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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte VEGAS AMUSEMENT, INC.

Appeal 2012-001010
Reexamination Control 90/011,023
Patent 5,688,174[1]
Technology Center 3900

Before DANIEL S. SONG, ROBERT A. CLARKE, and JOSIAH C. COCKS, *Administrative Patent Judges*.

COCKS, *Administrative Patent Judge*.

DECISION ON APPEAL

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[1] The patent under reexamination ("'174 Patent") issued to inventor Kennedy on November 18, 1997 from Application 540,328 filed October 6, 1995.

A. STATEMENT OF THE CASE

This reexamination proceeding arose from a third-party request for ex parte reexamination filed on June 3, 2010 ("Req."). Vegas Amusement, Inc. ("Vegas Amusement"), the owner of the '174 Patent[2], appeals under 35 U.S.C. §§ 134(b) and 306 from a final rejection of claims 1-6.[3] We are informed that the '174 Patent is subject to litigation. (App. Br. 5.) We have jurisdiction under 35 U.S.C. §§ 134(b) and 306.

We *affirm*.

References Relied on by the Examiner

Takashima	4,614,342	Sep. 30, 1986
Wilson et al. ("Wilson")	5,220,522	Jun. 15, 1993
Morris et al. ("Morris")	5,324,035	Jun. 28, 1994

Levy, Douglas A. "ELECTRONIC SLOT MACHINES: New Technology Means New Games For Novices, New Profits For Casinos." Gambling Times, Vol. 7 No. 6, pp. 42, 43, and 52-55 (1983) ("**Levy**").

Liggett, Byron. "HIGH TECH: Opportunity and Change for the Casino Industry." Gambling Times, Vol. 10 No. 10, pp. 56-58 (1987) ("**Liggett**").

The Rejections on Appeal

The Examiner rejected claim 6 under 35 U.S.C. § 102(b) as anticipated by Morris.

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[2] *See* Patent Assignment Abstract of Title, Reel 013117, Frame 0752, which was entered into the record of this proceeding as "Title Report" on June 15, 2010.

[3] *See* Vegas Amusement's Appeal Brief filed June 13, 2011 ("App. Br.") and Reply Brief filed October 3, 2011 ("Reply Br.").

The Examiner rejected claims 1-5 under 35 U.S.C. § 103(a) as unpatentable over Morris, Wilson, Liggett, and Levy.

The Examiner rejected claims 1-6 under 35 U.S.C. § 103(a) as unpatentable over Takashima, Wilson, Liggett, and Levy.

The Invention

The invention relates to a multiplayer interactive video gaming device for games such as video blackjack and poker. ('174 Patent 1:1-14.)

Claim 1 is illustrative and reproduced below (App. Br. 32 Claims App'x.):

> 1. (original): A multiplayer interactive video gaming device, said device comprising:
>
> a personal computer assembly including an input/output system, a keyboard port, and a game processor device for executing a video gaming program responsively to input data, said game processor device configured to receive input data via said input/output system from said keyboard port;
>
> a plurality of spatially separate player stations, each said player station including at least one data input device configured to output a player input signal responsive to player activation; and
>
> an interface assembly in operative communication with said keyboard port and with more than one of said player stations, said interface assembly including an interface processor device configured to receive said player input signals and to output interface signals to said keyboard port, said interface signals corresponding to particular said data input devices,
>
> wherein each said player station includes a currency acceptor configured to accept currency from a player at the corresponding player station for wagering purposes and to output a currency input

> signal corresponding to an amount of currency accepted, wherein said interface assembly is configured to receive said currency input signals and to output corresponding currency output signals, and wherein said game processor device is configured to receive said currency output signals via said keyboard port and said input/output system.

B. ISSUES

1. Do the recitations in the claims of "a game processor device" and "an interface processor device" require that one and only one of each such device be present?

2. Was the Examiner incorrect in determining that the prior art disclose a video gaming system incorporating "a game processor device" and "an interface processor device"?

3. Was the Examiner incorrect in determining that a video gaming system incorporating "a game processor device" and an "interface processor device" would have been obvious from the teachings of the prior art?

4. Did Vegas Amusement adequately establish that Wilson is non-analogous art and unavailable as prior art in rejecting Vegas Amusement's claims?

5. Does the record reflect that the teachings of Wilson and either those of Morris or Takashima are incompatible with one another and are unable to be combined?

C. PRINCIPLES OF LAW

"The word 'comprising' transitioning from the preamble to the body signals that the entire claim is presumptively open-ended." *Gillette Co. v. Energizer Holdings, Inc.* 405 F.3d 1367, 1371-1372 (Fed. Cir. 2005). "'Comprising' is a term of art used in claim language which means that the

named elements are essential, but other elements may be added and still form a construct within the scope of the claim." *Genentech, Inc. v. Chiron Corp.* 112 F.3d 495, 501 (Fed. Cir. 1997).

The indefinite article "a" when used to introduce a feature in an open-ended claim usually carries the meaning "one or more." *KCJ Corp. v. Kinetic Concepts, Inc*., 223 F.3d 1351, 1356 (Fed. Cir. 2000). It is only in rare circumstances that the article "a" is limited to a singular interpretation and such limitation must be clearly established. *Id*.

When the specification or the claim language itself indicates that "a" does not carry a meaning of one or more but instead means "one and only one" it is appropriate to construe it as such. *Harari v. Lee*, 656 F.3d 1331, 1341 (Fed Cir. 2011).

"[A] disclosure of a preferred or exemplary embodiment encompassing a singular element does not disclaim a plural embodiment." *KCJ Corp.*, 223 F.3d at 1356.

During reexamination, claims must be given their broadest reasonable interpretation consistent with the specification of the reexamined patent. *In re Yamamoto*, 740 F.2d 1569, 1571 (Fed. Cir. 1984).

The broadest reasonable interpretation rule recognizes that before a patent is granted the claims are readily amended as a part of the examination process and that an applicant has the opportunity and responsibility to remove any ambiguity in claim meaning by making an amendment. *In re Bigio*, 381 F.3d 1320, 1324 (Fed. Cir. 2004).

Anticipation is established when a single prior art reference discloses all features of the claimed invention. *In re Spada*, 911 F.2d 705, 708 (Fed. Cir. 1990).

A reference is analogous art if it is either in the field of the applicant's endeavor, or is reasonably pertinent to the particular problem with which the inventor was concerned. *In re Kahn*, 441 F.3d 977, 987 (Fed. Cir. 2006).

"A reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his problem." *In re Clay*, 966 F.2d 656, 659 (Fed. Cir. 1992).

A person of ordinary skill in the art is also a person of ordinary creativity, not an automaton. *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 421 (2007).

"[I]t is not necessary that the inventions of the references be physically combinable to render obvious the invention under review." *In re Sneed*, 710 F.2d 1544, 1550 (Fed. Cir. 1983). "Claims may be obvious in view of a combination of references, even if the features of one reference cannot be substituted physically into the structure of the other reference." *Orthopedic Equipment Co., Inc. v. U.S.*, 702 F.2d 1005, 1013 (Fed. Cir. 1983)

"What matters in the § 103 nonobviousness determination is whether a person of ordinary skill in the art, having all of the teachings of the references before him, is able to produce the structure defined by the claim." (*Id*.)

D. FINDINGS AND ANALYSIS

Claim Construction

A first issue in this appeal is the meaning of "a game processor device" and "an interface processor device" which appear in each of independent claims 1-6.

A game processor device

According to Vegas Amusement, the recitation in its claims of "a game processor device" is narrowly limited to a "single" game processing device and that "all game functionality" is performed by that single game processor. (App. Br. 13:26-30; 18:20-22.) To justify the claim construction it advocates, Vegas Amusement points to the specification of the '174 Patent as showing and describing only one central processing unit ("CPU") 38 in its Figure 2 which controls execution of video game programming and a statement in the specification that multiple CPUs have a known disadvantage in increasing costs of a video gaming system. (App. Br. 20:17-29.) Vegas Amusement also points to the Background of the Invention of the '174 patent as allegedly stating that including multiple processors with distributed functionality in gaming systems is a deficiency in the prior art that the claimed invention overcomes. (*Id*. at 12:21-25.)

At the outset, we note that each of claims 1-6 uses the term "comprising" in transition between the preamble and body of the claim. When used in claim drafting, the term "comprising" indicates that the claim is open-ended such that while named features in the claim are essential other un-recited features are not excluded. *See Gillette Co.*, 405 F.3d at 1371-1372; *see also Genentech, Inc.*, 112 F.3d at 501. Furthermore, the indefinite

article "a" when used to introduce a feature in an open-ended claim usually carries the meaning "one or more." *KCJ Corp.*, 223 F.3d at 1356. It is only in rare circumstances that the article "a" is limited to a singular interpretation and such limitation must be clearly established. *Id*. Such a circumstance may arise when the specification or the claim language itself indicates that "a" does not carry a meaning of one or more but instead means "one and only one." *Harari*, 56 F.3d at 1341. We thus consider the meaning of "a" against the backdrop of the claim language and involved specification, keeping in mind that, during reexamination, claims must be given their broadest reasonable interpretation consistent with the specification of the reexamined patent. *See In re Yamamoto*, 740 F.2d at 1571.

Here, despite Vegas Amusement's assertion that the recitation of "a game processor device" requires a "single" such device performing "all game functionality" processing, notably absent from the language of the claims is the use of the term "single" or any description of the extent of game processing that must be performed by the processor device. The language of the claims themselves does not convey terms or expressions of exclusion in connection with the presence of other processing devices covered by the claims. As noted above, the claim construction advanced by Vegas Amusement relies on the description of preferred embodiments incorporating one CPU 38 for game processing and the following paragraph which appears in the specification of the '174 Patent ('174 Patent 2:25-36):

> [M]ultiplayer interactive video gaming machines are known that employ a network arrangement. Players play individual games from individual player stations, each having a keypad, a personal computer

> circuit board, and a monitor. Input from the keypad switches is conveyed to the player station circuit board, which executes the individual player blackjack game responsively to this input data and data relating to the dealer's hand provided by a central file server computer. However, the multiple circuit boards contribute significantly to the costs of such a configuration, while the heat generated by the CPUs contributes to increased maintenance costs.

We note that the mere disclosure of preferred embodiments in the '174 Patent encompassing one CPU 38 one does not itself disclaim other embodiments incorporating more than one such CPU. *See KCJ Corp.*, 223 F.3d at 1356. We also observe that although the above-quoted statement discusses disadvantages associated with multiple CPUs in a video gaming system, the statement does not establish that those known disadvantages operate to strictly limit the invention of the '174 Patent to a system incorporating a single CPU to the exclusion of all other systems.

The record establishes that although the specification of the '174 Patent may convey a general preference for minimizing the number of overall processing CPUs in a gaming device when the focus is on reducing costs, the specification does not reasonably operate to impose a special meaning to "a game processor device" as mandating one and only one processor device or reasonably disavow more than one such device from coverage by the claims. Indeed, in describing the preferred embodiments of the invention, the '174 Patent itself presents a system incorporating an additional "interface processor" which is also a CPU, *e.g.*, CPU 26 ('174 Patent 3:17-28; 4:60-64). Thus, the '174 Patent discloses a system with multiple CPUs. That disclosure tends to indicate that the above reproduced paragraph simply indicates a general preference for a system that minimizes

the number of involved processors, and not that "a game processor device" is strictly a singular processor.

Thus, neither the claims nor the specification of the '174 Patent establishes a special meaning for the term "a game processor device." If Vegas Amusement intended a special meaning reflecting that a "single" or "one and only one" such device be encompassed by its claims, the opportunity and responsibility to impose such a limitation was by amendment to the claims. *See In re Bigio*, 381 F.3d at 1324. Vegas Amusement did not avail itself of that opportunity. Accordingly, we conclude that the Examiner's interpretation of "a game processor device" as not limited strictly to a single processor device is reasonable and not inconsistent with the specification of the '174 Patent. We therefore reject, as incorrect, the overly limited interpretation of the term that is advanced by Vegas Amusement.

An interface processor device

The claims also recite an interface assembly which includes "an interface processor device." (App. Br. 32-36 Claims App'x.) According to Vegas Amusement, its claims require a "central" interface processor. (App. Br. 23:5-20.) Intrinsic to Vegas Amusement's argument is that the alleged "central" interface processor of the claims means that the claims require one and only one such processor. The Examiner counters that the claims do not recite the term "central" in connection with "an interface processor device" and are not limited to a single interface processing device to the exclusion of other such devices. (Ans. 11:21-12:11.) We agree with the Examiner.

None of the claims recites the term "central" in conjunction with "an interface processor device." Neither does the language of the claims, nor the specification of the '174 Patent, convey that "an interface processor device" means one and only one such device. For reasons similar to those given above with respect to the recitation of "a game processing device," we reject Vegas Amusement's argument that claims 1-6 exclude as outside their scope more than one interface processor device as a part of the video gaming systems of those claims.

Anticipation

The Examiner rejected claim 6 as anticipated by Morris. In rejecting the claim, the Examiner found that Morris discloses all the features of the claims including a personal computer assembly having "a game processor device" and an interface assembly having "an interface processor device." (Ans. 4:10-12[4].) Vegas Amusement challenges those findings.

Morris discloses a video gaming system 10 for use by multiple players and which is operable for play of such games as "poker, slot machines, progressive games, Pai Gow, black jack, keno, bingo, craps, roulette and Red Dog." (Morris Abstract; 5:36-40.) The gaming system incorporates a central game processor 12 in communication with a plurality of master processing units 14, each of which form a part of a personal computer assembly. (*Id*. at 8:31- 56.) That disclosure forms the basis for the Examiner's determination that the recitation in claim 6 of a computer

[4] The noted portion of the Examiner's Answer incorporates by reference pages 26-30 of the Request for *Ex Parte* Reexamination filed June 3, 2010.

assembly with "a game processor device" is satisfied. Morris also discloses "slave terminals" 16 which provide player interface for gaming system 10. (*Id*. at 5:23-27.) Each terminal 16 includes a component 116 which is described as a "general purpose input-output (I/O) interface adapter" and which is coupled to microprocessor 106. (*Id*. at 11:22-26.) Based on that disclosure, the Examiner determined that Morris discloses "an interface assembly" with "an interface processor device" as claimed. (*See* Req. 28-29.) Morris also describes continuously updating each player of the results of the other players, which provides for competition by the players. (*Id*. at 2:67 - 3:5). Accordingly, Vegas Amusement's argument (*see, e.g.,* App. Br. 17) that use of a single processor is necessary for interactive gaming and that Morris does not provide interactive video gaming is not persuasive given Morris's express teaching of continuous updating of players to provide for competition.

We have considered Vegas Amusement's argument challenging the Examiner's determination that the prior art discloses "a game processor device" and "an interface processor device." (App. Br. 18-24; Reply Br. 9-11.) However, in light of the record before us and taking into account the proper interpretation of those terms, we do not agree with Vegas Amusement. Its argument is incorrectly premised on the belief that the interpretation of "a game processor device" and "an interface processor device" necessarily excludes the presence of more than one of each device. As discussed above, we reject that position as it does not correctly adopt the broadest reasonable interpretation of the above-noted terms that is consistent with the '174 Patent.

Anticipation is established when a single prior art reference discloses all features of the claimed invention. *In re Spada*, 911 F.2d at 708. On this record, we conclude that the Examiner has adequately demonstrated that Morris discloses all of the features recited in Vegas Amusement's claim 6. For the foregoing reasons, we sustain the rejection of claim 6 as anticipated by Morris.

Obviousness

The Examiner rejected claims 1-5 over Morris, Wilson, Levy, and Liggett and claims 1-6 over Takashima, Wilson, Levy, and Liggett.

The rejection over Morris, Wilson, Levy, and Liggett

Claims 1-5 are similar in scope to claim 6 and are directed to either a "multiplayer interactive video gaming device" or simply "an interactive video gaming device." (App. Br. 32-35 Claims App'x.) As urged by Vegas Amusement, where claims 1 and 5 differ from claim 6 is in the recitation of a "keyboard port" as a data input/output component as opposed to the "data port" set forth in claim 6. (App. Br. 24:30-31.) In accounting for the "keyboard port" feature, the Examiner relied on the teachings of Wilson. (Ans. 4:19-21.) The Examiner's Answer incorporates by reference the explanation for rejecting claims 1-5 set forth in the Request for *Ex Parte* Reexamination at pages 30-58. The Request points to Morris as disclosing a keyboard port and to Wilson as disclosing the use of such a port for inputting data to a processing device of a personal computer assembly. (Req. 31-33.) The Request further explains that it would have been obvious to one of ordinary skill in the art to combine the teachings of Morris and Wilson. (*Id.*)

Analogous Art

Vegas Amusement first challenges the rejection based on the combination of Morris and Wilson on the theory that Wilson is "not analogous art." (App. Br. 14:30-31; 25:7-8.) According to Vegas Amusement (*id*. at 14:31-15:3):

> Wilson describes a computer controlled automated data acquisition, monitoring, and control system (for example, a sorting system where products are tested under computer control to see if the products are within limits for certain parameters) that dispenses with human input of data, not a gaming system.

Thus, Vegas Amusement is of the view that the reason Wilson is non-analogous art, and thus unavailable as prior art in rejecting its claims under 35 U.S.C. § 103, is because the reference is not directed to "a gaming system." We take Vegas Amusement's argument as an assertion that the field of endeavor of the invention is limited to gaming systems, and that Wilson does not fall within that field.

Even assuming that Vegas Amusement has correctly characterized the field of the inventor's endeavor, we note that the test for analogous art is a two pronged test. A reference is analogous art if it is either in the field of the applicant's endeavor, or is reasonably pertinent to the particular problem with which the inventor was concerned. *In re Kahn*, 441 F.3d at 987. Here, the relevant problem faced by the inventor was in inputting data from a peripheral device to the processing device of a personal computer assembly. As the computer assembly includes a keyboard port which is viable for inputting data, Vegas Amusement's inventor sought to input data, and in particular video gaming data, using the available keyboard port as a data

input port for data from a peripheral device that is not a keyboard. (*See, e.g.*, '174 Patent 1:60-2:24.)

Each of Morris and Wilson involve inputting data from a device into a processor of a personal computer assembly. (Morris 7:51-8:29; Wilson Abstract.) In Wilson, the keyboard port is recognized as a viable port for inputting data to the computer assembly whether the inputting device be a keyboard or some other peripheral device which emulates data entry via a keyboard, but is not itself a keyboard. (Wilson 2: 3-16.) A reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his problem. *In re Clay*, 966 F.2d at 659.

In our view, a technique of inputting data from a peripheral device into one personal computer assembly using a keyboard input port, as in Wilson, would have logically commended itself to an inventor seeking to input data into a computer assembly which includes a keyboard port, even if the type of data involved in Wilson is different than the data with which the inventor was concerned, *i.e.*, gaming data. Vega Amusement does not meaningfully explain why a skilled artisan would have viewed data content as a factor somehow prohibiting the implementation of a teaching involving data transmission techniques from one computer system onto another computer system. We conclude that Wilson is reasonably pertinent to the problem faced by the inventors of the '174 Patent.

Furthermore, in applying Wilson in rejecting the claims, the Examiner also determined that the relevant field of endeavor is "computer systems and

processing" and concluded that Wilson is in that field. (Ans. 19:2-6.) Vegas Amusement does not address that determination.

For the foregoing reasons, we are not persuaded that Wilson is non-analogous art and inapplicable as prior art in rejecting Vegas Amusement's claims.

Alleged Incompatibility of Morris and Wilson

Vegas Amusement also generally contends the following with respect to the proposed combination of Morris and Wilson (App. Br. 26:11-13):

> Wilson's computer controlled automated data acquisition, monitoring, and control system is substantially incompatible with, and therefore could not be properly combined with, Morris' multiprocessor game systems.

Vegas Amusement further contends that Wilson's teachings "would not function with a distributed system such as Morris without significant design and operational changes." (*Id*. at 27:6-7.)

Vegas Amusement, however, does not cogently explain why it believes the systems of Morris and Wilson are "substantially incompatible," why their combination would require "significant design and operational changes," or in particular, why the keyboard port already present in Morris cannot be used for inputting data. Vegas Amusement also does not offer objective evidence to support those assertions, such as the declaration testimony of an expert witness. Rather, the assertions amount simply to arguments of counsel. Such argument, however, cannot take the place of evidence lacking in the record. *Estee Lauder Inc. v. L'Oreal, S.A.*, 129 F.3d 588, 595 (Fed. Cir. 1997).

Moreover, we note that even if some changes are required to implement the teachings of Wilson onto Morris' system, it is not necessary that the inventions of the references be physically combinable, without change, to render obvious the invention under review. *See In re Sneed*, 710 F.2d at 1550; *see also Orthopedic Equipment Co., Inc.*, 702 F.2d at 1013. In this regard, in the present application, no physical combination of Wilson and Morris is even required considering that Morris already includes a keyboard port. That some adjustment or reconfiguration of a computer system may be necessary to use such an existing port does not itself preclude a determination of obviousness based on the teachings of those references. The references reflect that the level of ordinary skill in the art is sufficient to operably associate the various elements of a computing system so as to provide interaction between components, such as a peripheral data input device and a processor device for processing the commands that are inputted. Vegas Amusement does not adequately explain why a person of ordinary skill in the art, who is also a person of ordinary creativity, *KSR Int'l Co.*, 550 U.S. at 421, would have been incapable of implementing Wilson's teachings into the system of Morris so as to convey inputted commands to a processor via a particular port intended to facilitate data input, *e.g.*, a keyboard port.

Accordingly, we reject Vegas Amusement's argument that Morris and Wilson are allegedly incompatible so as to preclude a determination of obviousness based on the combination of their teachings.

The Examiner's Alternative Reasoning

In rejecting Vegas Amusement's claims 1-5 based on Morris, the Examiner alternatively reasoned that even if the recitation in those claims of "a game processor device" and "an interface processor device" are, in each case, limited to a single processor device, the claims would still have been obvious. (Ans. 10-12.) In particular, the Examiner determined that one of ordinary skill in the art would have appreciated that, in view of the teachings of Morris, a single processor may be substituted for multiple processors, pointing to column 4 of Morris. (*Id*. at 10:8-18.)

> The referenced portion of Morris reads (Morris 4:54-58):
>
> Each component of the gaming system 10 provides a specific function necessary to operation of the gaming system 10 as a whole. However, these functions can be further distributed or combined among other computer architectures.

Thus, Morris envisions that the functionality of components of its computer system may be "combined." Vegas Amusement does not assert that Morris' system would be inoperable if processing functions performed by multiple processors were instead combined so as to be performed by a single processor. Rather Vegas Amusement simply contends that combining Morris' processors and their processing function into a single processor would result in "game play that is prohibitively slow, causing significant delays that players would not tolerate." (App. Br. 22:26-28.) A determination of obviousness, however, does not require that the prior art must be optimized or improved over that which is expressly disclosed. Rather, the proper inquiry in evaluating obviousness is whether a person of ordinary skill in the art, having all of the prior art teachings before him,

would have been able to produce the structure defined by the claims. *See Orthopedic Equipment Co., Inc.*, 702 F.2d at 1013.

Here, a skilled artisan would reasonably have appreciated from the teachings of Morris that the processing capabilities of multiple processors may be incorporated or combined into a single processor even if the resulting processing functionality may be less desirable in terms of speed than with multiple processors. We conclude that in light of the teachings of the prior art, the video gaming device set forth in Vegas Amusement's claims would have been obvious to one of ordinary skill in the art even if the recitation in those claims of "a game processor device" and "an interface processor device" are, in each case, limited to a single processor device.

For the foregoing reasons, we are not persuaded of any error in the Examiner's decision to reject claims 1-5 over the teachings of Morris, Wilson, Levy, and Liggett.

The rejection over Takashima, Wilson, Levy, and Liggett

The Examiner rejected claims 1-6 over the combined teachings of Takashima, Wilson, Levy, and Liggett. Takashima discloses an electronic game machine providing electronic play of such card games as "blackjack or twenty-one" by multiple players. (Takashima 1:1-55.) The disclosure of Takashima is similar in nature and function to that of Morris. Vegas Amusement's arguments with respect to the Examiner's rejection based on the teachings of Takashima are largely the same as those which were advanced in connection with the rejections involving Morris. In particular, Vegas Amusement generally urges that: (1) its claims require a single game processor device and a single interface processor device; (2) that Takashima

discloses only the presence of multiple such processor devices; and (3) the teachings of Wilson are "incompatible" with the teachings of Takashima. (App. Br. 27-31.)

As discussed above, we conclude that Vegas Amusement's claims are not limited to a single game processor device and a single interface processor device to the exclusion of other such devices. Vegas Amusement has not shown that the Examiner was incorrect in determining that the video gaming system of Takashima discloses a game processor device and an interface processor device as recited in the claims. (Ans. 5:13-15[5].) Vegas Amusement also has not shown error in the Examiner's determination that even if a "single" game processor and interface device are required by the claims, one with ordinary skill in the art would have reasonably appreciated that a single processor may be implemented in lieu of multiple processors. (*Id*. at 17-19.) Further, Vegas Amusement has not established that Takashima's system would be unable to operate with a single processor configuration. Vegas Amusement's argument (App. Br. 28:7-16) that Takashima does not provide for interactive play between players is not persuasive as Takashima teaches that cards are dealt clockwise beginning on the dealer's left and subsequent players are not dealt cards until earlier players have either stood on their count or busted. (Takashima 9:20-33.) Lastly, for essentially the same reasons given above in conjunction with the Morris reference, we reject Vegas Amusement's assertion that the teachings of Wilson are incompatible with those of Takashima.

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[5] The Examiner's Answer incorporates by reference pages 59-90 of the Request for *Ex Parte* Reexamination filed June 3, 2010.

Accordingly, we sustain the rejection of claims 1-6 over the teachings of Takashima, Wilson, Levy, and Liggett.

E. CONCLUSION

1. The recitations in the claims of "a game processor device" and "an interface processor device" do not require that one and only one of each such device be present.

2. The Examiner was not incorrect in determining that the prior art discloses a video gaming system incorporating "a game processor device" and "an interface processor device."

3. The Examiner was not incorrect in determining that a video gaming system incorporating "a game processor device" and an "interface processor device" would have been obvious from the teachings of the prior art.

4. Vegas Amusement did not establish that Wilson is non-analogous art and unavailable as prior art in rejecting Vegas Amusement's claims.

5. The record does not reflect that the teachings of Wilson and either those of Morris or Takashima are incompatible with one another and are unable to be combined.

F. ORDER

The rejection of claim 6 under 35 U.S.C. § 102(b) as anticipated by Morris is **affirmed**.

The rejection of claims 1-5 under 35 U.S.C. § 103(a) as unpatentable over Morris, Wilson, Liggett, and Levy is **affirmed**.

The rejection of claims 1-6 under 35 U.S.C. § 103(a) as unpatentable over Takashima, Wilson, Liggett, and Levy is **affirmed**.

TIME PERIOD FOR RESPONSE

Requests for extensions of time in this *ex parte* reexamination proceeding are governed by 37 C.F.R. § 1.550(c). *See* 37 C.F.R. § 41.50(f).

AFFIRMED

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