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EXAMINER	
RADA, ALEX P	

ART UNIT	PAPER NUMBER
3715	

NOTIFICATION DATE	DELIVERY MODE
12/11/2019	ELECTRONIC

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

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

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

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Office Action Summary	Application No. 16/310,091	Applicant(s) Sugai, Taiji	
	Examiner ALEX P RADA	Art Unit 3715	AIA (FITF) Status Yes

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

Period for Reply

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

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

Status

1)☐ Responsive to communication(s) filed on _____.

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

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

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

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

Disposition of Claims*

5) ☑ Claim(s) 1-9 is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6) ☐ Claim(s) _____ is/are allowed.

7) ☑ Claim(s) 1-9 is/are rejected.

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

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

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

Application Papers

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

11)☑ The drawing(s) filed on 12/14/2018 is/are: a)☑ accepted or b)☐ objected to by the Examiner.

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

a)☑ All b)☐ Some** c)☐ None of the:

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

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

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

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

Attachment(s)

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

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

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

4) ☐ Other: _____.

DETAILED ACTION

Notice of Pre-AIA or AIA Status

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

Claim Interpretation

1. This application includes one or more claim limitations that do not use the word "means," but are nonetheless being interpreted under 35 U.S.C. 112(f) or pre-AIA 35 U.S.C. 112, sixth paragraph, because the claim limitation(s) uses a generic placeholder that is coupled with functional language without reciting sufficient structure to perform the recited function and the generic placeholder is not preceded by a structural modifier. Such claim limitation(s) is/are: an associating function for associating, an operation control function for simulation, and determining function for determining in claims 1-7.

Because this/these claim limitation(s) is/are being interpreted under 35 U.S.C. 112(f) or pre-AIA 35 U.S.C. 112, sixth paragraph, it/they is/are being interpreted to cover the corresponding structure described in the specification as performing the claimed function, and equivalents thereof. The associating function for associating is associating unit 432 of figure 4, the operation control function for simulation is control unit 433 in figure 4, and determining function for determining is the determining unit 434 in figure 4.

If applicant does not intend to have this/these limitation(s) interpreted under 35 U.S.C. 112(f) or pre-AIA 35 U.S.C. 112, sixth paragraph, applicant may: (1) amend the claim limitation(s) to avoid it/them being interpreted under 35 U.S.C. 112(f) or pre-AIA 35 U.S.C. 112, sixth paragraph (e.g., by reciting sufficient structure to perform the claimed function); or (2) present a sufficient showing that the claim limitation(s) recite(s) sufficient structure to perform the claimed function so

as to avoid it/them being interpreted under 35 U.S.C. 112(f) or pre-AIA 35 U.S.C. 112, sixth paragraph.

Claim Rejections - 35 USC § 112

2. The following is a quotation of 35 U.S.C. 112(b):

> (b) CONCLUSION.—The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), second paragraph:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-7 are rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor, or for pre-AIA the applicant regards as the invention.

The limitations of an associating function for associating, an operation control function for simulation, and determining function for determining do not provide any support within the specification of any "function" (algorithm) other than the elements in figure 4. The associating unit, operation unit and control unit in figure 4 does not provide any metes and bounds to any structure to understand what applicant means by associating function, operation function and determining function.

Claim Rejections - 35 USC § 101

4. 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.

5. Claims 1-9 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) "an associating step of associating, on

the basis of random data, a plurality of positions in which a lottery result is to be indicated and a plurality of kinds of marks to be indicated in the plurality of positions;" "an operation controlling step of simulating a motion of the virtual object in a virtual space by physical operation;" and "a determining step of determining a lottery result on the basis of the mark associated with a particular position on the virtual object as determined according to a state of the virtual object in the simulation result."

The limitations of "associating", "operation controlling", and "determining" steps is a process that, under its broadest reasonable interpretation, covers performance following rules and instruction of a game. The claims do not recite any type of processor other than a control unit however, nothing in the claim elements precludes the steps from practically being performed in the mind. If the claim limitations, under its broadest reasonable interpretation, covers performance of following rules and instruction of a 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 claim recites an additional element using a processor (control unit) to perform the "associating", "operation controlling", and "determining" steps. The processor (control unit) in the "associating", "operation controlling", and "determining" 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 added limitation of a control unit, storage unit, and a program 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. 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 "associating", "operation controlling", and "determining" 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.

The dependent claims 2-7 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.

Claim Rejections - 35 USC § 102

In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a)(1) the claimed invention was patented, described in a printed publication, or in public use, on sale or otherwise available to the public before the effective filing date of the claimed invention.
>
> (a)(2) the claimed invention was described in a patent issued under section 151, or in an application for patent published or deemed published under section 122(b), in which the patent or application, as the case may be, names another inventor and was effectively filed before the effective filing date of the claimed invention.

7. Claim(s) 1-4 and 8-9 are rejected under 35 U.S.C. 102(a)(1) as being anticipated by Ferrell (US Pat. No. 8,900,047).

Regarding claim 1, Ferrell discloses a lottery device comprising a control unit and a storage unit (Fig. 9), the control unit being configured to execute a program stored in the storage (Fig. 9 and col. 5, lines 8-48) unit to thereby implement: an associating function for associating, on the basis of random data, a plurality of positions in a virtual object in which a lottery result is to be indicated and a plurality of kinds of marks to be indicated in the plurality of positions (Fig. 9 and col. 5, lines 8-48; wherein the virtual objects is simulated dice); an operation control function for simulating a motion of the virtual object in a virtual space by physical operation (col. 5, lines 8-48; wherein the simulated dice roll is operated by the simulated dice roll module 950); and a determining function for determining a lottery result on the basis of the mark associated with a particular position on the virtual object as determined according to a state of the virtual object in the simulation result (col. 5, lines 8-48; wherein the marks are the numbers that appear on the simulated dice when they come to rest).

Regarding claim 2, Ferrell discloses wherein the virtual object is a polyhedron, and the plurality of positions in which the lottery result is to be indicated are plurality of surfaces of the polyhedron, respectively; wherein polyhedron are dice having six side).

Regarding claim 3, Ferrell discloses wherein the associating function displays the marks associated on the basis of the random data, on the plurality of surfaces of the polyhedron, respectively (col. 1, lines 60-65; wherein each side of the six sided dice has a corresponding numbers from one through six).

Regarding claim 4, Ferrell discloses wherein the operation control function simulates the motion of the polyhedron being cast by physical operation in response to at least a direction or a speed based on a user input (Fig. 9 and col. 5, lines 8-48; wherein the electronic simulated dice roll module 950 simulates the physical operation of the simulated dice roll and wherein the direction is onto the game board).

Regarding claim 8, Ferrell discloses a lottery device comprising: a control unit (Fig. 9); and a storage unit from/to which data is read out/written by the control unit (Fig. 9 and col. 5, lines 8-48), the control unit is programmed to: associate, on the basis of random data, a plurality of positions in which a lottery result is to be indicated in a virtual object read out from the storage unit (Fig. 1, 3-9 and col. 5, lines 8-48) and a plurality of kinds of marks read out from the storage unit, and write data representing the association to the storage unit (Fig. 9 and col. 5, lines 8-48; wherein the virtual objects is simulated dice and wherein the marks are the numbers that appear on the simulated dice when they come to rest); simulate a motion of the virtual object in a virtual space by physical operation and, write data on the simulation result to the storage unit (col. 5, lines 8-48; wherein the simulated dice roll is operated by the simulated dice roll module 950); and read out the data representing the association and the data on the simulation result from the storage unit and determine, on the basis of the read out data, a lottery result on the basis of the mark associated with a position on the virtual object as determined according to a state of the virtual object in the simulation result (Fig. 9 and col. 5, lines 8-48; wherein the results of the virtual object (dice) are displayed).

Regarding claim 9, Ferrell discloses a lottery method carried out in a device including a control unit (Fig. 9), and a storage unit (Fig. 9), the method being carried out by the control unit executing a program stored in the storage unit, the method comprising: an associating step of associating, on the basis of random data, a plurality of positions in which a lottery result is to be indicated (Figs. 1 and 3-8) and a plurality of kinds of marks to be indicated in the plurality of positions (Figs. 1 and 3-8); an operation controlling step of simulating a motion of the virtual object in a virtual space by physical operation (col. 5, lines 8-48; wherein the simulated dice roll is operated by the simulated dice roll module 950); and a determining step of determining a lottery result on the basis of the mark associated with a particular position on the virtual object as determined according to a state of the virtual object in the simulation result (Fig. 9 and col. 5, lines 8-48; wherein the results of the virtual object (dice) are displayed).

Claim Rejections - 35 USC § 103

In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

8. The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

> A patent for a claimed invention may not be obtained, notwithstanding that the claimed invention is not identically disclosed as set forth in section 102, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 5-7 are rejected under 35 U.S.C. 103 as being unpatentable over by Ferrell (US Pat. No. 8,900,047) in view of Gurule (US Pub. No. 2012/0172103).

Regarding claim 5, Ferrell discloses the claimed invention as discussed above however silent in regards to wherein the virtual object is a wheel shaped portion for roulette, and the plurality of positions in which the lottery result is to be indicated are a plurality of spots provided at the wheel shaped portion.

Gurule teaches a virtual roulette wheel having a plurality of positions to be indicated by a plurality of spots provided at the wheel shape portion (Fig. 2). By having the virtual object in a shape of a roulette wheel, one of ordinary skill in the art would provide an alternative random generating device.

Regarding claim 6, Gurule teaches wherein the associating function displays each of the marks associated on the basis of the random data, in the vicinity of each of the plurality of spots at the wheel-shaped portion (Fig. 2).

Regarding claim 7, Gurule teaches wherein the operation control function simulates a motion of the wheel-shaped portion spun in response to at least a spinning angle or a speed based on a user input and a motion of a ball moving on the wheel-shaped portion and entering the spot (Fig. 5 and paragraphs 67-69).

Therefore, it would have been obvious to one of ordinary skill in the art before the effective filing date of the claimed invention to modify Ferrell to include a virtual roulette wheel as taught by Gurule to provide an alternative random generating device.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kido (US Pub. No. 2010/0069142; Nagano (US Pub. No. 2009/0181746); Sugai et al. (US Pub. No. 2016/0292954); and Alsip (US Pub. No. 2016/0012674) all discloses different lottery type games using different RNGs.

11. 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 http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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

/Jay Trent Liddle/
Primary Examiner, Art Unit 3715

REMARKS

The following remarks are responsive to the Office Action of December 11, 2019.

At the time of the Office Action, claims 1-9 were pending in the application. The status of the claims is as follows:

- Claims 1-4, 8, and 9 were rejected under 35 U.S.C. §102(a)(1) as anticipated by Ferrell (U.S. Patent 8,900,047).
- Claims 5-7 were rejected under 35 U.S.C. §103 as obvious over Ferrell in view of Gurule (U.S. Patent Application Publication No. 2012/0172103).
- Claims 1-9 were rejected under 35 U.S.C. §101 as directed to non-statutory subject matter.
- Claims 1-7 were rejected under 35 U.S.C. §112(b) as being indefinite.
- Claims 1-7 were interpreted (not rejected) under 35 U.S.C. §112(f).

Rejections under 35 U.S.C. § 101, § 112(b) and interpretations under § 112(f)

In the Office Action, claims 1-9 were rejected under U.S.C. § 101 as directed to non-statutory subject matter, and claims 1-7 were rejected under 35 U.S.C. § 112(b) and were interpreted under 35 U.S.C. § 112(f). In this response, independent claims 1, 8 and 9 have been amended to clarify and emphasize that the claimed device is an electronic lottery device that includes an electronic control unit, an electronic data processor, electronic memory, electronic data storage that includes a program executed by the electronic control unit, and a display. By way of these amendments, which are supported, for example, by the disclosure of Fig. 2 and the accompanying description of an exemplary hardware configuration in paragraphs [0026]-[0027] of the published application, the claims clearly provide that the claimed subject matter is an electronic lottery device comprised of a hardware configuration that performs operations that simulate and display a lottery operation (i.e., dice roll, roulette wheel spin) and a random lottery result. In view of these amendments, it is submitted that the rejections under 35 U.S.C. § 101 are addressed because, as set forth by the amended claims, the invention is directed to a specific electronic hardware configuration which is programmed with instructions to perform and display specific electronic lottery operations. Similarly, the rejections under 35 U.S.C. § 112(b) and interpretations under 35 U.S.C. §112(f) are

addressed by the specific structural elements introduced by the amendments. Accordingly, reconsideration and withdrawal of these rejections is respectfully requested.

Rejections under 35 U.S.C. § 102 and § 103

In the Office Action, independent claims 1 and 8 were rejected under 35 U.S.C. § 102(a)(1) as anticipated by Ferrell. For the following reasons, applicant respectfully disagrees.

One of the key features of the claimed invention is explained in paragraph [0053] of the published application:

> **[0053]** More specifically, the lottery result is not determined simply on the basis of the result of simulation of the motion of the virtual object but **on the basis of association based on random data between the plurality of positions on the virtual object and the plurality of marks**. If the lottery result is determined only according to the simulation result of the motion of the virtual object, the lottery result could be biased for example depending on the shape of the virtual object or some conditions. In contrast, according to the embodiment, the lottery result is determined according to the association based on random data between the plurality of positions on the virtual object and the plurality of marks, and therefore randomness can be secured in the lottery result. More specifically, in the above example, it is guaranteed that the dice **52 and 53** roll each of 1 to 6 with a probability of 1/6. In the roulette lottery, it is guaranteed that the **38** marks indicated at the wheel **61** are each obtained as a lottery result with a probably of 1/38.

This feature is set forth in claim 1 as "associating, on the basis of random data, a plurality of positions in a virtual object in which a lottery result is to be indicated and a plurality of kinds of marks to be indicated in the plurality of positions," and is similarly set forth in independent claims 8 and 9. The purpose of this feature is to ensure the randomness of the lottery result.

With respect to this feature, the Office Action points to Fig. 9 and column 5, lines 8-48 of Ferrell. However, when Fig. 9 and column 5, lines 8-58 are reviewed, it is apparent that Ferrell only discloses the conventional technique that the lottery result is determined simply on the basis of the result of the simulation of the motion of the virtual object. In particular, Fig. 9 of Ferrell merely illustrates an "Electronic Simulated Dice Roll Module 950" and the associated passage of the specification teaches the conventional technique that the lottery result is obtained "by executing the electronic simulated dice roll module 950." Such a technique is not based on random data and may cause bias in the lottery result. Thus, this conventional teaching in the primary reference Ferrell – that the lottery result is determined by a simulated dice roll -- teaches away from claimed technique of "associating,

on the basis of random data, a plurality of positions in a virtual object in which a lottery result is to be indicated and a plurality of kinds of marks to be indicated in the plurality of positions a feature that the lottery result. In fact, the term "random" appears nowhere in Ferrell.

In view of at least this clear absence in the teaching of Ferrell, reconsideration and withdrawal of the rejections based on Ferrell is respectfully requested.

Conclusion

For the foregoing reasons, this application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

/brian c. rupp/

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Date: March 5, 2020

121596372.1

Listing of the Claims

This Listing of the Claims will replace all prior versions, and listings, of claims in the application.

Claim 1 (currently amended): [[A]] An electronic lottery device comprising [[a]] an electronic control unit including an electronic data processor and an electronic data memory, [[a]] an electronic data storage unit and at least one electronic display, the electronic control unit ~~being configured to execute~~ executes a program stored in the storage unit to thereby implement:

an associating function for associating, on the basis of random data, a plurality of positions in a virtual object in which a lottery result is to be indicated and a plurality of kinds of marks to be indicated in the plurality of positions;

an operation control function for simulating a motion of the virtual object in a virtual space by physical operation; ~~and~~

a determining function for determining a lottery result on the basis of the mark associated with a particular position on the virtual object as determined according to a state of the virtual object in the simulation result; and

a displaying function for displaying the simulated motion of the virtual object in the virtual space and the lottery result on the electronic display.

Claim 2 (original): The lottery device according to claim 1, wherein the virtual object is a polyhedron, and the plurality of positions in which the lottery result is to be indicated are plurality of surfaces of the polyhedron, respectively.

Claim 3 (currently amended): The lottery device according to claim 2, wherein the ~~associating~~ displaying function displays the marks associated on the basis of the random data, on the plurality of surfaces of the polyhedron, respectively.

Claim 4 (previously presented): The lottery device according to claim 2, wherein the operation control function simulates the motion of the polyhedron being cast by physical operation in response to at least a direction or a speed based on a user input.

Claim 5 (original): The lottery device according to claim 1, wherein the virtual object is a wheel shaped portion for roulette, and the plurality of positions in which the lottery result is to be indicated are a plurality of spots provided at the wheel shaped portion.

Claim 6 (currently amended): The lottery device according to claim 5, wherein the ~~associating~~ displaying function displays each of the marks associated on the basis of the random data, in the vicinity of each of the plurality of spots at the wheel-shaped portion.

Claim 7 (previously presented): The lottery device according to claim 5, wherein the operation control function simulates a motion of the wheel-shaped portion spun in response to at least a spinning angle or a speed based on a user input and a motion of a ball moving on the wheel-shaped portion and entering the spot.

Claim 8 (currently amended): [[A]] An electronic lottery device comprising:

[[a]] an electronic control unit; ~~and~~

[[a]] an electronic data storage unit from/to which data is read out/written by the control unit; and

an electronic display,

the control unit is programmed to:

associate, on the basis of random data, a plurality of positions in which a lottery result is to be indicated in a virtual object read out from the storage unit and a plurality of kinds of marks read out from the storage unit, and write data representing the association to the storage unit;

simulate a motion of the virtual object in a virtual space by physical operation and, write data on the simulation result to the storage unit; ~~and~~

read out the data representing the association and the data on the simulation result from the storage unit and determine, on the basis of the read out data, a lottery result on the

basis of the mark associated with a position on the virtual object as determined according to a state of the virtual object in the simulation result; and

display the simulated motion of the virtual object in the virtual space and the lottery result on the electronic display.

Claim 9 (currently amended): [[A]] An electronic lottery method carried out in [[a]] an electronic device including [[a]] an electronic control unit including an electronic data processor and an electronic data memory, and [[a]] an electronic data storage unit, and at least one electronic display, the method being carried out by the electronic control unit executing a program stored in the electronic data storage unit, the method comprising:

an associating step of associating, on the basis of random data, a plurality of positions in which a lottery result is to be indicated and a plurality of kinds of marks to be indicated in the plurality of positions;

an operation controlling step of simulating a motion of the virtual object in a virtual space by physical operation; ~~and~~

a determining step of determining a lottery result on the basis of the mark associated with a particular position on the virtual object as determined according to a state of the virtual object in the simulation result; and

displaying the simulated motion of the virtual object in the virtual space and the lottery result on the electronic display.