amount.
23 However, if we continue through the
24 rest of the paragraph, we talk about the fact
25 that a flowchart of updating cost information

1 for the meter -- let's see. A variable cost
2 option is being used in various activities to
3 transfer or convert that -- those funds.
4 In addition, in 156, Schneier
5 discloses in lieu of purchasing one game,
6 each credit may be entitled to play for a
7 certain period of time. The multiplier can
8 then change based on dollars spent. For
9 instance, one credit could buy five minutes
10 of play, while two credits may buy 12 minutes
11 of play, for example.
12 In addition, multiplier may change
13 based on time. For instance, the multiplier
14 may be reduced during a period of high
15 demand, while also decreasing during a period
16 of low demand.
17 Q. Are you done with your testimony?
18 A. Hmm?
19 Q. Are you done with your testimony? I don't
20 want to cut you off.
21 A. Yes.
22 Q. So let's start with that last sentence you
23 read to me, and I think you read it
24 accurately.
25 You don't cite anything for that

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1 principle that, for instance, the multiplier
2 may be reduced during a period of high demand
3 while also increased during a period of low
4 demand.
5 There's -- you have no citation to
6 Kelly for that, do you -- or, excuse me, to
7 Schneier for that --
8 A. Schneier.
9 Q. -- do you?
10 I'm only asking the question
11 looking at your declaration. You don't cite
12 anything, do you, there?
13 I'm not asking you to find it. I'm
14 asking if you cite it in your declaration.
15 A. I don't have a citation on that specific
16 line, but I don't know whether it may or may
17 not be included in these other citations, so
18 I'd have to look those up.
19 Q. Understood. Let's -- let's keep moving
20 backwards then, in paragraph 156.
21 You -- you -- you read me this
22 quote that Schneier 143 also discloses that
23 in lieu of purchasing one game, each credit
24 may entitle the player to play for a certain
25 period of time. The multiplier can change

1 based on dollars spent, for instance, one
2 credit may buy five minutes of play, while
3 two credits may buy 12 -- buy 12 minutes of
4 play, okay?
5 So this section of Schneier is
6 describing the amount of time that may be
7 purchased with credits, correct? The amount
8 of playtime that may be purchased with
9 credits, correct?
10 A. Wrong column here. No, that doesn't make
11 sense.
12 Q. Would it be useful to have Schneier in front
13 of you? I can get that in front of you, sir.
14 A. I have Schneier in front of me now.
15 Okay. Schneier does indicate, like
16 I said, the -- there is a -- that it is
17 variable over time, "time" being a relative
18 term, that you may be playing the game where
19 it's -- you're able to, at that time, buy
20 additional credits, and based on the amount
21 of your purchase.
22 Again, also in 156, it is talking
23 about, the multiplier can change based on how
24 much you spend. One credit can buy 5 minutes
25 of play, or two minutes for 12. And that can

1 change on base.
2 The other section here above that,
3 in the -- I think it refers to it as variable
4 cost mode, starting here at, for example,
5 Schneier explains that it -- describe the
6 meter, 502, can determine the price per game
7 credit from data instructions associated with
8 the central control block, which is the
9 central system, of the game program, the
10 price per game may store within the
11 value -- with the meter's nonvault memory and
12 can be manipulated with codes from the
13 central computer to alter or change the
14 pricing structure, for particular games via
15 updating cost information protocol as
16 described above, and going through the rest
17 of this, these other sections, the discovery
18 of the flowchart for updating the cost
19 information from the server where it is
20 changing the updated cost to make it variable
21 over a period of time and discloses that this
22 protocol is used to change the amount that
23 can be for a given period of time or given
24 amount of credits produced.
25 So it is a method, it is also

1 showing a method where that can change based
2 on instructions from the -- through the
3 central control system. So it is showing an
4 option where no matter what -- whatever time
5 frame it is happening, it may have a variable
6 multiplier.
7 Q. Well, that was a mouth full, Mr. Crevelt, and
8 I appreciate your efforts to salvage this
9 section.
10 Let's start with 156, okay?
11 First of all, looking at paragraph
12 156, that quoted language, that is not a
13 quote from Schneier 143, is it?
14 MS. NGUYEN: Objection, vague.
15 THE WITNESS: I believe that's in
16 there someplace.
17 BY MR. NELSON:
18 Q. Let's look at column 63, lines 43 to 45 of
19 Schneier.
20 A. Yeah.
21 Q. That's where you said -- you say it is,
22 right?
23 A. (No verbal response.)
24 Q. Are you there?
25 A. Yeah, I'm getting there -- to it.

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Q. That section does not say that the multiplier can change based on dollars spent, does it?
A. This says one credit may buy -- it says, in lieu of purchasing one game or the play of a game, which would be a normal credit, each credit may entitle the person to play for a certain period of time. The credit may buy five minutes while the play -- two credits may buy 12 minutes of play.
As described above, the meter 502 -- okay. That's the next -- that's the next section.
Q. Yep. And so let's look at your paragraph 156. Schneier 143 does not say a multiplier can change based on dollars spent.
You added that, right?
A. Here, the multiplier is being change based on the amount of time being purchased.
Q. Well, my question was different. I appreciate that answer, sir. But my question is: Schneier doesn't ever say in either column 63, lines 42 to 45 that quote, the multiplier can change based on dollars spent, end quote. That's not from Schneier, correct?

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A. Okay. That statement, multiplier can change based on dollars spent should be outside of the quotes. The quote should be on both ends of it.
Q. Okay. That's -- thank you.
So that was just a mistake, right?
A. Yeah, that should -- that statement is -- should not be within the quotes, you're right.
Q. Yeah. And -- and you agree that -- that Schneier 143 never uses the term "multiplier" in connection with purchases of virtual currency, correct?
A. (No verbal response.)
Q. Maybe a fairer question is: You're not aware of it? It saying that, correct?
A. I cannot say that at this point.
Q. Okay. And this discussion that you presented in which Schneier discusses that, you know, one credit might buy five minutes of play and two credits might buy 12 -- 12 minutes of play, that's a discussion of how much playtime can be purchased through a credit, correct?
Yes or no?

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A. That is about playtime that you can purchase, that's one of the examples, yes.
Q. Okay. But the claim limitation requires that the multiplier vary over time. Those two scenarios are happening right in one instant, right? You can either buy five minutes of play or you can buy 12 minutes of play, right?
A. Well, Schneier is showing multiple embodiments of this and in multiple -- and in the system, depending on your system, you may be able to, at one time, buy at a given price, fixed price. You may be able to buy by time. Or you may be able to use this variable transfer and credit variable costs.
Q. I'm just asking about --
A. So because of that --
Q. -- this example.
A. -- my -- my analysis is because Schneier does show different ways that you can make these credits at different times, at different times during playing, that it would qualify, it would meet this claim limitation.
Q. Well, you called this quote -- or misquote an embodiment, didn't you? It's an embodiment

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of the idea of a multiplier varying over time, so let's just talk about this purported embodiment.
One credit may buy five minutes of play while two credits may buy 12 minutes of play. That's, right now, in one instant, right, that you can -- you have a choice, you can either --
A. That's within a given time frame.
Q. -- send one credit -- yeah.
A. In another time frame it may be based on whatever credit, how much you buy, how many credits you get.
The multiplier embodiments in this is something that Schneier is showing, you have multiple ways you can do this and the person skilled in the art know they could implement any or all of these at any given time.
Q. Sir, you -- you are haven't pointed to anything in your declaration, saying that this example, given by Schneier, can be different at different times, have you?
A. I --
Q. You pointed to the original text, which you

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1 misquoted, and then you add this thing about,
2 "the multiplier can change based on time"
3 without any citation at all, correct?
4 A. All right, figure 19 in Schneier does talk
5 about updating cost information and variable
6 cost for metered type play.
7 This is where you have a metered
8 amount of time or credits transferred to you
9 to play from the central computer system, and
10 if -- the discussion of figure 19 is quite
11 extensive in here, and spends a lot of time
12 on communications protocol and security.
13 But, in essence, it is describing
14 where, in one option, the value of what you
15 buy into is either -- can be metered play or
16 metered time or metered games and that can
17 change over time based on this updated
18 information that the central system is
19 sending.
20 And so if you run out of time, you
21 then have to buy more. And such time -- or
22 run out of credits, you'd have to buy more.
23 And whatever latest price from that
24 updated cost information coming from the
25 central site is -- is variable, it's variable

1 as time proceed. It's a -- it's a, much of a
2 complicated section, and -- but the
3 information is in the Schneier patent and
4 shows that it could have -- it should change
5 over time.
6 Q. Are you done? Are you finished?
7 A. Yes.
8 Q. Okay. I applaud your effort on that one.
9 Let's look at what you actually said in your
10 declaration, though, because that's what
11 matters, right.
12 MR. NELSON: And move to strike
13 anything that is not recited in your
14 declaration.
15 BY MR. NELSON:
16 Q. Your declaration never --
17 MS. NGUYEN: And -- go ahead and
18 move to strike but please hold off on
19 commentary.
20 MR. NELSON: Decline to hold off.
21 BY MR. NELSON:
22 Q. But let's look at paragraph 156 or anything
23 in this section. You point to no disclosure
24 that the value of a multiplier for the cash
25 purchase of virtual currency is variable from

1 time to time, do you?
2 A. No, I disagree. Section 155 discusses a very
3 complicated method of metered play where that
4 cost varies over time based on the central
5 system's control.
6 So 155 is an entire page,
7 paragraph, describing that basic
8 functionality.
9 Q. And you'll show me in paragraph 155 where it
10 says that this varies over time, I assume?
11 A. If you look --
12 Q. Let's do --
13 A. -- figure 19, it talks about updating the
14 cost information from the central computer
15 for metered programs that the player is
16 using, and the entire section, we can go from
17 the description of figure 19, which starts at
18 basically the top of column 56 in the
19 Schneier patent, and goes to, it's figure 21,
20 so it must be -- to number 29 on column 56,
21 describes this process in detail of how the
22 information is transferred from one place to
23 the other and updated.
24 It's very highly technical in the
25 encryption and communications pieces, but is

1 showing that it is updating that cost value
2 that is being used to -- for a metered play
3 where you're buying so much time or so many
4 credits or so many games on a specific game
5 and when it runs out, then have you to buy
6 more, and that variable can change over time.
7 Q. You have not pointed me to a single word of
8 any of disclosure of Schneier that that
9 multiplier changes over time, have you?
10 A. I disagree with you.
11 Q. Did you use the word "time"? Did you point
12 me to any disclosure of the -- of the
13 multiplier changing over time?
14 A. The entire description of 19 talks about
15 changing that metered value and changing that
16 metered value from a central site, which
17 means it can change over time.
18 Q. Nowhere in any part of Schneier is the word
19 or the words that this credit cost changes or
20 can change over time? You haven't pointed me
21 to a single thing. Here's your last chance.
22 MS. NGUYEN: Objection, asked and
23 answered.
24 BY MS. NGUYEN:
25 Q. Last chance, sir --

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A. I believe --
Q. Show me where it says variable over time?
A. I believe I have answered that question.
Q. Do you also agree that you've not shown me the presence of the word "time" or even the concept of airing over time?
A. I believe I have answered question.
Q. Last chance, sir. The Board is going to see this. Where does it say that this process that you've described at length and told me it was too technical for me to understand describe varying the multiplier for cash purchase of virtual currency over time?
A. I believe I have answered that question.
MS. NGUYEN: Mischaracterizes the testimony.
Go ahead.
THE WITNESS: Again, I believe I have answered that question.
BY MR. NELSON:
Q. You see the word "time" in anything you've presented or read to me?
A. I believe I have answered the question.
Q. Sir, it's a different question. Where in the presentation you just gave me over several

minutes did the word "time" appear or even the concept of varying a multiplier over time?
A. Again, I have answered that question.
Q. Sir, last chance. Where in your description or Schneier is a disclosure that it varies over time using --
A. I've answered that question.
Q. -- that concept?
A. I've answered that question.
Q. Do me a favor and tell me again where it says "time." Just as a courtesy.
A. Is that the last, last, last, last, last chance? I'm sorry, I have answered that question.
Q. So as you sit here today, you cannot point to any disclosure of time as the thing that determines the variance in the multiplier, you haven't, have you?
A. I have answered that question.
Q. Time is not expressively mentioned in anything you've pointed to, is it?
A. Again, I have answered that question.
Q. That's not a question you've answered. Can you answer my question, sir?

A. I believe I have --
Q. Time is not expressly mentioned in anything you have pointed me to?
A. Again, I believe I have answered that question.
Q. If you did, what's the answer? Is it expressly mentioned in your declaration or not?
A. I have answered that question.
Q. Is it expressly mentioned in Schneier 143, the concept of varying over time?
A. I have answered that question.
Q. Well, we're going to have to reconvene this deposition and if your counsel can't remonstrate with you to answer my question. Is that what you want?
A. I have answered that question.
Q. So what's the answer? If it's that simple and have you it clearly in your head, what's the answer?
A. Again, I believe I have answered that question.
Q. Well, what's the answer? What is the answer? I have searched in vain for an answer to the question. I can look now over five minutes

of testimony, do you or can you point to any expressed disclosure of varying a multiplier over time?
A. Again, I believe --
Q. Yes or no?
A. -- I have answered that question.
Q. And so what is the answer? Yes or no? Is there a processing problem? Do you not understand the question?
A. Again, I have answered the question.
Q. And so what is your answer?
A. (No verbal response.)
Q. You agree with me, don't you, that there is no expressed disclosure in Schneier 143 of varying the multiplier associated with a cash purchase of virtual currency that varies over time. That word is never mentioned. You agree, don't you?
MS. NGUYEN: Objection, mischaracterizes the witness's testimony.
THE WITNESS: Again, I believe I have answered the question.
BY MR. NELSON:
Q. What's the answer?
MR. NELSON: We've been going for

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1 almost an hour and a half, so whenever you're
2 ready for a break.
3 MS. NGUYEN: No, we're going to
4 keep going until we get an answer.
5 BY MR. NELSON:
6 Q. Where is it if it is expressly, where is it
7 in Schneier 143 --
8 MS. NGUYEN: Counsel--
9 BY MR. NELSON:
10 Q. -- the concept, varying over time?
11 MS. NGUYEN: Counsel, I'm going to
12 object. Asked and answered. You can look
13 through the testimony, through the
14 transcript.
15 MR. NELSON: I have and there is
16 no --
17 MS. NGUYEN: But, you know, once we
18 get to an hour and a half, we're going to
19 take a break.
20 BY MR. NELSON:
21 Q. Sir, yes or no, is there an express
22 disclosure in Schneier 143 that the
23 multiplier for the purchase of virtual
24 currency varies from time to time?
25 A. I have answered that question. It may not be

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1 to your satisfaction, but I believe I have
2 answered that question.
3 Q. Please point me to where in Schneier 143 that
4 express disclosure is made.
5 A. Again, I have answered that question.
6 Q. That's a new question. Please point to me
7 where in Schneier 143 that disclosure is
8 made.
9 A. Again, I have answered that question.
10 Q. Sir, where in Schneier 143 is there an
11 express disclosure of the use or the variance
12 of a multiplier for the virtual purchase or
13 the cash purchase of virtual currency that
14 varies from time to time, where?
15 A. Again, I believe I've answered that question.
16 Q. Is there one?
17 MS. NGUYEN: Objection, vague.
18 BY MR. NELSON:
19 Q. Is there such an express disclosure? Yes or
20 no?
21 A. I have answered that question.
22 Q. Yes or no, sir. Is there such a disclosure
23 in Schneier 143?
24 A. I have answered that question, yes.
25 Q. And the answer is "yes," there is such a

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1 disclosure?
2 A. I have answered the question.
3 Q. And what -- where is it?
4 A. I have answered that.
5 Q. Where is it? We're going to seek sanctions
6 if you cannot answer this simple question
7 and --
8 MS. NGUYEN: Counsel.
9 BY MR. NELSON:
10 Q. -- and the sanction will be at least payment
11 of --
12 MR. NELSON: Excuse me. I'm not
13 finished. I'm not finished.
14 MS. NGUYEN: We're going to take a
15 break but you're asking the same question in
16 different ways, so --
17 MR. NELSON: And to which I have
18 never received an answer.
19 MS. NGUYEN: -- seven hours but --
20 MR. NELSON: We'll go seven
21 hours --
22 MS. NGUYEN: I'm going to --
23 MR. NELSON: We'll go seven hours
24 on this because we're either going to get an
25 answer to the question or we're not.

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1 MS. NGUYEN: He answered the
2 question.
3 MR. NELSON: And if we don't --
4 MS. NGUYEN: He answered the
5 question.
6 MR. NELSON: Can you point to me
7 where he answered the question?
8 MS. NGUYEN: So you may not like
9 his answer but asking it ten different ways
10 is not going to make him change it.
11 MR. NELSON: Can you show me where
12 he answered that question?
13 MS. NGUYEN: You can look back at
14 the transcript.
15 MR. NELSON: There is no such
16 answer.
17 MS. NGUYEN: And you can --
18 MR. NELSON: We'll stay on for
19 seven hours.
20 MS. NGUYEN: You can point that out
21 in your PRO and we will respond accordingly.
22 MR. NELSON: No. There is no
23 answer to my questions.
24 MS. NGUYEN: There was an answer to
25 your question.

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1 MR. NELSON: So we're either going
2 to get an answer or we're not.
3 MS. NGUYEN: There was an answer to
4 your question.
5 MR. NELSON: So where is the
6 answer?
7 MR. NGUYEN: So we have going for
8 an hour and a half. We're going to take a
9 break --
10 MR. NELSON: We're going to go for
11 seven hours --
12 MS. NGUYEN: -- because --
13 MR. NELSON: -- until we get an
14 answer to this question. And I --
15 MS. NGUYEN: We will move for fees
16 for you asking the same question that he
17 already answered.
18 MR. NELSON: I urge you to do your
19 best to avoid sanctions here. Remonstrate
20 with your client and get an answer to my
21 question, and when he comes back --
22 MS. NGUYEN: He has answered the
23 question.
24 MR. NELSON: -- he's going to give
25 me an answer.

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1 MS. NGUYEN: He has.
2 MR. NELSON: No, he's not. He's
3 just repeated the --
4 MS. NGUYEN: He has answered the
5 question.
6 MR. NELSON: If you leave the
7 deposition, I'm going to hold the deposition
8 open and note that --
9 MS. NGUYEN: That's fine.
10 MR. NELSON: -- you left.
11 MS. NGUYEN: That's fine.
12 MR. NELSON: Go ahead.
13 MS. NGUYEN: Because he answered --
14 MR. NELSON: Go ahead.
15 MS. NGUYEN: -- the question and
16 you're trying to get him to change his answer
17 and he won't change --
18 MR. NELSON: I have no answer to
19 the question of where there is an express
20 disclosure --
21 MS. NGUYEN: And he answered that.
22 MR. NELSON: -- of variables over
23 time?
24 No, there isn't -- there is no such
25 answer.

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1 MS. NGUYEN: He did.
2 MR. NELSON: I encourage you.
3 Let's take 15 minutes. You can go look and
4 you can tell me where you think that answer
5 is. It is not there.
6 MS. NGUYEN: You can point that out
7 in your motion. If you're going to move, go
8 ahead and move. We will respond accordingly.
9 MR. NELSON: Sure.
10 MS. NGUYEN: And I don't have a
11 real-time feed, so...
12 BY MR. NELSON:
13 Q. So, sir --
14 MS. NGUYEN: We're taking a break.
15 BY MR. NELSON:
16 Q. Where --
17 MS. NGUYEN: We're taking a break.
18 BY MR. NELSON:
19 Q. -- in --
20 MS. NGUYEN: It has been an hour
21 and a half.
22 BY MR. NELSON:
23 Q. Where in the disclosure of Schneier 143 is
24 there an express reference to varying this
25 purchase --

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1 MS. NGUYEN: We are taking -- going
2 to take a break.
3 BY MR. NELSON:
4 Q. -- from time to time.
5 MS. NGUYEN: We're going to take a
6 break. You've asked the same question for
7 the last 15 minutes. We are taking a
8 break --
9 BY MR. NELSON:
10 Q. Where is it, sir?
11 MS. NGUYEN: We've been going for
12 an hour and a half.
13 BY MR. NELSON:
14 Q. Where is it, sir?
15 A. I have answered that question.
16 Q. And just tell -- it's -- is there a
17 problem with answering --
18 MS. NGUYEN: I'm need to take a
19 break. I really need to go to the restroom.
20 I'm sorry. We need to take a break.
21 BY MR. NELSON:
22 Q. Is there a problem with answering the
23 question, sir?
24 MS. NGUYEN: He's already answered
25 the question. We need to take a break. We

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1 have been going for an hour and half and I --
2 I'm sorry, I really need to go to the
3 restroom.
4 MR. NELSON: Let's -- let's take a
5 10-minute break then.
6 MS. NGUYEN: Thank you.
7 THE VIDEOGRAPHER: We are off the
8 record at 3:44.
9 (Whereupon, a break was taken.)
10 THE VIDEOGRAPHER: We are on the
11 record at 3:53.
12 BY MR. NELSON:
13 Q. Okay. Mr. Crevelt, have you had a change of
14 heart? Are you willing to tell me where in
15 Schneier 143 you see an express disclosure
16 that the multiplier for cash purchases of
17 virtual currency is variable over time?
18 MS. NGUYEN: Objection,
19 argumentive, asked and answered.
20 THE WITNESS: I have already
21 answered that question.
22 BY MR. NELSON:
23 Q. And I looked back over the testimony and I
24 asked you about ten different times to tell
25 me, just point to me, where such a disclosure

1 is in Schneier 143 of an express statement
2 that the multiplier for cash purchases for
3 virtual currency are variable over time?
4 And you just repeated the same
5 thing again. Are you comfortable with that
6 answer?
7 A. I have answer -- I have answered the
8 question, yes.
9 Q. That -- that's not my question. Are you
10 comfortable with what you said -- testified
11 about today?
12 A. I'm comfortable with the answer I have
13 previously given, yes.
14 Q. And would you just remind me what the answer
15 is?
16 A. I have answered that already.
17 Q. And what is the answer?
18 A. Again, I have answered it.
19 Q. And the answer is no, there is no express
20 disclosure, correct?
21 A. I have answered the question.
22 Q. That's a different question. The answer to
23 my question that you've given is no, there is
24 no express disclosure in Schneier 143 that
25 the cash purchase of virtual currency has a

1 multiplier that can vary over time, right?
2 A. I have already answered that question.
3 Q. That's a different question. Do you agree
4 with my statement, there is no express
5 disclosure in Schneier 143 that a multiplier
6 for cash purchase of virtual currency can
7 vary over time. Agree or disagree?
8 A. I agree. I have answered that question that
9 it does.
10 Q. It does, in your mind, disclose explicitly
11 the concept of time as being the same over
12 which a multiple varies? That's your
13 opinion.
14 A. I have answered that question.
15 Q. And your answer is "yes," it does explicitly
16 disclose that is?
17 A. I have answered that it does disclose it,
18 yes.
19 Q. And the only thing left is where does it
20 disclose it? Where does it disclose that?
21 Explicitly?
22 A. I have answered that.
23 Q. Can you just tell me, where does it expressly
24 disclose that?
25 A. I have not --

1 Q. You're not getting an objection about asked
2 and answered. You're just refusing to answer
3 the question.
4 A. No, I --
5 MS. NGUYEN: Objection, repetitive.
6 THE WITNESS: I have already
7 answered that question.
8 BY MR. NELSON:
9 Q. And where is it? If it's -- if you're sure
10 you've answered it, it can't be difficult for
11 you to say, I answered it when I said X,
12 here, in this part of Schneier 143. Can you
13 do that?
14 A. I answered it when I described my testimony
15 as listed on those pages, including 155,
16 paragraph 155, so yes, I have answered that.
17 Q. Paragraph 155. Can you show me in paragraph
18 155 an express disclosure from Schneier 143
19 of varying the multiplier over time?
20 A. Again, I have --
21 Q. In paragraph--
22 A. -- already answered that.
23 Q. You have not, sir. Paragraph 155, it is a
24 different question.
25 In paragraph 155 in your

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1 declaration, where do you point to an express
2 disclosure of variance over time?
3 A. I have answered that --
4 MS. NGUYEN: Objection,
5 argumentive.
6 THE WITNESS: I have answered that
7 in the past. Yes, I have answered that.
8 BY MR. NELSON:
9 Q. No, sir. You have not -- that is a different
10 question. Let's look at paragraph 155
11 together.
12 Are you there?
13 A. I have -- I have answered question.
14 Q. Sir?
15 A. And 155 describes the technique and the
16 technology used to vary the metered value for
17 metered play over a period of time.
18 Q. Where in --
19 A. That's clearly laid out in figure 19, and in
20 the description of that, that I have
21 previously given you in Schneier.
22 So yes, I have answered the
23 question. It's there. You may not like it,
24 but that's my answer.
25 Q. Sir, in paragraph 155, where do you point to

1 a disclosure that it varies over time,
2 express disclosure?
3 A. I just answered that.
4 Q. You did not, sir. You -- you mentioned a
5 bunch of gobbledygook about paragraph 19.
6 I'm asking you where in paragraph
7 155 do you point to an express disclosure in
8 Schneier of the multiplier varying from one
9 time to another?
10 MS. NGUYEN: Objection.
11 BY MR. NELSON:
12 Q. That's my question.
13 MS. NGUYEN: Argumentive,
14 mischaracterizes the witness's testimony.
15 BY MR. NELSON:
16 Q. If I got it wrong, tell me, sir. Where do
17 you do it?
18 A. I answered that question.
19 Q. And the answer that you gave is that I can
20 find it in paragraph 155?
21 A. Again, I have answered that question.
22 Q. Is that right? I can find it in 155?
23 A. Everything referenced is there in 155, yes.
24 Q. Okay. Sir, I've got a different question for
25 you. I'm going to start at the top of

1 paragraph 155 and I'm going to read, and
2 we're going to do it a little differently.
3 The moment you hear an express disclosure
4 from that reading of varying the multiplier
5 over time, I ask you to stop me, okay,
6 interrupt me and just stop me, okay?
7 You ready?
8 MS. NGUYEN: Objection, vague.
9 BY MR. NELSON:
10 Q. Schneier 143 explains that, as described
11 above, the meter 502 can determine the price
12 per gain credit from the data or instructions
13 associated with software control block 706 of
14 game program 26.
15 The price per game may be stored
16 within the meter's 502 nonvolatile memory and
17 can be manipulated with codes from the
18 central computer 12 to alter or change the
19 pricing structure for particular games via
20 the updating cost information protocol
21 described above.
22 You haven't stopped me yet.
23 X1008 at 634552, emphasis added.
24 Figure 19 of Schneier 143 discloses, quote, a
25 flowchart of an updating cost information

1 protocol for the meter, period, end quote.
2 Exhibit 1008 at 948 to 49, emphasis added.
3 See also id at figure 19.
4 In a section titled, quote, Updating cost
5 information, parenthesis, optional variable
6 costs, end parentheses, parentheses, figure
7 19, end parentheses, Schneier 143 discloses
8 that this protocol is used when the meter
9 requires updated cost information from the
10 central computer 12 for meter programs 503
11 that the player is currently using, period,
12 end quote.
13 You haven't stopped me yet.
14 A. That --
15 Q. Exhibit --
16 A. -- paragraph as written, as -- as you read
17 describes the entire procedure, including the
18 references to figure 19 and its description,
19 and that is how the system does it.
20 Q. And nowhere in there was there a description
21 of varying the multiplier over time, is
22 there?
23 A. That's the process it's describing, updating
24 the cost and information in variable timing.
25 That is updating the variable -- updating the

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metered value, which is your transfer, your multiplier, essentially, for over time. The system does do that. And it's described very clearly there and in greater detail in the description of figure 19, which I have previously identified to you.

Q. Well, that wasn't so hard, was it?

MR. NELSON: Okay. I have no further questions. Thank you for your time.

MS. NGUYEN: Nothing for me.

THE VIDEOGRAPHER: Before we go off the record, Mr. Nelson, would you like your video synced today with transcript?

MR. NELSON: No. God no.

THE VIDEOGRAPHER: All right. Ms. Nguyen, would you like to order a copy of the transcript and/or the video?

MS. NGUYEN: The transcript.

THE VIDEOGRAPHER: Okay. Ms. Heichert, anything you need on the record before we go off?

THE COURT REPORTER: I think I'm good. Thank you.

THE VIDEOGRAPHER: All right. We are off the record at 4:03.

(Deposition concluded at 4:03 p.m.)

STATE OF MINNESOTA)

COUNTY OF SCOTT)

Be it known that I took the deposition of DWIGHT CREVELT on December 19, 2025

That I was then and there a notary public in and for the County of Scott, State of Minnesota, and that by virtue thereof I was duly authorized to administer an oath;

That the witness before testifying was by me first duly sworn to testify the whole truth and nothing but the truth relative to said cause;

That the testimony of said witness was recorded in stenotype by myself and transcribed into typewriting under my direction, and that the deposition is a true record of the testimony given by the witness to the best of my ability;

That I am not related to any of the parties hereto nor interested in the outcome of the action;

Witness my hand and seal this 24th day of December, 2025.

STACI A. HEICHERT
COURT REPORTER

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