

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

IGT,
Petitioner,

v.

ARISTOCRAT TECHNOLOGIES AUSTRALIA PTY LTD.,
Patent Owner.

Case No. to be Assigned
U.S. PATENT NO. 8,298,064

**PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT
NO. 8,298,064 UNDER 35 U.S.C. §§ 311-319 AND 37 C.F.R. § 42.100, *et seq.***

TABLE OF CONTENTS

I.	PRELIMINARY STATEMENT	1
II.	MANDATORY NOTICES	1
	A. Real Party-In-Interest	1
	B. Related Matters.....	1
	C. Lead and Backup Counsel and Service Information.....	3
III.	FEES	3
IV.	GROUND FOR STANDING.....	4
V.	THE '064 PATENT	4
VI.	STATUTORY GROUNDS FOR THE CHALLENGES	8
VII.	LEVEL OF ORDINARY SKILL IN THE ART	8
VIII.	CLAIM CONSTRUCTION	8
	A. “Superimposed”.....	9
IX.	THERE IS A REASONABLE LIKELIHOOD THAT PETITIONER WILL PREVAIL WITH RESEPCT TO AT LEAST ONE CLAIM OF THE '064 PATENT.....	10
	A. Prior Art.....	10
	1. Legato.....	11
	2. AU-A-43488/99 (Timperley).....	13
	3. AU199917318 A1 (Bennett).....	15
	B. Ground I: Claims 1-6, 8-17, and 19-23 Are Unpatentable Under 35 U.S.C. § 103 as Obvious Over the Combination of Legato and Timperley.....	16
	1. Claim 1	16
	2. Claims Dependent on Claim 1	24

3.	Claim 13	31
4.	Claims Dependent on Claim 13	34
C.	Ground 2: Claims 7 and 18 Are Unpatentable Under 35 U.S.C. § 103 as Obvious Over the Combination of Legato, Timperley, and Bennett.....	40
1.	Claims 7 and 18 Are Obvious	40
X.	CONCLUSION.....	42

LIST OF EXHIBITS

Exhibit	Description
1001	U.S. Patent No. 8,298,064 to Bennett, et al. (“the ’064 Patent”)
1002	File History for U.S. Patent No. 8,298,064
1003	Legato, Frank, “World of Slots,” <i>Casino Journal</i> , Sept. 1998 (“Legato”)
1004	Definition of “superimpose” in Merriam-Webster’s Collegiate Dictionary, Tenth Edition (1993)
1005	Australian Patent No. AU-A-43488/99 to Temperley (“Temperley”)
1006	Australian Patent Application No. AU199917318 A1 to Bennett (“Bennett”)
1007	Declaration of Richard Michaelson
1008	Richard Michaelson Curriculum Vitae
1009	Fey, Marshall; <i>Slot Machines: A Pictorial History of the First 100 Years</i> (5th ed. 1997)

I. PRELIMINARY STATEMENT

The claimed “gaming machine” of U.S. Patent No. 8,298,064 (“the ’064 Patent”) purports to add an inventive feature that bonus symbols remain in place while the reels are re-spun. Claims 1 and 13, the sole independent claims, were granted on the basis that the prior art did not disclose this feature.

But, Legato, which was not before the Examiner during prosecution of the ’064 Patent, discloses three different video slot machines that employ “scatter-pay” bonus symbols and “wild symbols” that remain in place for subsequent re-spins of the reels. (Ex. 1003, Legato, “World of Slots,” *Casino Journal*, Sept. 1998.) In light of Legato, the ’064 Patent claims nothing non-obvious over the prior art.

To the extent that Legato does not disclose each limitation of the ’064 Patent claims, a person of ordinary skill in the art would have been motivated to combine Legato with additional prior art references rendering both independent Claims 1 and 13 and all of the dependent claims obvious. Petitioner respectfully requests institution.

II. MANDATORY NOTICES

A. Real Party-In-Interest

The real party-in-interest is IGT or Petitioner.

B. Related Matters

The ’064 Patent is currently the subject of litigation in the District of Nevada, captioned *IGT v. Aristocrat Technologies, Inc.* (Civil Action

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.