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

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DETAILED ACTION

Notice of Pre-AIA or AIA Status

The present application is being examined under the pre-AIA first to invent provisions.

Response to Amendment

In response to the amendment filed 20 March 2020 wherein applicant amends claims 1-5, 7-14, 16-18, 20-22, 25-31, 33-34 and claims 1-34 are pending in this application.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-34 are rejected under 35 U.S.C. 101 because the claimed invention is directed to an abstract idea without significantly more. The claim(s) recite(s) “connect to a host computer system hosing the interactive electronic game session” “process requests to generate credits in exchange of monetary value received via any of the at least three cash and credit interaction areas;” “generate, upon validation of receipt of the monetary value, a credit;” “present, (on any of the at least three display), a list of multiple interactive electronic games that can be selected to play during the interactive electronic gaming session;” “monitor player interactions to detect a selection of an interactive electronic game from the list of multiple interactive games presented (on any of the at least three display) be played during the interactive electronic gaming session;” “retrieve, (from the memory), the interactive electronic game; wherein the interactive electronic game has a variable payback that is in part dependent on the skill level and objectives set before the interactive electronic game begins; wherein the multiple players can select, (via any of the at least three display or an interact area), skill levels and objectives representing achievable goals within the interactive game to obtain varying payouts;” “automatically configure, in response to receiving the skill and objectives

selected by any of the multiple players, the interactive electronic game by adjusting one or more gaming parameters within the interactive game to create a customized electronic game to be played during the interactive electronic gaming session;” and “adjust the payout amount for the interactive electronic game according to at least one of: a minimum payout requirement over a period of time, a pooled liquidity model, and a reward model of a casino or other rewards system.”

The limitations of “process requests to generate credits in exchange of monetary value received via any of the at least three cash and credit interaction areas;” and “generate, upon validation of receipt of the monetary value, a credit;” steps is a process that, under its broadest reasonable interpretation, covers performance of fundamental economic principles or practices (including hedging, insurance, mitigating) of placing a wager. The limitations of “present, (on any of the at least three display), a list of multiple interactive electronic games that can be selected to play during the interactive electronic gaming session;” “monitor player interactions to detect a selection of an interactive electronic game from the list of multiple interactive games presented (on any of the at least three display) be played during the interactive electronic gaming session;” “retrieve, (from the memory), the interactive electronic game; wherein the interactive electronic game has a variable payback that is in part dependent on the skill level and objectives set before the interactive electronic game begins; wherein the multiple players can select, (via any of the at least three display or an interact area), skill levels and objectives representing achievable goals within the interactive game to obtain varying payouts;” “automatically configure, in response to receiving the skill and objectives selected by any of the multiple players, the interactive electronic game by adjusting one or more gaming parameters within the interactive game to create a customized electronic game to be played during the interactive electronic gaming session;” and “adjust the payout amount for the interactive electronic game according to at least one of: a minimum payout requirement over a period of time, a pooled liquidity model, and a reward model of a casino or other rewards system” steps is a process

that, under its broadest reasonable interpretation, covers managing personal behavior of following rules or instruction to implement play of the game. That is, other than reciting “the one or more processor,” nothing in the claims precludes the step from practically being implemented on generic computer components. If the claim limitations, under its broadest reasonable interpretation, covers performance of the limitations of fundamental economic principles (including hedging, insurance, mitigating) of placing a wager and managing personal behavior following rules or instruction to implement play of the game but for the recitation of generic computer components, then it falls within the “Certain Methods of Organizing Human Activity” grouping of abstract ideas.

This judicial exception is not integrated into a practical application. The claims only recite an additional element of using a processor to perform the “connect to a host computer system hosting the interactive electronic game session” “process requests to generate credits in exchange of monetary value received via any of the at least three cash and credit interaction areas;” “generate, upon validation of receipt of the monetary value, a credit;” “present, (on any of the at least three display), a list of multiple interactive electronic games that can be selected to play during the interactive electronic gaming session;” “monitor player interactions to detect a selection of an interactive electronic game from the list of multiple interactive games presented (on any of the at least three display) be played during the interactive electronic gaming session;” “retrieve, (from the memory), the interactive electronic game; wherein the interactive electronic game has a variable payback that is in part dependent on the skill level and objectives set before the interactive electronic game begins; wherein the multiple players can select, (via any of the at least three display or an interact area), skill levels and objectives representing achievable goals within the interactive game to obtain varying payouts;” “automatically configure, in response to receiving the skill and objectives selected by any of the multiple players, the interactive electronic game by adjusting one or more gaming parameters within the interactive game to create a customized electronic game to be played

during the interactive electronic gaming session;” and “adjust the payout amount for the interactive electronic game according to at least one of: a minimum payout requirement over a period of time, a pooled liquidity model, and a reward model of a casino or other rewards system” steps. The processor in the “connect to a host computer system hosting the interactive electronic game session” “process requests to generate credits in exchange of monetary value received via any of the at least three cash and credit interaction areas;” “generate, upon validation of receipt of the monetary value, a credit;” “present, (on any of the at least three display), a list of multiple interactive electronic games that can be selected to play during the interactive electronic gaming session;” “monitor player interactions to detect a selection of an interactive electronic game from the list of multiple interactive games presented (on any of the at least three display) be played during the interactive electronic gaming session;” “retrieve, (from the memory), the interactive electronic game; wherein the interactive electronic game has a variable payback that is in part dependent on the skill level and objectives set before the interactive electronic game begins; wherein the multiple players can select, (via any of the at least three display or an interact area), skill levels and objectives representing achievable goals within the interactive game to obtain varying payouts;” “automatically configure, in response to receiving the skill and objectives selected by any of the multiple players, the interactive electronic game by adjusting one or more gaming parameters within the interactive game to create a customized electronic game to be played during the interactive electronic gaming session;” and “adjust the payout amount for the interactive electronic game according to at least one of: a minimum payout requirement over a period of time, a pooled liquidity model, and a reward model of a casino or other rewards system” steps is recited at a high-level of generality such that it amounts no more than mere instructions to apply the exception using a generic computer component. The 2019 PEG (Revised Patent Subject Matter Eligibility Guidance) defines the phrase “integration into a practical application” to require an additional element or a combination of additional elements in

the claim to apply, rely on, or use the judicial exception in a manner that imposes a meaningful limit on the judicial exception, such that it is more than a drafting effort designed to monopolize the exception. Limitations that are indicative of integration into a practical application when recited in a claim with a judicial exception include:

- Improvements to the functioning of a computer, or to any other technology or technical field, as discussed in MPEP 2106.05(a);
- Applying or using a judicial exception to effect a particular treatment or prophylaxis for disease or medical condition – see *Vanda* Memo
- Applying the judicial exception with, or by use of, a particular machine, as discussed in MPEP 2106.05(b);
- Effecting a transformation or reduction of a particular article to a different state or thing, as discussed in MPEP 2106.05(c); and
- Applying or using the judicial exception in some other meaningful way beyond generally linking the use of the judicial exception to a particular technological environment, such that the claim as a whole is more than a drafting effort designed to monopolize the exception, as discussed in MPEP 2106.05(e) and the *Vanda* Memo issued in June 2018.

Limitations that are not indicative of integration into a practical application when recited in a claim with a judicial exception include:

- Adding the words “apply it” (or an equivalent) with the judicial exception, or mere instructions to implement an abstract idea on a computer, or merely uses a computer as a tool to perform an abstract idea, as discussed in MPEP 2106.05(f);
- Adding insignificant extra-solution activity to the judicial exception, as discussed in MPEP 2106.05(g); and
- Generally linking the use of the judicial exception to a particular technological environment or field of use, as discussed in MPEP 2106.05(h).

Accordingly, this additional element does not integrate the abstract idea into a practical application because it does not impose any meaningful limits on practicing the abstract idea.

The claim(s) does/do not include additional elements that are sufficient to amount to significantly more than the judicial exception. The additional elements of a gaming/player terminal, three displays, memory, and computer readable medium are considered to be extra solution activity. Adding these generic computer elements to perform generic functions that are well-understood, routine and conventional, such as gathering data, performing calculations, and outputting a result as evidence by Alice Corp., 134 S. Ct. at 2355–56 (mere instruction to implement an abstract idea (game rules) on a computer "cannot impart patent eligibility), and *Versata Dev. Group, Inc. v. SAP Am.* (Storing and retrieving information in memory) see MPEP (2106.05(d)(II), does not transform the claims into eligible subject matter. Nothing in the claims, understood in light of the specification, requires anything other than off-the-shelf, conventional computer, network, and display technology for gathering, sending, and presenting the desired information. Furthermore, as evidence by the prior art submitted and cited, McMMain et al. (US Pub. No. 2007/0024002) in paragraph 32; and Daniel et al. (US Pub. No. 2006/0189381) in paragraph 131; Singer et al. (US Pub. No. 2004/0192431) in paragraph 21; and Kadlic (US 5,816,915) in col. 3, lines 35-59, all discloses that a credit input mechanism (coins and bill acceptors) and ticket reader are conventional and well known in the art. Thus, taken alone, the additional elements do not amount to significantly more than the above-identified judicial exception (the abstract idea). As discussed above with respect to integration of the abstract idea into a practical application, the additional element of using a processor to perform the “connect to a host computer system housing the interactive electronic game session” “process requests to generate credits in exchange of monetary value received via any of the at least three cash and credit interaction areas;” “generate, upon validation of receipt of the monetary value, a credit;” “present, (on any of the at least three display), a list of multiple interactive electronic games that can be selected to play during the interactive electronic gaming session;” “monitor player interactions to detect a selection of an interactive electronic game from the list of multiple

interactive games presented (on any of the at least three display) be played during the interactive electronic gaming session;” “retrieve, (from the memory), the interactive electronic game; wherein the interactive electronic game has a variable payback that is in part dependent on the skill level and objectives set before the interactive electronic game begins; wherein the multiple players can select, (via any of the at least three display or an interact area), skill levels and objectives representing achievable goals within the interactive game to obtain varying payouts;” “automatically configure, in response to receiving the skill and objectives selected by any of the multiple players, the interactive electronic game by adjusting one or more gaming parameters within the interactive game to create a customized electronic game to be played during the interactive electronic gaming session;” and “adjust the payout amount for the interactive electronic game according to at least one of: a minimum payout requirement over a period of time, a pooled liquidity model, and a reward model of a casino or other rewards system” steps amounts to no more than mere instructions to apply the exception using a generic computer component. Mere instruction to apply an exception using a generic computer component cannot provide an inventive concept.

Claims 2-11, 13-17, 19-21, 23-28 and 30-34 each recite a further step of the abstract game method that when taken as a whole fails to contribute significantly more because each is merely another step that merely defines another rule/instruction, may be carried out by hand or in the mind as part of the overall method without integration into a practical application to any particular machine or device, improvement to any particular machine or device, or contribution of substantially more than an abstract method and generic computer components.

Response to Arguments

3. Applicant's arguments filed 3 December 2019 have been fully considered but they are not persuasive.

The amendments to the claims overcome the 112 first paragraph written description requirement and the examiner hereby withdraws the 112 first paragraph rejection.

Applicant contends that the present claims, as amended, are directed neither toward any of the judicial exceptions highlighted by the Guidance, nor merely to fundamental economic principles or managing personal behavior. Rather, the claims are directed to specific systems and operations enabling specialized algorithms that facilitate interactive electronic gaming sessions with a technically-based flexible user-defined variable payback scheme based on skill levels and objectives. The variable payback gaming machines are clearly not a law of nature, a natural phenomenon, nor an abstract idea which are "the basic tools of scientific and technological work."

The examiner respectfully disagrees. As noted above, the limitations of "process requests to generate credits in exchange of monetary value received via any of the at least three cash and credit interaction areas;" and "generate, upon validation of receipt of the monetary value, a credit;" steps is a process that, under its broadest reasonable interpretation, covers performance of fundamental economic principles or practices (including hedging, insurance, mitigating) of placing a wager. The limitations of "present, (on any of the at least three display), a list of multiple interactive electronic games that can be selected to play during the interactive electronic gaming session;" "monitor player interactions to detect a selection of an interactive electronic game from the list of multiple interactive games presented (on any of the at least three display) be played during the interactive electronic gaming session;" "retrieve, (from the memory), the interactive electronic game; wherein the interactive electronic game has a variable payback that is in part dependent on the skill level and objectives set before the interactive electronic game begins; wherein the multiple players can select, (via any of the at least three display or an interact area), skill levels and objectives representing achievable goals within the interactive game to obtain varying payouts;" "automatically configure, in response to receiving the skill and objectives selected by any of the multiple players, the interactive

electronic game by adjusting one or more gaming parameters within the interactive game to create a customized electronic game to be played during the interactive electronic gaming session;” and “adjust the payout amount for the interactive electronic game according to at least one of: a minimum payout requirement over a period of time, a pooled liquidity model, and a reward model of a casino or other rewards system” steps is a process that, under its broadest reasonable interpretation, covers managing personal behavior of following rules or instruction to implement play of the game. That is, other than reciting “the one or more processor,” nothing in the claims precludes the step from practically being implement on generic computer components.

Applicant contends that the amended claims provide an improvement to the technical field of electronic gaming device, systems and method include at least the following features: monitor player interactions with the display(s) to detect selection of an interactive electronic game, and a corresponding skill level and objectives; automatically configure the interactive electronic game, and determine a variable payout amount, according to the skill level and objectives, and the achievement of the objectives; and adjust the payout amount for the interactive game to, for example, ensure that a minimum payout requirement is met over a period of time, or to conform with a pooled liquidity or reward model.

The examiner respectfully disagrees. The features applicant is reliant upon, monitor player interactions with the display(s) to detect selection of an interactive electronic game, and a corresponding skill level and objectives; automatically configure the interactive electronic game, and determine a variable payout amount, according to the skill level and objectives, and the achievement of the objectives; and adjust the payout amount for the interactive game to, for example, ensure that a minimum payout requirement is met over a period of time, or to conform with a pooled liquidity or reward model is nothing more than just part of the program to execute the rules and instruction in accordance with a program. The improvement applicant is reliant upon is improvement of

different features of game play in accordance with program of instruction and rules to implement the different features of game. Applicant points to different paragraphs of the disclosure however, the paragraphs applicant is reliant upon does not provide evidence of an improvement to the functioning of a computer, or upon conventional technology or technological processes. If it is asserted that the invention improves upon conventional functioning of a computer, or upon conventional technology or technological processes, a technical explanation as to how to implement the invention should be present in the specification. That is, the disclosure must provide sufficient details such that one of ordinary skill in the art would recognize the claimed invention as providing an improvement. An indication that the claimed invention provides an improvement can include a discussion in the specification that identifies a technical problem and explains the details of an unconventional technical solution expressed in the claim, or identifies technical improvements realized by the claim over the prior art (MPEP 2106.05(a)). The claims do not purport to improve the functioning of the computer itself or to improve any other technology or field. Use of an unspecified generic computer does not transform an abstract idea into a patent-eligible invention. Thus, the claims does not amount to significantly more than the abstract idea itself.

Conclusion

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

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEX P RADA whose telephone number is (571)272-4452. The examiner can normally be reached on M-F 8-5.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <https://ppair-my.uspto.gov/pair/PrivatePair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A.P.R/
Examiner, Art Unit 3715

/Jay Trent Liddle/
Primary Examiner, Art Unit 3715