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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte REYNOLDS W. GUYER and THOMAS W. GUYER

Appeal 2018-001948
Application 14/488,625
Technology Center 3700

Before KENNETH G. SCHOPFER, AMEE A. SHAH, and
RACHEL. H. TOWNSEND, *Administrative Patent Judges*.

SCHOPFER, *Administrative Patent Judge*.

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134(a), Appellant appeals from the Examiner's decision to reject claims 25–31.¹ We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

¹ We use the word “Appellant” to refer to “applicant” as defined in 37 C.F.R. § 1.42. Appellant identifies the real party in interest as Winsor Concepts. Br. 3.

BACKGROUND

The Specification discloses that “[t]he present invention relates generally to a method for playing a game of chance and entertainment. More specifically, to a game that uses a relationship between a master indicator and several scoring indicators to determine a player’s score.” Spec. ¶ 2.

ILLUSTRATIVE CLAIM

Claim 25 is the only independent claim on appeal and recites:

25. A mobile device comprising:

a display, showing on a single screen an amount won on a last roll of a set of dice, an amount won during a latest streak of winning rolls of the set of dice, and an amount set aside by the user in a bank;

a processor,

transmitting to the display so as to be shown on a single screen by the display:

the amount won on the last roll of the set of dice,

the amount won during the latest streak of winning rolls of the set of dice,

and the amount set aside by the user in a bank, and

computing each roll of the set of dice and determining if the resulting roll of the set of dice produces a score, such that with each roll, if the set of dice does not produce a score, the amount won during the latest streak of winning rolls is set to zero and a different player is selected to play the next roll of the set of dice.

Br. 10.

REJECTIONS

1. The Examiner rejects claims 25–31 under 35 U.S.C. § 101 as claiming ineligible subject matter.
2. The Examiner rejects claims 25–31 under 35 U.S.C. § 103(a) as unpatentable over Cannon² in view of Official Notice.
3. The Examiner rejects claims 25–31 on the ground of nonstatutory double patenting over claims of U.S. Patent No. 8,844,929.
4. The Examiner rejects claims 25–31 on the ground of nonstatutory double patenting over claims of U.S. Patent No. 8,413,987.

DISCUSSION

Subject Matter Eligibility

Standard for Patent Eligibility

An invention is patent-eligible if it claims a “new and useful process, machine, manufacture, or composition of matter.” *See* 35 U.S.C. § 101. However, the Supreme Court has long interpreted 35 U.S.C. § 101 to include implicit exceptions: “[l]aws of nature, natural phenomena, and abstract ideas” are not patentable. *E.g.*, *Alice Corp. Pty. Ltd. v. CLS Bank Int’l*, 573 U.S. 208, 216 (2014) (citation omitted).

In determining whether a claim falls within an excluded category, we are guided by the Supreme Court’s two-step framework, described in *Mayo* and *Alice*. *Id.* at 217–18 (citing *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 75–77 (2012)). In accordance with that framework, we first determine what concept the claim is “directed to.” *See Alice*, 573 U.S. at 219 (“On their face, the claims before us are drawn to the

² Cannon et al., US 6,746,328 B2, iss. June 8, 2004.

concept of intermediated settlement, *i.e.*, the use of a third party to mitigate settlement risk.”); *see also Bilski v. Kappos*, 561 U.S. 593, 611 (2010) (“Claims 1 and 4 in petitioners’ application explain the basic concept of hedging, or protecting against risk.”).

Concepts determined to be abstract ideas, and thus patent ineligible, include certain methods of organizing human activity, such as fundamental economic practices (*Alice*, 573 U.S. at 219–20; *Bilski*, 561 U.S. at 611); mathematical formulas (*Parker v. Flook*, 437 U.S. 584, 594–95 (1978)); and mental processes (*Gottschalk v. Benson*, 409 U.S. 63, 67 (1972)). Concepts determined to be patent eligible include physical and chemical processes, such as “molding rubber products” (*Diamond v. Diehr*, 450 U.S. 175, 191 (1981)); “tanning, dyeing, making water-proof cloth, vulcanizing India rubber, smelting ores” (*id.* at 182 n.7 (quoting *Corning v. Burden*, 56 U.S. 252, 267–68 (1853))); and manufacturing flour (*Benson*, 409 U.S. at 69 (citing *Cochrane v. Deener*, 94 U.S. 780, 785 (1876))).

In *Diehr*, the claim at issue recited a mathematical formula, but the Supreme Court held that “[a] claim drawn to subject matter otherwise statutory does not become nonstatutory simply because it uses a mathematical formula.” *Diehr*, 450 U.S. at 187; *see also id.* at 191 (“We view respondents’ claims as nothing more than a process for molding rubber products and not as an attempt to patent a mathematical formula.”). Having said that, the Supreme Court also indicated that a claim “seeking patent protection for that formula in the abstract . . . is not accorded the protection of our patent laws, . . . and this principle cannot be circumvented by attempting to limit the use of the formula to a particular technological environment.” *Id.* (citing *Benson* and *Flook*); *see, e.g., id.* at 187 (“It is now

commonplace that an *application* of a law of nature or mathematical formula to a known structure or process may well be deserving of patent protection.”).

If the claim is “directed to” an abstract idea, we turn to the second step of the *Alice* and *Mayo* framework, where “we must examine the elements of the claim to determine whether it contains an inventive concept sufficient to transform the claimed abstract idea into a patent-eligible application.” *Alice*, 573 U.S. at 221 (citation omitted). “A claim that recites an abstract idea must include ‘additional features’ to ensure ‘that the [claim] is more than a drafting effort designed to monopolize the [abstract idea].’” *Id.* (alterations in original) (quoting *Mayo*, 566 U.S. at 77). “[M]erely requir[ing] generic computer implementation[] fail[s] to transform that abstract idea into a patent-eligible invention.” *Id.*

The United States Patent and Trademark Office (USPTO) recently published revised guidance on the application of the *Alice* and *Mayo* framework. USPTO’s 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed. Reg. 50 (Jan. 7, 2019) (“Revised Guidance”). Under that guidance, we first look to whether the claim recites:

- (1) (*see* Revised Guidance Step 2A — Prong One) any judicial exceptions, including certain groupings of abstract ideas (i.e., mathematical concepts, certain methods of organizing human activity such as a fundamental economic practice, or mental processes); and

(2) (*see* Revised Guidance Step 2A — Prong Two) additional elements that integrate the judicial exception into a practical application (*see* MPEP §§ 2106.05(a)–(c), (e)–(h) (9th ed. 2019)).³

Only if a claim (1) recites a judicial exception and (2) does not integrate that exception into a practical application, do we then look to whether the claim (*see* Revised Guidance Step 2B):

(3) adds a specific limitation beyond the judicial exception that are not “well-understood, routine, conventional” in the field (*see* MPEP § 2106.05(d)); or

(4) simply appends well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception.

See generally Revised Guidance.

Analysis

Appellant groups all claims together in arguing against this rejection. *See* Br. 4–6. We select independent claim 25 as representative. The remaining claims stand or fall with claim 25. *See* 37 C.F.R. § 41.37(c)(1)(iv).

Step 2A, Prong One

The Examiner determines that claim 25 is “directed to [a] computerized dice game, which is an abstract idea in the same way

³ We acknowledge that some of these considerations could instead be evaluated under Step 2 of *Alice* (Step 2B of Office guidance). In the interest of maintaining consistent treatment within the Office, we evaluate them under Step 1 of *Alice* (Step 2A of Office guidance). *See* USPTO’s January 7, 2019 Revised Guidance, “2019 Revised Patent Subject Matter Eligibility Guidance.”

managing a game of bingo, is an abstract idea.” Final Act. 2 (citing *Planet Bingo, LLC v. VKGS LLC*, 576 F.App. 1005 (Fed. Cir. 2014)). The

Examiner also finds:

Moreover, a wagering dice game is effectively a method of exchanging and resolving financial obligations based on probabilities created during the distribution of dice, with wagering tokens/chips used to represent and indicate the financial aspects of the game. As such, the examiner submits that the present claims are akin to the abstract idea of exchanging financial obligations discussed in *Alice*.

Id. at 2–3. We agree with the Examiner that claim 25 recites elements of a device for playing and managing a computerized dice game. In particular, the claim requires a processor that manages a set of dice rolls by way of “computing each roll of the set of dice;” “determining if the resulting roll of the set of dice produces a score;” and if a roll does not produce a score, resetting a streak of winning rolls to zero and selecting a different player to roll the dice.

Further, playing and managing a dice game may be considered “managing personal behavior and relationships or interactions between people (including social activities, teaching, and following rules or instructions).” Revised Guidance, 84 Fed. Reg. at 52. The processor thus performs a method of organizing human activities, which is an abstract idea. *See id.*; *see also In re Marco Guldenaar Holdings B.V.*, 911 F.3d 1157 (Fed. Cir. 2018) (holding ineligible claims directed to a set of rules for playing a dice game). Thus, we determine that claim 25 recites an abstract idea.

Step 2A, Prong Two

Having determined that claim 25 recites a judicial exception, we next consider whether there are additional elements in the claim that integrate the

judicial exception into a practical application. *See Revised Guidance Step 2A–Prong Two.* Here we look to see if, for example, (i) any additional elements of the claims reflects an improvement in the functioning of a computer or to another technological field, (ii) an application of the judicial exception with, or by use of, a particular machine, (iii) a transformation or reduction of a particular article to a different state or thing (iv) or a use of the judicial exception in some other meaningful way beyond generally linking the use of the judicial exception to a particular technological environment. *See Revised Guidance, 84 Fed. Reg. at 55; see also MPEP § 2106.05(a)–(c), (e)–(h).*

The Examiner finds that the additional elements recited in the claim are a processor and a display. Final Act. 3. The Examiner determines that “these additional elements are not sufficient to amount to significantly more than the judicial exception . . . as these are non-unique and traditional gaming elements.” *Id.*

We agree with the Examiner that the only additional elements in the claim are a display and a processor. And we find no indication in the Specification, nor does Appellant direct us to any indication, that (1) these elements (a) require any specialized computer hardware or other inventive computer components, i.e., a particular machine (b) invoke any assertedly inventive programming; or (2) that the claimed invention is implemented using other than generic computer components to perform generic computer functions. *See DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245, 1256 (Fed. Cir. 2014) (“[A]fter *Alice*, there can remain no doubt: recitation of generic computer limitations does not make an otherwise ineligible claim patent-eligible.”). Notably, the Specification discloses that the display “can

include gaming devices, computer displays, cell phone displays, handheld games, or similar visual display devices.” Spec. ¶ 58. Regarding the processor, the Specification merely indicates that “[a] processor, such as a microprocessor is used” to execute functions. *See, e.g., id.* at ¶¶ 58, 65.

We find that the recitation of a display and a processor does not add anything to the recited abstract idea beyond providing a technical environment in which the rules of the dice game are managed. Thus, the processor essentially amounts to an element that is programmed with an instruction to apply the rules, transmit information from the application of the rules to a display, and the display simply displays the results.

[T]he mere recitation of a generic computer cannot transform a patent-ineligible abstract idea into a patent-eligible invention. Stating an abstract idea “while adding the words ‘apply it’” is not enough for patent eligibility. Nor is limiting the use of an abstract idea “to a particular technological environment.” Stating an abstract idea while adding the words “apply it with a computer” simply combines those two steps, with the same deficient result. Thus, if a patent’s recitation of a computer amounts to a mere instruction to “implemen[t]” an abstract idea “on . . . a computer,” that addition cannot impart patent eligibility. This conclusion accords with the preemption concern that undergirds our § 101 jurisprudence. Given the ubiquity of computers, wholly generic computer implementation is not generally the sort of “additional featur[e]” that provides any “practical assurance that the process is more than a drafting effort designed to monopolize the [abstract idea] itself.”

Alice, 573 U.S. at 223–24 (citations omitted). Further, a display which merely presents the results of the processor’s abstract process of managing the dice game is abstract as an ancillary part of the data analysis. *See e.g., SAP Am., Inc. v. InvestPic, LLC*, 898 F.3d 1161, 1167 (Fed. Cir. 2018). Thus, we determine that the claim does not include additional elements

reflecting an improvement in the functioning of a computer or another technical field; the application of the abstract idea to a particular machine; a transformation or reduction of a particular article; or the use of the abstract idea in any meaningful way beyond merely linking it to a computer and the environment of a dice game. As such, we determine that the claim does not set forth a practical application of the abstract ideas recited.

Based on the foregoing, we determine that claim 25 is directed to an abstract idea.

We are not persuaded otherwise by Appellant's argument that "[c]laim 25 of the present application is directed to improving the existing technological process of computer gaming." Br. 5. Appellant asserts

In particular, claim 25 improves computer gaming by allowing the amount won on the last roll of the set of dice, the amount won during the latest streak of winning rolls of the set of dice, and the amount set aside by the user in a bank to be displayed on a single screen such that if a latest roll of the dice does not produce a score, the latest streak of winning rolls is set to zero. The invention of claim 25 improves computer gaming because in the past all of this information was not provided to the player at the same time.

Id. But Appellant does not provide a sufficient explanation as to how this represents any improvement to a technical process rather than additional or different rules for the game using a generic processor and display. For example, Appellant does not explain how the display of this additional information and setting of the winning streak to zero if a certain condition is not met improves the functioning of the computer or display. Thus, we agree with the Examiner that providing specific data or information on a display screen is not viewed as an improvement to a technical process. *See* Ans. 3.

Step 2B

Turning to Step 2B of the Revised Guidance, we determine whether the additional elements (1) add a specific limitation or combination of limitations that is not well-understood, routine, and conventional activity in the field, which is indicative that an inventive concept may be present or (2) simply appends well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception, which is indicative that an inventive concept may not be present. *See* Revised Guidance, 84 Fed. Reg. at 56. This step has been described “as a search for an “inventive concept” —*i.e.*, an element or combination of elements that is ‘sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the [ineligible concept] itself.’” *Alice*, 573 U.S. at 217–18 (citing *Mayo*, 566 U.S. at 72–73).

Here, the Examiner notes that the elements of the claim, when considered separately or in combination, do not amount to significantly more than the abstract idea because they rely on “non-unique and traditional game elements.” Final Act. 3; *see also* Ans. 3 (“Consideration was given to all additional elements in combination, as well as individually, when determining whether the claims amounted to significantly more, however, the claimed invention failed to include an inventive step.”)

We determine that the claim does not include any limitation or a set of limitations that are not well-understood, routine, or conventional. Rather, the claim merely relies on well-understood, routine, and conventional functions in managing a set of rules for a dice game. Specifically, the claimed display merely shows sets of data and the claimed processor merely computes and transmits data. Further, as noted above, the Specification

describes the display and processor used at a very high level of generality such that the display essentially encompasses any visual display and the processor encompasses a generic microprocessor.

Based on the foregoing, we agree with the Examiner that the claim 25 does not include an inventive concept. Taking the claim elements individually or as an ordered combination, we see nothing in the claim that suggests the claim includes an element or combination of elements “sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the [ineligible concept] itself.” *Alice*, 573 U.S. at 217–18.

With respect to this step in the analysis, Appellant argues:

In claims 25-31, the ordered combination of elements provides an inventive concept in which the amount won on the last roll of the set of dice, the amount won during the latest streak of winning rolls of the set of dice, and the amount set aside by the user in a bank to be displayed on a single screen such that if a latest roll of the dice does not produce a score, the latest streak of winning rolls is set to zero. As indicated below, the combination of cited art does not show displaying all of these elements on a single display. In light of this, the ordered combination of elements represents an inventive concept that is substantially more than the abstract ideas identified in the Office Action.

Br. 5–6. We are not persuaded. Appellant’s mere recitation of the claim limitations, without more, does not explain to us why the claim includes an inventive concept.

Further, to the extent Appellant relies on the alleged novelty of the claim, “[i]t has been clear since *Alice* that a claimed invention’s use of the ineligible concept to which it is directed cannot supply the inventive concept that renders the invention ‘significantly more’ than that ineligible concept.”

See BSG Tech LLC v. BuySeasons, Inc., 899 F.3d 1281, 1290 (Fed. Cir. 2018). Further, with regard to Appellant’s argument that the Examiner has not shown that the combination of features is not novel and nonobvious, “[t]he ‘novelty’ of any element or steps in a process, or even of the process itself, is of no relevance in determining whether the subject matter of a claim falls within the § 101 categories of possibly patentable subject matter.” *Diehr*, 450 U.S. at 188–89. Thus, the fact that an abstract idea is novel and non-obvious alone does not make it eligible. *See Mayo*, 566 U.S. at 90 (holding that a novel and nonobvious claim directed to a purely abstract idea is, nonetheless, patent-ineligible).

Finally, we are not persuaded of error in the rejection to the extent Appellant argues that the claims “do not pre-empt all computerized dice games and do not preempt all methods of resolving financial obligations but instead are focused on a particular innovative computerized dice game and a particular way of displaying the status of such a computerized dice game.” Br. 6. Preemption is not a separate test. “Where a patent’s claims are deemed only to disclose patent ineligible subject matter under the Mayo framework, as they are in this case, preemption concerns are fully addressed and made moot.” *Ariosa Diagnostics, Inc. v. Sequenom, Inc.*, 788 F.3d 1371, 1379 (Fed. Cir. 2015). In other words, “preemption may signal patent ineligible subject matter, [but] the absence of complete preemption does not demonstrate patent eligibility.” *Id.*

Determination Regarding Patent Eligibility

Based on the foregoing, we are not persuaded of error in the Examiner’s rejection of claim 25 as claiming ineligible subject matter.

Accordingly, we sustain the rejection of claim 25 and claims 26–31, which fall with claim 25.

Obviousness

With respect to this rejection, Appellant does not provide separate arguments for any specific claims, and thus, Appellant groups all claims together. Br. 6–7. We select claim 25 as representative of this group, and claims 26–31 will stand or fall with claim 25. *See* 37 C.F.R. 41.37(c)(1)(iv).

With respect to claim 25, the Examiner finds that Cannon teaches a device as claimed, except that Cannon does not expressly disclose that the device is a mobile device. Final Act. 4. The Examiner “takes official notice that mobile dice game devices are known in the art,” and the Examiner determines that it would have been obvious to modify Cannon to include a “mobile embodiment to add versatility” to the device. *Id.* at 4–5. The Examiner further relies on Cannon’s figures 17 and 18, which “shows a display (674) on a single screen, amount won by way of the award value display (678), amount won streak by way of the roll history (676) and the amount set aside in the bank by way of credit amount (686).” *Id.* at 11. The Examiner also indicates that the claim merely recites an intended use for the display and processor and that the prior art is capable of performing this intended use. *Id.*

Appellant argues “that Cannon does not show or suggest” a display showing “the amount won on the last roll of the set of dice, the amount won during the latest streak of winning rolls of the set of dice, and the amount set aside by the user in a bank” on a single screen. Br. 6. More specifically, Appellant asserts that the elements cited by the Examiner, noted above, do

not correspond to the specific displayed elements in the claim. *Id.* We are not persuaded by this argument.

As an initial matter, we note that the claim does not require any specific programming or configuration for the recited “display,” and we agree with the Examiner that the display is merely recited in terms of its intended use. Thus, we agree with the Examiner that so long as the art teaches a display that is capable of showing the elements claimed, the claim reads on the art.

Further, we find that Cannon discloses a display that is capable of “showing on a single screen an amount won on a last roll of a set of dice, an amount won during a latest streak of winning rolls of the set of dice, and an amount set aside by the user in a bank.” Br. 10. Cannon discloses a display that may show a “Roll the Bones” game. Cannon col. 15, ll. 36–38, Fig. 17. Cannon discloses that a display of this game includes numerous areas for the display of data including a pay table 678, a roll history read out 676, a status line 680, a “Take Win” button 682, a “Half Gamble” button, and a help button 688. *Id.* at col. 15, ll. 38–61. The claim requires a display that is capable of showing three values on a single screen, i.e., an amount won on a roll, an amount won during a streak, and an amount in the bank. Cannon’s display shows numerous values on a single screen, and thus, we agree with the Examiner that it is capable of showing the values claimed.

Appellant also argues that “the processor in Cannon has not been programmed to provide the display with the three values of claim 25 so that the values can be displayed at the same time. As such, the physical processor of Cannon is not capable of performing the function of claim 25.” Br. 7. We are not persuaded of reversible error by this argument.

As with the claimed display, we agree with the Examiner that the processor is merely recited in terms of its intended use. Thus, the claim requires no specific programming for the processor and only requires a processor that is capable of transmitting and computing the elements claimed. Thus, to the extent Appellant argues that Cannon's processor has not been specifically programmed to provide the display with the three values claimed, this argument is not consistent with the scope of the claim. Further, Appellant does not otherwise explain why Cannon's processor is not capable of performing the functions claimed. And based on the description of the "Roll the Bones" game in Cannon, as discussed above, we find that Cannon's processor is at least capable of performing these functions.

Based on the foregoing, we are not persuaded of error with respect to the rejection of claim 25 over Cannon. Accordingly, we sustain the rejection of claim 25, here, and we also sustain the rejection of claims 26–31, which fall with claim 25.

Double Patenting Over 8,844,929

The Examiner determines that claims 25–31 are unpatentable over claims of U.S. Patent No. 8,844,929 ("the 929 patent"). Final Act. 7. More specifically, the Examiner finds that "[a]lthough the claims at issue are not identical, they are not patentably distinct from each other because they commonly disclose the same subject matter." *Id.* The Examiner also cites

claims 1 and 9 from the 929 patent as disclosing a processor and a video display, respectively.⁴ *Id.* at 8.

Appellant argues:

Applicants respectfully submit that claims 25–31 are not obvious from any of the identified claims. In particular, none of the identified claims show or suggest displaying on a single screen the amount won on the last roll of the set of dice, the amount won during the latest streak of winning rolls of the set of dice, and the amount set aside by the user in a bank. In fact, none of the cited claims discuss displaying an amount won during a latest streak or an amount set aside by a user in a bank.

Br. 7.

Without further explanation from Appellant, we are not persuaded of error in the Examiner’s conclusion that claim 25 is not patentably distinct from the claims of the 929 patent. As discussed above, the claim only requires a display and a processor that are capable of performing the functions claimed. As the Examiner notes, the claims of the 929 patent recite a processor for simulating a roll of a virtual dice and providing a plurality of scoring designations and a video display that is configured to display scoring dice designations, a master dice designation, accumulated credits, and a bonus pot. *See* Final Act. 8–9; *see also* the 929 patent (claims 1 and 9). For the reasons discussed above with respect to the obviousness rejection, we also find that the claimed display in the 949 patent is at least capable of performing the function of displaying the three values required by claim 25. Accordingly, we sustain this rejection.

⁴ Although the Examiner lists claim numbers 18 and 26, the claim language recited appears to correspond to claims 1 and 9 of the issued patent.

Double Patenting Over 8,413,987

The Examiner determines that claims 25–31 are unpatentable over claims of U.S. Patent No. 8,413,987 844,929 (“the 987 patent”). Final Act. 7. More specifically, the Examiner finds that “[a]lthough the claims at issue are not identical, they are not patentably distinct from each other because they commonly disclose the same subject matter.” *Id.* The Examiner cites claim 1 from the 987 patent. *Id.* at 8. Appellant relies on the same arguments quoted above. *See* Br. 7. We are also unpersuaded by those arguments here. Claim 1 of the 987 patent is directed to a “virtual gaming machine” including a processor that includes similar functionality to the claimed processor in the 929 patent, i.e., the processor simulates dice rolls to provide a plurality of scoring dice designations and master dice designations; contributes credits to a bonus pot; and designates credits from the bonus pot to a player when a bonus condition is reached. Although this claim does not recite a display, one of ordinary skill in the art would understand that a virtual gaming machine is connected to a display for displaying results to a user, and such a display would be capable of displaying the values recited in claim 25, here. Accordingly, we sustain this rejection.

CONCLUSION

We AFFIRM the rejections of claims 25–31.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136 (a). *See* 37 C.F.R. § 1.136 (a)(l)(iv).

In summary:

Appeal 2018-001948
 Application 14/488,625

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
25-31	101	Eligibility	25-31	
25-31	103(a)	Cannon, Official Notice	25-31	
25-31		Nonstatutory Double Patenting/ USPN 8,844,929	25-31	
25-31		Nonstatutory Double Patenting, USPN 8,413,987	25-31	
Overall Outcome			25-31	

AFFIRMED