

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Bryan M. Kelly	Examiner:	WONG, Jeffrey Keith
Application No.:	11/277,339	Group Art Unit:	3714
Filing Date:	March 23, 2006	Confirmation No.	4642
Office Action Date:	September 16, 2010	Docket No.	83336.1382
Title:	NETWORK GAMING SYSTEM	Customer No.	66880

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

This amendment is in response to the Office action mailed September 16, 2010, and is timely filed.

INTRODUCTORY COMMENTS

Claims 1-53 are pending in the present application. Claims 1-53 are provisionally rejected on the grounds of nonstatutory obviousness-type double patenting over claims 1-48 of copending Application No. 11/277,342. Claims 1-48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsumura (U.S. Patent No. 5,547, 202) [hereinafter "Tsumura"], in view of Domenikos *et al.* (U.S. Patent No. 5,838,910) [hereinafter "Domenikos"]. Claims 49-53 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsumura and Domenikos in view of Dabrowski *et al* [hereinafter "Dabrowski"].

Claims 1, 10-21, 31, 41, 43, 45, 47, 49, 50, and 52 have been amended. No claims have been added. No claims have been canceled. Applicant respectfully requests reconsideration of the rejected claims, and contend that the differences between the claimed invention and the cited references are such that the claimed invention is patentably distinct over the cited references.

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently amended) A casino gaming system that provides an opportunity to win a prize in response to game play, each game being played in exchange for monetary input, the gaming system comprising:

a casino game server, wherein the casino game server stores one or more games in electronic form; and

a plurality of casino game units each including a casino web browser, connected to the casino game server over a wired casino network, wherein the casino game system enables a player to receive a prize at a casino game unit in response to winning casino game play, and wherein the prize comprises a physical prize, coins, cash, or a ticket voucher for a physical prize, coins, or cash;

wherein the casino gaming system enables one or more casino game units to request games from the casino game server over the wired casino network, and one or more games to be downloaded over the casino network from the casino game server to the requesting game unit to be executed at the game unit and to be displayed in one or more casino web browsers.

2. (Original) The gaming system of claim 1, wherein a game includes information that is sent using HTML.

3. (Original) The gaming system of claim 1, wherein a game includes information that is sent using Java.

4. (Original) The gaming system of claim 1, wherein a game includes information that is sent using Active X.

5. (Original) The gaming system of claim 1, wherein a game includes information that is sent using VRML.

6. (Original) The gaming system of claim 1, wherein a game is selected by a player at a game unit, and wherein the selected game is the game to be downloaded.
7. (Original) The gaming system of claim 1, wherein a game is downloaded in response to a request.
8. (Original) The gaming system of claim 1, wherein a game is executed locally at a game unit by a web browser located in the game unit.
9. (Original) The gaming system of claim 1, wherein a game is executed at the game server and game execution related data is sent between the game server and a web browser in a game unit.
10. (Currently amended) A casino gaming system that provides an opportunity to win a prize in response to game play, each game being played in exchange for monetary input, the gaming system comprising:
 - a casino game server, wherein the casino game server stores one or more games in electronic form; and
 - a plurality of casino game units connected to the casino game server over a wired casino network, wherein the casino game system enables a player to receive a prize at a casino game unit in response to winning casino game play, and wherein the prize comprises a physical prize, coins, cash, or a ticket voucher for a physical prize, coins, or cash;
 - wherein the casino gaming system enables one or more casino game units to request games from the casino game server over the wired casino network, and one or more games to be downloaded over the wired casino network from the casino game server to one or more requesting casino game units; and
 - wherein the casino game units are at least partially connected to the casino game server over a fiber optic line.
11. (Currently amended) A casino gaming system that provides an opportunity to win a prize in response to game play, each game being played in exchange for monetary input, the gaming system comprising:

a casino game server, wherein the casino game server stores one or more games in electronic form; and

a plurality of casino game units connected to the casino game server over a wired casino network, wherein the casino game system enables a player to receive a prize at a casino game unit in response to winning casino game play, and wherein the prize comprises a physical prize, coins, cash, or a ticket voucher for a physical prize, coins, or cash;

wherein the casino gaming system enables one or more casino game units to request games from the casino game server over the wired casino network, and one or more games to be downloaded over the wired casino network from the casino game server to one or more requesting casino game units; and

wherein the casino game units are at least partially connected to the casino game server over an Ethernet line.

12. (Currently amended) A casino gaming system that provides an opportunity to win a prize in response to game play, each game being played in exchange for monetary input, the gaming system comprising:

a casino game server, wherein the casino game server stores one or more games in electronic form; and

a plurality of casino game units connected to the casino game server over a wired casino network, wherein the casino game system enables a player to receive a prize at a casino game unit in response to winning casino game play, and wherein the prize comprises a physical prize, coins, cash, or a ticket voucher for a physical prize, coins, or cash;

wherein the casino gaming system enables one or more casino game units to request games from the casino game server over the wired casino network, and one or more games to be downloaded over the wired casino network from the casino game server to one or more requesting casino game units; and

wherein the casino game units are at least partially connected to the casino game server using TCP/IP.

13. (Currently amended) A casino gaming system that provides an opportunity to win a prize in response to game play, each game being played in exchange for monetary input, the gaming system comprising:

a casino game server, wherein the casino game server stores one or more games in electronic form; and

a plurality of casino game units connected to the casino game server over a wired casino network, wherein the casino game system enables a player to receive a prize at a casino game unit in response to winning casino game play, and wherein the prize comprises a physical prize, coins, cash, or a ticket voucher for a physical prize, coins, or cash;

wherein the casino gaming system enables one or more casino game units to request games from the casino game server over the wired casino network, and one or more games to be downloaded over the wired casino network from the casino game server to one or more requesting casino game units; and

wherein the casino game units are at least partially connected to the casino game server using IPX.

14. (Currently amended) A casino gaming system that provides an opportunity to win a prize in response to game play, each game being played in exchange for monetary input, the gaming system comprising:

a casino game server, wherein the casino game server stores one or more games in electronic form; and

a plurality of casino game units connected to the casino game server over a wired casino network, wherein the casino game system enables a player to receive a prize at a casino game unit in response to winning casino game play, and wherein the prize comprises a physical prize, coins, cash, or a ticket voucher for a physical prize, coins, or cash;

wherein the casino gaming system enables one or more casino game units to request games from the casino game server over the wired casino network, and one or more games to be downloaded over the wired casino network from the casino game server to one or more requesting casino game units; and

wherein the casino game units are at least partially connected to the casino game server using routers.

15. (Currently amended) A casino gaming system that provides an opportunity to win a prize in response to game play, each game being played in exchange for monetary input, the gaming system comprising:

a casino game server, wherein the casino game server stores one or more games in electronic form; and

a plurality of casino game units connected to the casino game server over a wired casino network, wherein the casino game system enables a player to receive a prize at a casino game unit in response to winning casino game play, and wherein the prize comprises a physical prize, coins, cash, or a ticket voucher for a physical prize, coins, or cash;

wherein the casino gaming system enables one or more casino game units to request games from the casino game server over the wired casino network, and one or more games to be downloaded over the wired casino network from the casino game server to one or more requesting casino game units; and

wherein the casino game units are at least partially connected to the casino game server using switches.

16. (Currently amended) A casino gaming system that provides an opportunity to win a prize in response to game play, each game being played in exchange for monetary input, the gaming system comprising:

a casino game server, wherein the casino game server stores one or more games in electronic form; and

a plurality of casino game units connected to the casino game server over a wired casino network, wherein the casino game system enables a player to receive a prize at a casino game unit in response to winning casino game play, and wherein the prize comprises a physical prize, coins, cash, or a ticket voucher for a physical prize, coins, or cash;

wherein the casino gaming system enables one or more casino game units to request games from the casino game server over the wired casino network, and one or more games to be downloaded over the wired casino network from the casino game server to one or more requesting casino game units; and

wherein each casino game unit includes a Uniform Resource Locator.

17. (Currently amended) A casino gaming system that provides an opportunity to win a prize in response to game play, each game being played in exchange for monetary input, the gaming system comprising:

a casino game server, wherein the casino game server stores one or more games in electronic form; and

a plurality of casino game units connected to the casino game server over a wired casino network, wherein the casino game system enables a player to receive a prize at a casino game unit in response to winning casino game play, and wherein the prize comprises a physical prize, coins, cash, or a ticket voucher for a physical prize, coins, or cash;

wherein the casino gaming system enables one or more casino game units to request games from the casino game server over the wired casino network, and one or more games to be downloaded over the wired casino network from the casino game server to one or more requesting casino game units; and

wherein each casino game unit associates with resources on the game server using Uniform Resource Locators.

18. (Currently amended) A casino gaming system that provides an opportunity to win a prize in response to game play, each game being played in exchange for monetary input, the gaming system comprising:

a casino game server, wherein the casino game server stores one or more games in electronic form;

a casino web server; and

a plurality of casino game units connected to the casino game server over a wired casino network and the casino web server, wherein the casino game system enables a player to receive a prize at a casino game unit in response to winning casino game play, and wherein the prize comprises a physical prize, coins, cash, or a ticket voucher for a physical prize, coins, or cash;

wherein the casino gaming system enables one or more games to be downloaded over the wired casino network from the casino game server to one or more casino game units.

19. (Currently amended) A casino gaming system that provides an opportunity to win a prize in response to game play, each game being played in exchange for monetary input, the gaming system comprising:

a casino web server; and

a plurality of casino game units connected to the casino web server over a wired casino network, wherein the casino game system enables a player to receive a prize at a casino game unit in response to winning casino game play, and wherein the prize comprises a physical prize, coins, cash, or a ticket voucher for a physical prize, coins, or cash.

20. (Currently amended) A casino gaming system that provides an opportunity to win a prize in response to game play, each game being played in exchange for monetary input, the gaming system comprising:

a casino web server; wherein the casino web server stores one or more games in electronic form; and

a plurality of casino game units connected to the casino web server over a wired casino network, wherein the casino game system enables a player to receive a prize at a casino game unit in response to winning casino game play, and wherein the prize comprises a physical prize, coins, cash, or a ticket voucher for a physical prize, coins, or cash;

wherein the casino gaming system enables one or more games to be downloaded over the wired casino network from the casino web server to one or more casino game units.

21. (Currently amended) A casino gaming system that provides an opportunity to win a prize in response to game play, each game being played in exchange for monetary input, the gaming system comprising:

a casino game server, wherein the casino game server stores one or more games in electronic form; and

a plurality of casino game units connected to the casino game server over a wired casino network, wherein the casino game system enables a player to receive a prize at a casino game unit in response to winning casino game play, and wherein the prize comprises a physical prize, coins, cash, or a ticket voucher for a physical prize, coins, or cash;

wherein at least one casino game unit includes a casino browser.

22. (Original) The gaming system of claim 21, wherein a game executes in the browser.
23. (Original) The gaming system of claim 21, wherein the browser displays game related data.
24. (Original) The gaming system of claim 23, wherein the browser displays tournament game related data.
25. (Original) The gaming system of claim 23, wherein the browser displays prize game related data.
26. (Original) The gaming system of claim 21, wherein the gaming system enables one or more games to be downloaded over the network from the game server using the browser.
27. (Original) The gaming system of claim 21, wherein the gaming system enables one or more games to be downloaded over the network from the game server to the game unit for use by the browser.
28. (Original) The gaming system of claim 21, wherein the browser displays advertising related data.
29. (Original) The gaming system of claim 21, wherein a game is executed at the game server and game execution related data is sent between the game server and a browser in a game unit.
30. (Original) The game unit of claim 21, wherein the gaming system includes a monetary input device.
31. (Currently amended) A casino game unit in a casino game system that provides an opportunity to win a prize in response to game play, each game being played in exchange for monetary input, the game unit comprising:
 - one or more displays associated with the casino game unit; and
 - a casino browser associated with at least one of the one or more displays, wherein the casino browser output is shown on at least one of the one or more displays

wherein the casino game system enables a player to receive a prize at the casino game unit in response to winning casino game play, and wherein the prize comprises a physical prize, coins, cash, or a ticket voucher for a physical prize, coins, or cash.

32. (Original) The game unit of claim 31, wherein a game executes in the browser.
33. (Original) The game unit of claim 31, wherein the browser displays game related data.
34. (Original) The game unit of claim 33, wherein the browser displays tournament game related data.
35. (Original) The game unit of claim 33, wherein the browser displays prize game related data.
36. (Original) The game unit of claim 31, wherein one or more games are downloadable over a network from a game server using the browser.
37. (Original) The game unit of claim 31, wherein one or more games are downloadable over a network from a game server to the game unit for use by the browser.
38. (Original) The game unit of claim 31, wherein the browser displays advertising related data.
39. (Original) The game unit of claim 31, wherein a game is executed at a game server and game execution related data is sent between the game server and the browser in the game unit.
40. (Original) The game unit of claim 31, wherein the gaming system includes a monetary input device.
41. (Currently amended) A casino gaming system for providing casino tournament play data to a user located remote from a casino, the gaming system comprising:
 - a casino game unit for playing a tournament that generates casino tournament play data;
 - a casino server, wherein the casino server stores the casino tournament play data, wherein the casino game system enables a player to receive a prize at a casino game unit in response to

winning casino game play, and wherein the prize comprises a physical prize, coins, cash, or a ticket voucher for a physical prize, coins, or cash; and

an access device capable of accessing the Internet, wherein the casino tournament play data is available to the user via the access device while the user is located remote from the casino.

42. (Original) The gaming system of claim 41, wherein the gaming system includes a player account that is accessible by the user via the access device while the user is located remote from the casino.

43. (Currently amended) A gaming system for providing casino game play data to a user located remote from a casino, the gaming system comprising:

a casino game unit for playing a casino game that generates casino game play data;

a casino server, wherein the casino server stores the casino game play data, wherein the casino game system enables a player to receive a prize at a casino game unit in response to winning casino game play, and wherein the prize comprises a physical prize, coins, cash, or a ticket voucher for a physical prize, coins, or cash; and

an access device capable of accessing the Internet, wherein the casino game play data is available to the user via the access device while the user is located remote from the casino.

44. (Original) The gaming system of claim 43, wherein the gaming system includes a player account that is accessible by the user via the access device while the user is located remote from the casino.

45. (Currently amended) A casino gaming system that provides an opportunity to win a prize in response to game play, each game being played in exchange for monetary input, the gaming system comprising:

a casino game server; and

a plurality of game units connected to the casino game server over a wired casino network, wherein the casino game system enables a player to receive a prize at a game unit in response to winning casino game play, and wherein the prize comprises a physical prize, coins, cash, or a ticket voucher for a physical prize, coins, or cash;

wherein the casino gaming system includes direct play of one or more players located in a casino against one or more players located remote from the casino.

46. (Original) The gaming system of claim 45, wherein one or more of the remote locations are player residences.

47. (Currently amended) A casino gaming system that provides an opportunity to win a prize in response to game play, each game being played in exchange for monetary input, the gaming system comprising:

a casino game server; and

a plurality of game units connected to the casino game server over a wired casino network, wherein the casino game system enables a player to receive a prize at a game unit in response to winning casino game play, and wherein the prize comprises a physical prize, coins, cash, or a ticket voucher for a physical prize, coins, or cash;

wherein the casino gaming system includes direct play of one or more players playing on a casino game unit against one or more players playing on a wireless receiver/transmitter device.

48. (Original) The gaming system of claim 47, wherein the game play is a tournament.

49. (Currently amended) A casino gaming system that provides an opportunity to win a prize in response to game play, each game being played in exchange for monetary input, the gaming system comprising:

a casino game server;

a plurality of game units connected to the casino game server over a wired casino network, wherein the casino game system enables a player to receive a prize at a game unit in response to winning casino game play, wherein the prize comprises a physical prize, coins, cash, or a ticket voucher for a physical prize, coins, or cash, and wherein each casino game unit includes a player identification device for monitoring game play of a player; and

a touch screen interface associated with the player identification device for enabling the player to input information and commands.

50. (Currently amended) A casino gaming system that provides an opportunity to win a prize in response to game play, each game being played in exchange for monetary input, the gaming system comprising:

a casino game server; and

a plurality of game units connected to the casino game server over a wired casino network, wherein the casino game system enables a player to receive a prize at a game unit in response to winning casino game play, and wherein the prize comprises a physical prize, coins, cash, or a ticket voucher for a physical prize, coins, or cash;

wherein the casino gaming system enables remotely adjusting prize and payout percentages of the game units.

51. (Original) The gaming system of claim 50, wherein the adjustment of prize and payout percentages is performed to achieve a desired profitability of the game units.

52. (Currently amended) A casino gaming system that provides an opportunity to win a prize in response to game play, each game being played in exchange for monetary input, the gaming system comprising:

a casino game server; and

a plurality of game units connected to the casino game server over a wired casino network, wherein the casino game system enables a player to receive a prize at a game unit in response to winning casino game play, and wherein the prize comprises a physical prize, coins, cash, or a ticket voucher for a physical prize, coins, or cash;

wherein the casino gaming system automatically enables remotely adjusting prize and payout percentages.

53. (Original) The gaming system of claim 52, wherein the adjustment of prize and payout percentages is performed to achieve a desired profitability of the game units.

REMARKS

In response to the Office action mailed September 16, 2010, the Examiner's claim rejections have been considered. Applicant respectfully traverses all rejections regarding all pending claims and earnestly solicit allowance of these claims.

1. Claim Rejections – Double Patenting

The Examiner has provisionally rejected claims 1-53 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-48 of co-pending Application No. 11/277,342.

In response, Applicant will submit a terminal disclaimer in compliance with 37 C.F.R. §1.321(c) to overcome the double patenting rejection upon the allowance of co-pending Application No. 11/277,342.

2. Priority

The first application to which priority is claimed in this chain is U.S. Patent Application No. 08/746,755 filed November 14, 1996, now U.S. Patent No. 5,816,918 issued October 6, 1998 (hereinafter the '918 patent). The specification of the '918 patent will be referred to herein as Spec. A. As is shown below, the claims of the current application are supported by this original disclosure, which has been incorporated by reference throughout the priority chain of this patent family.

The second application to which priority is claimed in this chain is U.S. Patent Application No. 09/040,654 filed March 17, 1998, now U.S. Patent No. 6,007,426 issued December 28, 1999 (hereinafter the '426 patent). The '426 patent is a continuation of the '918 patent. The specification of the '426 patent incorporates the '918 patent by reference (i.e., Spec. A is incorporated by reference). The specification of the '426 patent corresponds with Spec. A.

The third application to which priority is claimed in this chain is U.S. Patent Application No. 09/433,523 filed November 3, 1999, now U.S. Patent No. 6,758,755 issued July 6, 2004 (hereinafter the '755 patent). The '755 patent is a continuation-in-part of the '426 patent, and thus, includes new matter not included in the '426 patent or the '918 patent. The specification of

'755 patent incorporates the '426 patent and the '918 patent by reference (i.e., Spec. A is incorporated by reference), but does not additionally repeat Spec. A in the specification of the '755 patent. The specification of the '755 patent is different than the specification of the '426 patent and the '918 patent. The specification of the '755 patent will be referred to herein as Spec. B.

The fourth application to which priority is claimed in this chain is U.S. Patent Application No. 10/751,006 filed December 31, 2003 (hereinafter the '006 application). The '006 application is a continuation of the '755 patent. The specification of the '006 application corresponds with Spec. B. The specification of the '006 application incorporates the '426 patent and the '918 patent by reference (i.e., Spec. A is incorporated by reference), but does not additionally repeat Spec. A in the specification of the '006 application. The specification of the '006 application also incorporates the '755 patent by reference (i.e., Spec. B is incorporated by reference).

Finally, the current application is U.S. Patent Application No. 11/277,342 filed March 23, 2006 (hereinafter the '342 application). The '342 application is a continuation of the '006 application. The specification of '006 application incorporates the '426 patent and the '918 patent by reference (i.e., Spec. A is incorporated by reference), as well as incorporating the '755 patent and the '006 application by reference (i.e., Spec. B is incorporated by reference). The specification of '342 application corresponds with the combination of Spec. A plus Spec. B. No new matter has been added. The current claims of the '342 application are supported by material from Spec. A, which dates back to the filing of the '918 patent.

Accordingly, the claims of the current application are supported by this original disclosure, which has been incorporated by reference throughout the priority chain of this patent family.

3. Claim Rejections – 35 U.S.C. § 103(a) – Claims 1-48

The Examiner has rejected claims 1-48 under 35 U.S.C. § 103(a) as being unpatentable over Tsumura in view of Domenikos. Applicant respectfully traverses this rejection. For the sake of brevity, only the rejections of the independent claims are discussed in detail with the

understanding that the dependent claims are also patentably distinct over cited art, as they depend directly from their respective independent claims. Nevertheless, the dependent claims include additional features that, in combination with those of the independent claims, provide further, separate and independent bases for patentability.

First Argument:

The Examiner has taken the position that the Tsumura reference teaches a gaming system that enables one or more games to be downloaded over the network from the game server. Respectfully, Applicant submits that the Tsumura reference does not teach or suggest that a “gaming system enables one or more game units to request games from the game server over the wired network, and one or more games to be downloaded over the wired network from the game server to the requesting game units.” Respectfully, the Examiner’s position contradicts the direct teachings of the Tsumura reference which states that one-way, RF (radio frequency) wave distribution should be used instead of transmission by wires (which transmit bi-directionally) because wires are unacceptable to achieve the required transmission rates. In stark contrast, the claimed invention recites the use of a wired network to (1) transmit game requests to a game server from a gaming unit, and (2) download the requested games to the requesting gaming units from the server (i.e., bi-directional wired transmission).

Specifically, the Tsumura reference states:

It is a general object of the invention to provide a device for the efficient processing of game data transmitted in one direction only in the form of radio signals. Col. 2, ll. 18-20. (Emphasis added).

FIG. 1 is a block diagram illustrating the nature of radio transmission via a communications satellite from a transmission device to a receiving device, in which 11 is a communications satellite, 12 a transmission device and 13 a receiving device. Col. 3, ll. 14-18. (Emphasis added).

Moreover, since a single transponder can transmit data on 10 different channels simply by changing the frequency / wave band, one transponder can be used to carry out the operation outlined above on 10 different channels at the same time, providing only that it is used exclusively for that purpose. Col. 3, ll. 34-39.

Continuing, the Tsumura reference clearly states that wire transmission is not suitable for downloading and accessing game data. Specifically, the Tsumura reference states:

Large volumes of data, on the other hand, take a long time to transmit, even along digital lines (ISDN) that enable transmission speeds of up to 64 Kbps. The configuration of a network whereby a plurality of local terminals are connected by telephone lines to a central host computer such that each local terminal is able to access and download data from said host is also well known. However, in this type of configuration, a temporary concentration of access calls from local terminals can easily lead to an overload of the host computer's processing capacity and this will in turn lead to processing delays. Moreover, the longer transmissions take, the more congested the traffic becomes, and more lines have to be added to overcome the problem. This, however, creates a vicious circle by compounding the original problem. Col. 1, ll. 35-42. (Emphasis added).

Accordingly, the Tsumura reference teaches directly away from the claimed invention. “When the prior art teaches away from combining certain known elements, discovery of successful means of combining them is more likely to be non-obvious.”¹

Second Argument:

The Examiner has taken the position that the Domenikos reference teaches executing software at a server to facilitate distributed processing. However, the claimed invention recites that games are downloaded to a game unit where the games are executed (i.e. there is no distributed processing in the claimed invention). A game unit executes the downloaded game itself on its own operating system. The game is not executed at a remote server, as is done by the Domenikos reference. The Domenikos reference described its invention “as processes for allowing a client computer at a remote location to execute application programs stored at an Internet site....” See Col. 3, ll. 3-5. The claimed invention does not execute the games at the server level, as suggested by the Examiner. Furthermore, the claimed invention does NOT utilize distributed processing, but rather utilizes centralized processing at the gaming machine. The Examiner’s statement that “the Domenikos reference teaches executing software at a server to facilitate distributed processing” actually supports the Applicant’s position since the claimed invention does utilize distributed processing, but rather its opposite.

¹ 1 *KSR Int’l Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1395 (2007). See also M.P.E.P. 2144.05 entitled, Rebuttal Of Prima Facie Case Of Obviousness (stating that “a prima facie case of obviousness may also be rebutted by showing that the art, in any material respect, teaches away from the claimed invention”).

Third Argument:

The claimed invention recites “wherein the casino game system enables a player to receive a prize at a casino game unit in response to winning casino game play, and wherein the prize comprises a physical prize, coins, cash, or a ticket voucher for a physical prize, coins, or cash.” The Examiner previously cited to the Kiely et al. reference (U.S. Patent App. Pub. No. 2003/008769) for support. However, it was shown that the Kiely et al. reference is not prior art to the claimed invention since it has a later filing date. The Examiner has not replaced this reference, and thus, this element is not shown by the cited references. Instead, the Examiner has merely made the following statement:

It is well known that role playing games allow players to gain experience points. Experience points [are] viewed as possessing monetary value because higher experience points in a character represent a more value character. Also, points achieved in a shooting game can be viewed as possessing monetary value because having a high score on a game can be viewed as valuable to a person.

Respectfully, the Examiner’s attempt to say that gaming points are equivalent to a monetary prize is in direct conflict with the definition of the prize that has been recited in the claims. The independent claims clearly state that a “prize comprises a physical prize, coins, cash, or a ticket voucher for a physical prize, coins, or cash.” The Examiner is attempting to disregard this element of the claims.

In conclusion, Applicant respectfully submits that the 35 U.S.C. §103(a) rejection of claims 1-48 has been overcome.

4. Claim Rejections – 35 U.S.C. § 103(a) – Claims 49-53

The Examiner has rejected claims 49-53 under 35 U.S.C. § 103(a) as being unpatentable over Tsumura and Domenikos, and further in view of Dabrowski. Applicant notes that claims 51 and 53 are dependent claims that depend from independent claims 49, 50, and 52, respectively. Applicant respectfully submits that dependent claims 51 and 53 are not obvious in view of the combination of Tsumura, Domenikos, and Dabrowski, because these references, alone or in combination, fail to teach or suggest all the claimed limitations. Moreover, these dependent claims further recite and define the claimed invention, and thus, are independently patentable.

In light of the arguments submitted in Section 3 of this response, Applicant respectfully submits that dependent claims 49-53 are not obvious in view of Tsumura and Domenikos in view of Dabrowski, because these references fail to teach or suggest all the claimed limitations as detailed above in Section 3.

Additionally, the Dabrowski reference has been cited by the Examiner as disclosing a video poker machine with an adjustable payback percentage. Respectfully, the claims 49-53 of the claimed invention recite that a “gaming system automatically enables remotely adjusting prize and payout percentages.” The Dabrowski reference does not teach or suggest (1) remotely adjusting prize and payout percentages, or (2) automatically adjusting prize and payout percentages.

In conclusion, Applicant respectfully submits that the 35 U.S.C. §103(a) rejection of claims 49-53 has been overcome

CONCLUSION

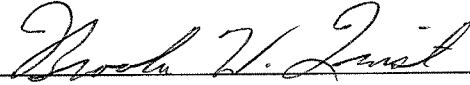
Applicant has made an earnest and *bona fide* effort to clarify the issues before the Examiner and to place this case in condition for allowance. Reconsideration and allowance of all of claims 1-53 is believed to be in order, and a timely Notice of Allowance to this effect is respectfully requested.

The Commissioner is hereby authorized to charge the fees indicated in the Fee Transmittal, any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17, or to credit any overpayments, to Deposit Account No. 194293, Deposit Account Name STEPTOE & JOHNSON LLP.

Should the Examiner have any questions concerning the foregoing, the Examiner is invited to telephone the undersigned attorney at (310) 734-3200. The undersigned attorney can normally be reached Monday through Friday from about 9:00 AM to 6:00 PM Pacific Time.

Respectfully submitted,

Date: November 1, 2010



Brooke W. Quist
Reg. No. 45,030
STEPTOE & JOHNSON LLP
2121 Avenue of the Stars
Suite 2800
Los Angeles, CA 90067
Tel 310.734.3200
Fax 310.734.3300