

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LIGHT & WONDER, INC.

Petitioner,

v.

EVOLUTION MALTA LIMITED

Patent Owner.

U.S. Patent Nos. 10,629,024;  
11,011,014; 11,756,371

REMOTE DEPOSITION OF STACY FRIEDMAN

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Patent Owner Evolution, EX2045, p. 1  
Light & Wonder, Inc. v. Evolution Malta Ltd.

IPR2025-01072

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A P P E A R A N C E S

(All appeared remotely via videoconference)

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1 PROCEEDINGS

2 \* \* \* \* \*

3 Whereupon,

4 STACY FRIEDMAN,

5 called as a Witness, was duly sworn by

6 Jonathan Wonnell, a Notary Public in and

7 for the State of Minnesota, and was

8 examined and testified as follows.

9 \* \* \* \* \*

10 EXAMINATION BY COUNSEL FOR THE PATENT OWNER

11 BY MR. BROUGHAN:

12 Q Good morning, Mr. Friedman.

13 A **Good morning.**

14 Q Would you please state your full name for  
15 the record?

16 A **Yes. It's Stacy Friedman. S-t-a-c-y,**  
17 **F-r-i-e-d-m-a-n.**

18 Q And have you been deposed before?

19 A **I have.**

20 Q How many times?

21 A **Maybe 25 or 30.**

22 Q So you're probably familiar with

1 deposition procedure, but like most attorneys I will  
2 just give you some quick rules. If I ask a question  
3 and you don't understand or hear it please ask me and  
4 I'll be happy to rephrase it or repeat it. If you  
5 answer I will assume that you heard my question and  
6 understood.

7           The court reporter will be taking down  
8 everything we say so to have an accurate transcript  
9 you need to give verbal answers to my questions.  
10 Nods and gestures won't be captured in the record.  
11 For that same reason we should be careful not to talk  
12 over each other because it makes it difficult to  
13 write had his what we say. If you need to take a  
14 break for any reason I'm happy to do so. If there's  
15 a question pending I'll ask that you answer it first,  
16 but otherwise happy to work with you on breaks.

17           Is there any reason that you cannot give  
18 full or complete answers today?

19           **A       There is not.**

20           Q       Okay. And you understand that we're here  
21 to discuss a declaration that you submitted in  
22 connection with three IPR proceedings filed by

1 Light & Wonder?

2 **A Yes, I do.**

3 Q And your declaration pertains to three  
4 patents owned by Evolution and those are the '024  
5 patent, the '014 patent and '371 patent, correct?

6 **A Yes.**

7 Q Okay. Do you know Todd Haushalter?

8 **A I may have met him once at a trade show,  
9 but I wouldn't say I know him. I know who he is.**

10 Q Okay. Had you heard of Evolution before  
11 this case?

12 **A Yes.**

13 Q Had you played any of their games?

14 **A Unlikely. Except maybe at trade shows,  
15 just to be clear.**

16 Q Do you recall when you first heard of  
17 Evolution?

18 **A I do not.**

19 Q Prior to this case had you heard of  
20 Light & Wonder?

21 **A Yes.**

22 Q When did you first hear of Light & Wonder,

1 if you recall?

2 **A** **When they changed their name from**  
3 **Scientific Games.**

4 **Q** Are you familiar with a company called  
5 Gaming Labs International?

6 **A** **I am.**

7 **Q** What is it?

8 **A** **It's one of the maybe two or three**  
9 **independent third party testing labs that many states**  
10 **use to, among other things, validate gaming software**  
11 **and math for compliance with specific state laws.**  
12 **They also do international work.**

13 **Q** What are the names of the other maybe two  
14 or three independent third party testing labs that  
15 are commonly used?

16 **A** **The two big ones are GLI or Gaming Labs**  
17 **and BMM, which if that stands for something I can't**  
18 **remember what it is, and then the third is a fellow**  
19 **named Nick Farley runs a company called Eclipse.**

20 **Q** Okay. Gaming Labs International is also  
21 called GLI?

22 **A** **Yes.**

1 Q Does GLI -- sorry. Strike that. I've got  
2 to think of the right word here.

3 Does GLI promulgate standards for games to  
4 follow?

5 MS. BENNETT: Objection, form.

6 A They have promulgated a number of  
7 technical standards for games in numerous categories.

8 BY MR. BROUGHAN:

9 Q Are the technical standards promulgated by  
10 GLI generally accepted in the industry?

11 A I would say generally. It varies from  
12 state to state, but many state regulators -- to the  
13 extent they regulate games in the first place as  
14 opposed to the states where gaming is illegal, many  
15 states have adopted either in part or in whole the  
16 GLI recommendations in those standards.

17 Q I don't know that you need it, but we  
18 previously provided you with a copy of Exhibit 1003,  
19 your declaration.

20 A Yes. I have that.

21 Q You have that. All right. Yes. And we  
22 provided it in the chat I guess earlier as well, but

1    okay.  So you have that.  If you need to refer to it  
2    just let me know that you're looking at it, but  
3    otherwise it's there for you to look at.

4                               (Previously marked Light & Wonder  
5                               Exhibit 1003 was introduced.)

6    BY MR. BROUGHAN:

7            Q        You are a professional game designer; is  
8    that accurate?

9            A        **Among other things, yes.**

10           Q        What is a game designer?

11           A        **In the context of casino games it relates  
12    to essentially determining or designing the game play  
13    features and then additionally ensuring that the  
14    mathematics works out in such a way that the player  
15    has a suitable return and in many cases a compliant  
16    return because some jurisdictions have limits on what  
17    the payback percentages can be, either on the top end  
18    or the low end, or sometimes both.  But also to make  
19    sure that the casino has the ability to operate the  
20    game profitably.**

21           Q        You also note that you have particular  
22    expertise in regulated networked gaming systems?  I

1 was looking at paragraph 16 of your declaration.

2 A Sure. I'm there. Yes.

3 Q What do you mean by regulated networked  
4 gaming systems?

5 A So regulated means in many cases there are  
6 government entities that are established to ensure  
7 that games comply with a set of regulations. And we  
8 were just talking about GLI standards. Some states  
9 have adopted those as their regulatory guidelines.  
10 Other states have sort of done their own. When I say  
11 networked I mean multiple machines connected over a  
12 computer network as opposed to a standalone game that  
13 has no connection.

14 And then gaming systems, when I say gaming  
15 systems I'm talking about not just the terminal or  
16 the machine that's in front of the player, or in some  
17 cases it can be the physical table, like a blackjack  
18 table, but any networked connection to a back-end  
19 server that might include outcome determination,  
20 player tracking, loyalty, financial management,  
21 accounting, any of those sorts of back office type  
22 systems.

1 Q Do you also play casino games?

2 A I do.

3 Q Let's talk about some game design  
4 concepts, or at least what I hope are concepts. How  
5 does -- so you mentioned RTP a moment ago. What is  
6 RTP?

7 A Oh, yes. That's a shorthand for return to  
8 player. It represents the mathematical percentage of  
9 the money wagered that is returned to the player in a  
10 theoretical sense.

11 Q Do you consider the RTP as one of the  
12 factors when you're evaluating the design of a game?

13 A I would, yes.

14 Q What about the volatility of the game  
15 overall? Is that another factor you consider?

16 A It could be, sure.

17 Q And volatility can be looked at as kind of  
18 a global sense over many plays of the game and it  
19 also can be looked at kind of as a return within a  
20 particular iteration or round of the game; is that  
21 fair?

22 A Well, the first part is definitely true.

1 Volatility is sort of the casino phrase for what is  
2 generally known as mathematical variance which is a  
3 statistical concept. It represents a measure of  
4 dispersion. So the RTP in other words represents the  
5 mean or the average payback percentage, but that's  
6 just a single number. The variance or the volatility  
7 represents how spread out the results will be over a  
8 given number of plays or from a theoretical  
9 standpoint. In other words, how wide or narrow that  
10 bell curve might be around the mean.

11 But you were -- the second part of your  
12 question, I'm not sure I fully followed. Can you ask  
13 that again?

14 Q Yes. In designing a game do you look at  
15 the volatility of the return in a particular round of  
16 the game, one play of the game?

17 A I think I might phrase that differently.  
18 I think I might look at what is the variance or the  
19 variability of the possible pays. I don't know that  
20 I would call that volatility in the same way because  
21 to me that would be reusing a phrase that people in  
22 the industry apply to that broader statistical

1     **concept.**

2           Q     Volatility typically -- sorry. Let me try  
3 that again.

4                    People of the industry would use  
5 volatility to refer to the statistical concept of  
6 variance; is that correct?

7           A     So not directly because most people don't  
8 understand statistics. What they generally mean is a  
9 sort of instinctive or intuitive understanding of  
10 what variance is intended to quantify. And so I've  
11 seen -- just as an example of what I mean by this,  
12 you can quantify the statistical variance of a game  
13 with a number. Most cell sheets for slot machine  
14 games to the extent they list volatility might use it  
15 using an icon system.

16                    For example, it might be between one and  
17 five -- I think I've seen games where they rate it  
18 between one and five chili peppers. So three might  
19 be medium volatility and one might be low volatility.  
20 And it's a way for casino buyers to understand the  
21 relative what they call ride, r-i-d-e, of a game's  
22 trajectory of what the player is likely to

1 experience.

2 So a game with a smoother ride or a lower  
3 volatility is going to have far fewer big swings and  
4 more smaller wins than a game with a very -- a very  
5 high volatility game might have long losing streaks  
6 and then huge jackpots slightly more frequently than  
7 the other game.

8 So the overall statistical variance is  
9 higher, but we don't want to just give those numbers  
10 to the casino managers because the numbers don't  
11 matter. What matters is the relative volatility  
12 between one game and another so they can adjust their  
13 floor correctly. I should say it's not that the  
14 numbers don't matter. They don't matter to them as  
15 much as the relative volatility distinctions.

16 Q The ride of a game refers to the player's  
17 experience with swings in volatility?

18 A Yes. They're all sort of referring to the  
19 same concept. Over a given play session what is the  
20 player expected to experience.

21 Q Ride is one of the factors you consider  
22 when looking at the design of a game?

1           A           Depending on what kind of a game it is it  
2           can be. Certainly for slot machines where the  
3           distinctions between one game and the next can vary  
4           widely, that's true. Table games generally have much  
5           lower volatility overall.

6           Q           Within the context of a single round of  
7           one game you said that volatility wasn't really the  
8           word used to use to describe the range of outcomes  
9           that are possible on that particular round. Do you  
10          recall that?

11          A           Yes.

12          Q           Within the context of a single round of a  
13          game what word would you use to describe the range of  
14          possible outcomes?

15          A           I mean, I might call it the outcome  
16          distribution. Ultimately it's the mathematical  
17          distribution of what all possible outcomes are, and  
18          for a single play you can calculate -- and in fact  
19          that's how you do the math is you calculate or just  
20          determine in fact what all possible outcomes are,  
21          whether they're winning ones and then how much each  
22          winning one pays.

1 Q You're familiar with blackjack, yes?

2 A Yes.

3 Q In blackjack you can win -- typically you  
4 win even money, but if you get a blackjack you can  
5 win three-to-two; is that correct?

6 A In older games that's true. Most  
7 blackjack games now pay six-to-five on a natural  
8 blackjack.

9 Q But the maximum payout in a game of  
10 blackjack is going to be three-to-two or six-to-five  
11 depending on which version you're playing?

12 A If you're talking about a single hand, a  
13 single hand with traditional rules, and you're not  
14 talking about any sort of bonuses or side bets,  
15 that's typically correct.

16 Q In a game of blackjack using traditional  
17 rules the range of outcomes is you'll lose the stake,  
18 you'll get the stake back plus one or you'll get the  
19 stake back plus 1.5; is that fair?

20 A No. So that's a slightly different  
21 question. The reason the answer there is no is  
22 because it's possible in blackjack to either double

1 down in which case you increase your stake and then  
2 have the opportunity of winning additional money.  
3 You also have the opportunity of splitting cards and  
4 also increasing your stake. And you can split  
5 multiple times, so increase your stake beyond 2X to  
6 sometimes 3 or 4.

7 Q That's fair. I find that doubling down  
8 process to be fun.

9 A And that's exactly the point. So to your  
10 earlier question when you're talking about what the  
11 outcome distribution is for a hand of blackjack, all  
12 of those possibilities have to be calculated. There  
13 might be a very small -- for example, there might be  
14 a very small probability of splitting the five times,  
15 but it's possible.

16 And so there's a very small probability of  
17 not only splitting five times but then winning on all  
18 five of those hands. So a 5X return on your initial  
19 bet is possible.

20 Q In terms of possibilities, though, in  
21 blackjack you're not really going to get more than  
22 like a 5X, 6X return?

1           A           I mean, some casinos limit the number of  
2 splits. I think some casinos prevent you from  
3 splitting aces more than once. So it really depends  
4 on the rules of the particular game as configured by  
5 the casino. Casinos have a pretty wide range of  
6 latitude to allow or disallow certain common options  
7 in the game of blackjack. When you can double, when  
8 you can split, how many times, whether you hit or  
9 stand on soft 17. There's a number of rules. Well,  
10 how many decks you're dealing from. And one of the  
11 big ones is whether natural pays six-to-five or  
12 three-to-two.

13           Q           Using the traditional rules of roulette  
14 you can get a payout of 35-to-1 if you bet on a  
15 single number and win on that number; is that right?

16           A           Yes. That's true.

17           Q           In blackjack place not really a scenario  
18 where you're going to be looking at getting 35X on  
19 the amount that you originally bet? Is that fair or  
20 not?

21           A           If you're limiting your -- when you say  
22 blackjack there if you're limiting the scope of that

1 to the traditional unmodified game that would be  
2 true.

3 Q So how would the ride of blackjack  
4 compared to the ride of traditional -- sorry. Let me  
5 start that again.

6 How would the ride of traditional  
7 blackjack compare to the ride of a traditional  
8 roulette game?

9 A Well, in order to answer that question you  
10 have to tell me which bets you're making on a  
11 traditional roulette table. And just so I'm clear,  
12 when you play blackjack you make the bet. You put  
13 your money in the circle and that's what you're  
14 betting on. You're betting that your hand is going  
15 to beat the dealer's based on the rules.

16 On roulette there are dozens and dozens of  
17 different spots where you can make wagers. Some of  
18 them are the inside number spots that you were just  
19 talking about that pay 35-to-1. Others might be red  
20 or black or high or low and those pay even money.  
21 And so I can't answer the question of what is the  
22 ride of roulette compared to blackjack unless you

1 tell me what I'm betting on when I'm playing  
2 roulette.

3 Q How would the ride of traditional  
4 blackjack compare to the ride of a traditional  
5 roulette game where the roulette player is making all  
6 straight-up bets?

7 A I still can't answer that question because  
8 it depends on how many straight-up bets the player is  
9 making at a time. One of the fun things about  
10 roulette is that you can essentially duplicate all of  
11 the other bets in roulette just by making the  
12 appropriate number of straight bets. So as an  
13 example I can make a split bet in roulette covering  
14 the numbers 1 and 2 and I might be able to do that  
15 with two chips placed on the line between the numbers  
16 1 and 2 on the layout, or I can make two straight  
17 bets, one chip on each of numbers 1 and number 2 and  
18 those are equivalent in both -- in terms of what  
19 they'd win and what they'd lose.

20 So if -- and as a result if I were to  
21 wager on 18 straight numbers, different straight  
22 numbers, that would be the equivalent of making a bet

1 on red or black or odd or even. It's the same number  
2 of winning and losing possibilities.

3 Q Do you know how many numbers a typical  
4 roulette player will bet on in a given round of a  
5 game?

6 A There's no typical roulette player in the  
7 way that you're phrasing it. I have personally seen  
8 players stick completely to the outside bets because  
9 especially in European style games there's a benefit  
10 that some tables offer the player called la partage  
11 where if you make an even-money outside bet and a  
12 zero comes you don't lose all of your bet, you only  
13 lose half of it. And so that cuts the house edge  
14 down even further.

15 Other roulette players I have seen  
16 literally sprinkle chips all around the table, not  
17 just covering the inside numbers, but splits and  
18 corners and streets. There's -- in fact there's a  
19 bet called the full complete which you tell the  
20 croupier that you want to make a full complete bet  
21 and then they put their chips and it sort of looks  
22 like a pyramid on the layout.

1           And so there are -- I'm sure it's a finite  
2           number, but I don't know how many different  
3           possibilities for numbers of ways to make a roulette  
4           bet on any given round. It's a very large number of  
5           combinations.

6           Q        Would you say it's rare for a roulette  
7           player to bet on a single number and that's it?

8           MS. BENNETT: Objection, form.

9           A        I don't know that I can quantify that. I  
10          will say that I remember hearing a story of some kid  
11          who bet his life savings on one number as a publicity  
12          stunt, but I think that was mostly a publicity stunt.  
13          It wasn't the way he played roulette. It was one  
14          spin.

15         BY MR. BROUGHAN:

16          Q        I believe he won, if I'm not mistaken.

17          A        I believe that's right.

18          Q        What is the probability that you would win  
19          on one spin of the wheel if you've bet on one number?

20          A        Assuming a fair and unbiased wheel it's 1  
21          in 38. Well, 1 in 38 for an American roulette wheel  
22          where there are zero and double zero spots. If it's

1 the European roulette wheel with numbers zero and 1  
2 through 36 only, then it's 1 in 37, again assuming an  
3 unbiased wheel.

4 Q Going back to game design have you heard  
5 of a concept called game depth?

6 A Maybe. Why don't you tell me more about  
7 what you mean.

8 Q Let's circle around that one.

9 A Okay.

10 Q From a game design point of view how are  
11 variable rewards received by players?

12 MS. BENNETT: Objection, form.

13 A The same way fixed rewards are received by  
14 players. They're generally in a credit meter or as a  
15 number of chips.

16 BY MR. BROUGHAN:

17 Q I did ask that question but that's not  
18 what I meant to ask. Let me try it again.

19 From a game design point of view how are  
20 variable rewards versus fixed rewards experienced by  
21 players?

22 A Oh. Okay. I understand what you were

1 intending to ask. So depending on how the  
2 variability in those variable rewards is communicated  
3 to the players they can be more exciting and lead  
4 to -- this is going to sound redundant, but lead to a  
5 sense of heightened excitement or more entertainment.

6 Q You're familiar with side bets?

7 A I am.

8 Q How do players experience side bets as a  
9 game feature?

10 A I mean, the question as you've phrased it  
11 I think is probably too broad for me to give you one  
12 succinct answer. It really depends on what the side  
13 bet is and how it plays into -- or to the extent it  
14 does, how it plays or interacts with the other bets  
15 available to the player.

16 Q From a game design point of view how is  
17 adding a side bet to a traditional game different  
18 from modifying the base rules of the traditional  
19 game?

20 A Well, without knowing what the  
21 modification is that you're contemplating it may not  
22 be different. But if you intend to distinguish the

1 two generally speaking a side bet requires a  
2 different wager and a modification to the base rules  
3 would not.

4 Q Is one better than the other?

5 MS. BENNETT: Objection, form.

6 A I don't have a way of answering that  
7 question without understanding what you mean by  
8 better in that context.

9 BY MR. BROUGHAN:

10 Q Are games with modified base rules more  
11 popular than games with side bets added on?

12 A There's -- I don't think there's a general  
13 answer to that question either way.

14 Q When you're looking at a new game do you  
15 analyze its potential for player engagement?

16 A I guess I don't understand what you mean  
17 by engagement as relates to the question of  
18 evaluating a game. Tell me what -- can you clarify  
19 that question?

20 Q You've designed slot games?

21 A I have.

22 Q One of the goals with slot games is to get

1 a player engaged with what's going on on the screen,  
2 like invested in the process, the story, the game  
3 that you're presenting to them; is that fair?

4 A Oh, you're talking about slot games now.  
5 Yes. So there are a number of factors that go into  
6 designing a slot game because in many cases slot  
7 games, especially modern slot games, have the ability  
8 to display entertaining graphics in a way that  
9 traditional table games don't. A deck of cards is  
10 just a deck of cards.

11 But for slot games many popular slot games  
12 incorporate graphics and especially audio to great  
13 effect. Two of the most popular slot games for a  
14 very long time are IGT's Wheel of Fortune and  
15 Aristocrats' Buffalo. Both of those have notable  
16 audio cues that players have come to recognize.

17 Q What word would you use to describe the  
18 features of the game that players find recognizable  
19 and pleasant?

20 MS. BENNETT: Objection, form.

21 A I mean, it depends on what aspect of the  
22 game you're looking at. Slot games -- are you still

1 talking about slot machines?

2 BY MR. BROUGHAN:

3 Q Yes.

4 A So slot machines have a couple of  
5 different layers of I guess ability to attract and  
6 retain players. I've -- several times I've said that  
7 it's the audio and the visuals from across the floor  
8 that attracts a player to the game because unlike --  
9 for example, unlike a roulette table or a blackjack  
10 table where you know where the table is, you know if  
11 you want to play blackjack you have to go to that  
12 table, in a casino where there might be 500 or a  
13 thousand slot machines on the floor from the entrance  
14 it's hard to tell one from the other.

15 So it's the audio and the visual --  
16 certainly from further way it's the visual and then  
17 as you get closer maybe the audio attracts -- that  
18 entice a player to come over and sit down. And then  
19 as they begin to play it's that initial visual  
20 experience and also audio experience that gives them  
21 that immediate feedback of do I like what's going on,  
22 do I not like what's going on.

1                   But it's the math that keeps them in the  
2 chair if they have a good experience from a bankroll  
3 standpoint because no player is going to play a game.  
4 If they feel like they're losing too much they'll  
5 just stand up and move to the next one because,  
6 again, there are a thousand other machines on the  
7 casino floor.

8                   So I guess to circle back, the answer to  
9 your question is sort of multilayered depending on  
10 what aspect of the player's engagement with the  
11 machine or group of machines they are currently  
12 experiencing.

13           Q        What aspects of a slot machine do you --  
14 sorry. Strike that.

15                   When designing a slot game you consider  
16 the RTP of the game overall?

17           A        **Overall as opposed to what?**

18           Q        Okay. We can drop the overall from the  
19 question. When designing a slot game one of the  
20 things you consider is the game's RTP, correct?

21           A        **That's correct.**

22           Q        When designing a slot game another factor

1 you consider is the volatility of the game, correct?

2 A Generally, yes.

3 Q What other factors do you consider when  
4 you're designing a slot game?

5 A Oh. This is not going to be a complete  
6 list, but, for example, I consider what the top award  
7 is, whether there's a progressive, how that's funded,  
8 hit frequency, probability of -- I'll say a sort of  
9 medium pay bonus frequency, how many bonuses there  
10 are, what they are. I'm sure there are others.

11 Q You mentioned a progressive award, I  
12 think. A progressive. What is a progressive?

13 A So in many -- I don't want to say many.  
14 In certain slot machines the -- typically the highest  
15 payout can be configured and certainly the highest  
16 payout, but sometimes other lower payouts, can be  
17 configured so that instead of a fixed pay that might  
18 be preprinted on a pay table or just a flat number  
19 that's shown on a screen, the payout can be expressed  
20 as an increasing or a progressing amount of money.

21 So that's what progressive means, is that  
22 the pay amount progresses. And the way that it

1 progresses is as a percentage of prior wagers or --  
2 yeah, wagers since the last time the jackpot was hit.

3 Q Do all slot games include a progressive  
4 jackpot?

5 A No.

6 Q What is the pull of a progressive to a  
7 player?

8 MS. BENNETT: Objection, form.

9 A I think you mean -- just so I'm clear, you  
10 mean what is the desirable feature or what draws a  
11 player to a progressive?

12 BY MR. BROUGHAN:

13 Q Yeah. And I'll ask -- I'll ask it better.

14 A Okay.

15 Q What is it about progressives that make  
16 them an attractive feature to players or potentially  
17 an attractive feature to players?

18 A Well, there are a number of factors. One  
19 is the amount itself, typically expressed as a dollar  
20 figure, and in many cases can be hundreds of  
21 thousands or millions of dollars. And so seeing that  
22 number in the same way that lottery players like to

1 play Powerball when the jackpot gets large, a slot  
2 machine players in a casino deciding what game to  
3 play might look at a slot game that has a fixed top  
4 award of 500-to-1 versus a progressive top award of  
5 \$486,293.68 and now it's .69 and now it's .70 because  
6 that progressive jackpot is continuing to increase,  
7 they might find that more attractive and say I've got  
8 a chance of winning that 469,000 award over on this  
9 first machine but not on the other game. Just as an  
10 example.

11 Q A player might find an award of a  
12 progressive jackpot to be more attractive than a  
13 potential top award of 500 to 1; is that correct?

14 A They may, sure.

15 Q With a progressive jackpot its amount  
16 changes slowly over time; is that fair?

17 A Not necessarily. Sometimes it can change  
18 rather rapidly if a lot of people are playing and the  
19 escrow amount is higher than normal. There are a  
20 number of different ways for progressive meters to  
21 display the prize amount and the payout can go up  
22 quickly depending on how the progressive is

1 configured.

2 Q If a progressive is configured to be one  
3 percent of the amounts wagered would that progressive  
4 go up slowly, in your opinion?

5 MS. BENNETT: Objection, form.

6 A Well, it depends on how many people are  
7 wagering at the same time. So, for example, if a  
8 progressive configured to accrue at 1 percent of  
9 total wagers is configured across an entire casino  
10 floor and those wagers represent a total of \$1000 per  
11 minute then you would get an increase of \$10 per  
12 minute to the progressive meter. And so you would be  
13 able to visually see the dollars and cents  
14 increasing. And whether you consider that slowly or  
15 not, it's hard for me to know that.

16 BY MR. BROUGHAN:

17 Q What other features of -- are there any  
18 other features of a progressive that makes it  
19 potentially an attractive function to have on a game  
20 for a player?

21 MS. BENNETT: Objection, form.

22 A I could just start -- I don't really want

1 to speculate on what other features you might be  
2 thinking of. It's hard for me to understand where to  
3 draw the line. Can you ask your question more  
4 specifically?

5 BY MR. BROUGHAN:

6 Q In slot games what aspects of a  
7 progressive make the progressive attractive to a  
8 player?

9 A Oh, man. That's a very broad question. I  
10 think I can maybe give you a couple of additional  
11 examples, but I'm not going to be able to give you a  
12 sort of thorough, encyclopedic answer because I would  
13 maybe want to spend more time considering that.  
14 Here's I think maybe something just for  
15 clarification. There are a number of different ways  
16 of not only establishing a progressive jackpot but of  
17 triggered it or of paying it out. And so the fact  
18 that there are multiple ways for players to win --  
19 and I'm speaking generally now, not with the same  
20 jackpot.

21 Typically in other words there's a way to  
22 trigger the payout of the progressive, but there are

1 a number of different ways of doing that. Sometimes  
2 it's based on getting an outcome on a machine.  
3 Sometimes it's based on a random determination of an  
4 electronic system that the player doesn't know about.  
5 Sometimes it's based on a group of players overall  
6 having wagered a certain amount in aggregate. These  
7 are called must-hit-bys.

8           And, for example, if a jackpot is  
9 approaching its must-hit-by amount then players will  
10 flock to the casino and play the game as fast as  
11 possible to try to be that player whose wager  
12 triggers the must-hit-by threshold and therefore wins  
13 the prize.

14           And so -- but those are all very different  
15 ways of -- they're all progressives, but they're all  
16 very different ways of implementing the progressive  
17 game and so they have very different impacts on the  
18 player's entertainment experience.

19 BY MR. BROUGHAN:

20           Q       Do you know what a rake is?

21           A       Yes.

22           Q       Does the casino take a rake on a

1 progressive jackpot typically?

2           **A**       So normally the way a casino funds a  
3 progressive jackpot is by escrowing a percentage of  
4 money wagered into a progressive pot. They don't  
5 need to take a rake to accomplish that because --  
6 well, let me back up.

7                   Maybe I don't understand what you mean by  
8 rake. So I want to clarify it before I go down the  
9 wrong path. Can you tell me what you mean by rake?

10           **Q**       Does a casino typically take a percentage  
11 of the money that's allocated to a progressive  
12 jackpot?

13           **A**       You mean out of the pot?

14           **Q**       Or before it goes into the pot. Some kind  
15 of fee so that the casino makes money on the fact  
16 that there's a progressive jackpot.

17                   MS. BENNETT: Objection, form.

18           **A**       I don't know that I'd call that typical.  
19 I can conceive of that being done, but that's not  
20 really necessary in the overall scheme of things  
21 because the amount of money that goes into a  
22 progressive jackpot is essentially coming out of the

1 casino's coffers already. Everything else --  
2 assuming you're talking about a house bank's slot  
3 machine as might be typical in Las Vegas.

4           There are other jurisdictions where the  
5 financial arrangements are different. But in a  
6 typical Las Vegas casino you have the RTP -- that is,  
7 the total payback to the player -- let's just call it  
8 90 percent for nice, round numbers -- which means the  
9 casino edge on that game would be 10 percent. If the  
10 casino decides to escrow one percent into a  
11 progressive jackpot so as to turn the top award from  
12 a fixed pay into a progressive pay, then they're  
13 still keeping the other 9 percent. So they don't  
14 need to make money on the fact that there's a  
15 progressive system.

16           Now, if there's a vendor relationship  
17 where the vendor gets a percentage of the operational  
18 returns from the progressive, then that's a different  
19 issue. But from the casino's bookkeeping standpoint  
20 you're dividing up the pie from 90 percent back to  
21 the player and 10 to the casino into effectively  
22 91 percent to the player because the progressive

1     **jackpot is escrowed but then ultimately goes to the**  
2     **player and then 9 percent to the casino.**

3                     **Did that answer your question?**

4     BY MR. BROUGHAN:

5             Q        It did. Do progressives typically have a  
6     seed or reset amount?

7                     MS. BENNETT: Objection, form.

8             **A        They do.**

9     BY MR. BROUGHAN:

10            Q        How would a seed or reset amount typically  
11   be determined?

12            **A        That's an operational decision. Some seed**  
13   **values are simply the fixed amount that the game**  
14   **would have paid but-for the progressive. So in other**  
15   **words if the top award of the slot machine is a**  
16   **thousand and the progressive might start at \$10,000,**  
17   **the part of that \$10,000 that reflects the thousand**  
18   **payout that was already on the pay table is**  
19   **considered part of the base game of the math. And so**  
20   **the escrow amount would just be added on to that.**

21                    Now, the casino could also dip into its  
22   own pocket and fund any seed amount to the extent

1     it's greater than that fixed pay amount. And then --  
2     I mean, I've done this myself in games that I've  
3     designed where you do the par sheet for the game and  
4     then say if you want to add a progressive here's the  
5     little calculator for what your seed is and what your  
6     escrow rate is.

7                     And you can calculate what the additional  
8     RTP is for any seed amount over the pay table top  
9     award than you're starting the jackpot at. And it  
10    might be .05 percent. It's usually a small number.

11            Q     I'd like to talk about some table games  
12    now. When designing a new table game one of the  
13    factors you would consider for that game is its RTP;  
14    is that fair?

15            A     Yes.

16            Q     When designing a new table game another of  
17    the factors that you would consider for that table  
18    game is its volatility; is that fair?

19            A     It's usually something I calculate so I'll  
20    say yes.

21            Q     What other factors do you consider when  
22    designing a new table game?

1           A        Oh, my gosh. Again, not a complete list,  
2       but among other things rate of play, exploitability,  
3       ease of dealing -- that is dealer procedure -- if  
4       there's a strategic element, which most table games  
5       have a strategic element, the difficulty of that  
6       strategy, and along the same lines how poorly players  
7       can play the game, options for side bets and the  
8       interplay of any side bets to the main game,  
9       additional betting opportunities during the main  
10      game.

11                    If you're talking more generally, what the  
12      gaming equipment is, like whether you're using cards  
13      or dice or some combination or, you know, dominoes or  
14      ball and wheel or, you know, something new.  
15      Trackability from a loyalty standpoint and from a  
16      surveillance standpoint.

17                    I think I have to stop there because I'm  
18      sure I could just keep going, but I haven't really --  
19      yeah. I'll stop there and I'll let you ask your next  
20      question.

21           Q        Impressive number of elements there.

22           A        I've been doing this for a long time.

1 Q A traditional game of blackjack does not  
2 include a progressive jackpot, correct?

3 A **Traditionally, that's probably fair, yes.**

4 Q A traditional game of roulette does not  
5 include a progressive jackpot, correct?

6 A **Also fair.**

7 Q A traditional game of baccarat does not  
8 include a progressive jackpot, correct?

9 A **Also correct.**

10 Q Poker has a pot. Would you call -- you  
11 wouldn't call that a progressive, right?

12 MS. BENNETT: Objection, form.

13 A **Just so I'm clear, when you say poker now  
14 you're referring to multiplayer poker such as Texas  
15 Hold 'Em or Seven Card Stud played by multiple  
16 players all betting into a pot where the winner --  
17 that is, who has the highest hand at the end of  
18 play -- collects amount of money in the pot minus a  
19 casino rake?**

20 BY MR. BROUGHAN:

21 Q Yes.

22 A **Okay. So then that game does have a pot.**

1 I would not call the pot itself a progressive.  
2 However, many casinos are known to take some money  
3 out of the pot and put it into a progressive jackpot  
4 for a bad beat that occurs at some varying intervals.

5 Q A bad beat?

6 A Apologies. So a bad beat in poker would  
7 be -- and it's defined by the casino. But a bad beat  
8 might be you have four of a kind and lose. And so  
9 it's very difficult to have four of a kind and lose,  
10 but it's possible. And the probability of that  
11 happening depends on a number of factors including  
12 what type of game you're playing.

13 But for some players playing Texas Hold  
14 'Em where a player has a pair and that pair is also  
15 on the board, but the board also includes four suited  
16 high cards, the player might lose four of a kind to a  
17 straight flush. And so that would be considered --  
18 in most casinos that offer it would be considered a  
19 bad beat.

20 And the bad beat jackpot would be paid  
21 both to the winner of the hand but also to the loser  
22 of the hand as defined by the rules to compensate

1    **them for having the bad beat. And usually everyone**  
2    **else at the table gets a small piece too. But the**  
3    **rules vary widely from card room to card room.**

4           Q       Have you ever designed a roulette game?

5           A       **I will say yes.**

6           Q       What roulette game did you design?

7           A       **I designed a side bet that could be**  
8    **applied to roulette, in fact has been applied to**  
9    **roulette, that relates to a streak of ever-increasing**  
10 **roulette outcomes.**

11          Q       Is that game still played today?

12          A       **It is.**

13          Q       Does it have a name?

14          A       **Yes. It's called Roulette Up.**

15          Q       Roulette Up. Would you describe Roulette  
16 Up as popular today?

17          A       **Probably not. I mean, I don't really**  
18 **know, but I don't think so.**

19          Q       Have you designed any other roulette game  
20 aside from Roulette Up?

21          A       **None are coming to mind.**

22          Q       When did you design Roulette Up?

1           **A**       **Oh, my gosh.**

2           **Q**       Approximately when?

3           **A**       **I think it was in the 2000s. I'd have to**  
4 **go back and look. I apologize. I can't recall.**

5           **Q**       That's all right.

6                   MS. BENNETT: Tom, we've been going for  
7 about an hour, so if you want to take a short  
8 break --

9                   MR. BROUGHAN: Yeah. Sure. And my  
10 paperwork is a little bit scattered so that's  
11 probably good for me anyway. Ten-ish minutes?

12                   MS. BENNETT: Perfect.

13                   MR. BROUGHAN: Okay.

14                   MS. BENNETT: Okay, thank you.

15                               (Recess from 10:04 p.m. to 10:20 a.m.  
16 PST.)

17 BY MR. BROUGHAN:

18           **Q**       You have Exhibit 1003 somewhere?

19           **A**       **Yes, I do.**

20           **Q**       If you could turn to paragraph 77.

21           **A**       **Okay.**

22           **Q**       And that paragraph spans like two pages.

1 Do you see that?

2 **A It does, yes.**

3 Q I'd like to ask you about the four -- like  
4 for-1 to-1 difference.

5 **A Oh. Yes, okay.**

6 Q So what is the difference between  
7 specifying odds as an amount for-1 versus an amount  
8 to-1?

9 **A Yeah. So I actually addressed that  
10 elsewhere in my report, although not -- so there's a  
11 footnote here, but I go into more detail about that  
12 later on. And let me see -- can I bring up the PDF  
13 version on here and search for that? Is that all  
14 right with you?**

15 Q Yeah. Not a problem.

16 **A Okay. I recall dealing with this in a  
17 footnote, but I want to make sure I can find it.**

18 Q You also addressed it in footnote 1 on  
19 page 20, if that's helpful. But if you want to  
20 search --

21 **A That might be it. Well, in any event go  
22 ahead and ask your question and I'll answer without**

1 specific reference to any part of my declaration.

2 Q What is the difference between specifying  
3 odds as an amount for-1 versus an amount to-1?

4 A Sure. And so I'll just read from the  
5 footnote 5 on page 28. "A payout phrased as  
6 '35-to-1' as shown herein means that the player wins  
7 35 units and retains their original unit wager for a  
8 total return of 36 units. Payouts phrased as '36  
9 for-1' (note the 'for' versus 'to') mean a total  
10 return of 36 units for (and including) the one unit  
11 wager. Therefore 36 for 1 and 35-to-1 are equivalent  
12 payouts."

13 And then I go on to explain that  
14 "Table games almost always use the 'N to 1' phrasing  
15 in payouts, largely because the wagered chips are  
16 still sitting on the layout until the bet is won or  
17 lost, so any winnings are physically stacked next to  
18 the wagered chips if the bet is won. In contrast" --  
19 and actually I'll add this, that when a table game  
20 bet is lost the chip is removed and it's at that  
21 point that the payout there is essentially minus one.

22 So when you're doing a math spreadsheet

1 and you're phrasing the payouts in to-1 notation, the  
2 winning pays are whatever the payout is to-1 and the  
3 losing pay is minus one. In contrast, slot machines  
4 almost always use "N for 1" phrasing for payout since  
5 slot machine wagers are deducted from credits  
6 immediately upon the start of game play.

7 And then I'll add that if you're playing  
8 an electronic slot machine and you press a button to  
9 wager three, three credits are immediately deducted  
10 from your credit meter. And then when you win, if  
11 you win 30 on the pay table, that 30 represents three  
12 of your credits back plus a win of 27. So thus a  
13 listed slot machine payout of 50 credits on a one  
14 coin wager means a win of 49 because you're getting  
15 your one credit back.

16 Q Table games almost always specify payouts  
17 as N-to-1, correct?

18 A In my experience, yes.

19 Q In what scenarios do table games not  
20 specify payouts as N-to-1?

21 A Many craps tables list the proposition  
22 wagers in the center of the layout as for-1, so it'll

1 say 30-for-1 literally just written on -- in fact I  
2 think I have that. Give me a minute.

3 I do not think I have -- no, I don't have  
4 an image of that in this report, but I can say from  
5 personal experience having read other -- lots of  
6 other gaming books, a lot of craps tables will list  
7 the payouts in the middle depending on -- frankly you  
8 can print out the layout however you want. So I've  
9 seen a lot of craps layouts that list N-for-1 style  
10 pays in the center of the table.

11 Q Aside from the wagers in the center of a  
12 craps table are there any other wagers in table games  
13 that are not specified -- sorry. Strike that.

14 A Aside from the payouts for the wagers in  
15 the center of the craps table, are there any other  
16 payouts in table games that are not specified as  
17 N-to-1?

18 MS. BENNETT: Objection, form.

19 A Well, there are lots of different ways to  
20 specify a payout. Any -- I've seen a lot of side  
21 bets especially that have variable progressive  
22 components. I mentioned a couple of these in my

1 background section. Let me see if I can find it.

2           Yeah. I will refer you to paragraph 101  
3 where -- it's a bonus spin product by a company  
4 called AGS. And it's described as a customizable  
5 virtual prize wheel. The description on the website  
6 that I cited as an exhibit -- let's see. I think  
7 that was Exhibit 1053 -- refers to a virtual prize  
8 wheel where there are various money denominations or  
9 progressive top prize based on players who are dealt  
10 a blackjack.

11           And so I would have to go back and look at  
12 that exhibit. I believe it requires a side bet, but  
13 in that case the side bet would be did you get a  
14 blackjack and if you do then spin the prize wheel to  
15 determine what your payout is, which as described  
16 here includes various money denominations or  
17 progressive top prize.

18 BY MR. BROUGHAN:

19           Q       The side bet is not a traditional  
20 component of blackjack, correct?

21           MS. BENNETT: Objection, form.

22           A       Well, how traditional are you talking

1     **about?**

2     BY MR. BROUGHAN:

3           Q     Let my try that again. The side bet you  
4     just mentioned is not a component of the traditional  
5     game of blackjack, correct?

6           A     **That's fair.**

7           Q     Aside from the payouts for the wagers in  
8     the center of a craps table are there any other  
9     payouts in traditional table games that are not  
10    specified as N-to-1?

11           MS. BENNETT: Objection, form.

12           A     **In traditional -- I guess I need to know  
13    what your time frame is for traditional. When you  
14    say traditional -- I think you're asking me to cast  
15    my mind back to a particular point in time. What is  
16    that point in time?**

17    BY MR. BROUGHAN:

18           Q     You understand what a traditional game of  
19    blackjack is?

20           A     **So I could answer that question with  
21    reference to the rules, for example, that were  
22    approved or promulgated by, say, Nevada state gaming**

1 regulators as of the time the Gaming Act was passed  
2 which I believe was many, many decades ago. But  
3 that's not the analysis I did here. So that's why  
4 I'm asking you when you're asking me about  
5 traditional games, how long ago are you referring to.

6 Q Let's look at paragraph 77 of your  
7 declaration. The first sentence you state "The rules  
8 and payouts for roulette were well-known by 2018 and  
9 had been published for decades." Do you see that?

10 A I do, yes.

11 Q Then you cite to Exhibit 1032 and  
12 Exhibit 1033.

13 A I do. I don't have those handy, so I'm  
14 not sure -- oh, 1032 is the Scarne book from the next  
15 page. I can't recall -- let me see what 1033 was.  
16 Give me a minute. I'll go to the end.

17 Q I can provide you with 1033 if you like.

18 A I just want to see what it is. 1033 is --  
19 oh, the Caesars Palace roulette guide from 1996.  
20 Okay.

21 Q And I guess just for simplicity I'm  
22 putting what's been premarked as Exhibit 1033 in the

1 chat. To be used as an exhibit.

2 (Previously marked Light & Wonder  
3 Exhibit 1033 was introduced.)

4 THE WITNESS: Let me download that. Okay.  
5 I have that. Is there a question pending?

6 MR. BROUGHAN: Not yet.

7 THE WITNESS: Okay. I just wanted to make  
8 sure I wasn't dropping the ball.

9 BY MR. BROUGHAN:

10 Q Exhibit 1033 describes rules and payouts  
11 for roulette that were well-known by 2018, correct?

12 MS. BENNETT: Objection, form.

13 A **Well, specifically Exhibit 1033 describes**  
14 **the rules and payouts for the roulette game**  
15 **advertised on the Caesars.com website as of 1996.**

16 BY MR. BROUGHAN:

17 Q In your declaration you provided  
18 Exhibit 1033 as an example of the rules and payouts  
19 for roulette that were well-known by 2018 and that  
20 had been published for decades, correct?

21 A **That is correct, yes.**

22 Q In roulette all payouts are specified as

1 N-to-1, correct?

2 MS. BENNETT: Objection, form, asked and  
3 answered.

4 **A In the Exhibit 1033, I believe that's**  
5 **true.**

6 BY MR. BROUGHAN:

7 Q If you look at the exhibit from Scarne  
8 that you have in paragraph 77 of your declaration.

9 **A Yes.**

10 Q Do you see it?

11 **A I do see that.**

12 Q All of the payouts for roulette listed in  
13 Exhibit 1032 are specified as N-to-1, correct?

14 MS. BENNETT: Objection, form.

15 **A No, that's not correct.**

16 BY MR. BROUGHAN:

17 Q Pays even means 1-to-1, correct?

18 **A It also means 2-for-1, so both are**  
19 **correct.**

20 Q All of the payouts for roulette listed in  
21 Exhibit 1033 are specified as either N-to-1 or pays  
22 even, correct?

1 MS. BENNETT: Objection, form.

2 A You said 1033 just then. I believe you  
3 meant 1032.

4 BY MR. BROUGHAN:

5 Q I did. Thank you. Let me just repeat the  
6 question for clarity, but thank you for correcting me  
7 of that error.

8 A Yes.

9 Q All of the payouts for roulette listed in  
10 Exhibit 1032 are specified as either N-to-1 or pays  
11 even, correct?

12 MS. BENNETT: Objection, form.

13 A Well, I am only looking at the excerpt  
14 from Exhibit 1032 of page 12, which I have cut and  
15 pasted and put on my page 28. I can't speak to the  
16 other payouts that may or may not be listed elsewhere  
17 in that exhibit. But the ones specifically on  
18 page 28 of my declaration fit your description.

19 BY MR. BROUGHAN:

20 Q Are you familiar with the Wizard of Odds?

21 A The answer is yes regardless of whether  
22 you're asking about the website or the person.

1 Q You know who Michael Shackelford is?

2 A I do.

3 Q Do you know him personally or you only  
4 know of him?

5 A Both. Well, I mean, yes, I know him  
6 personally.

7 Q The Wizard of Odds also refers to a  
8 website?

9 A It does.

10 Q Okay. I'm putting what's been marked  
11 previously as Exhibit 1046 into the chat.

12 (Previously marked Light & Wonder  
13 Exhibit 1046 was introduced.)

14 BY MR. BROUGHAN:

15 Q Let me know when you have it.

16 A I do have it.

17 Q Exhibit 1046 is a printout from the Wizard  
18 of Odds as selected by the Wayback Machine, correct?

19 A That is correct, yes.

20 Q Do you consider the information on the  
21 Wizard of Odds website to generally be accurate?

22 MS. BENNETT: Objection, form.

1           **A**       **In most cases, yes. I personally have**  
2           **uncovered errors occasionally in the past, but for**  
3           **the most part the information on that page**  
4           **corresponds to other sources and has been reliable.**

5 BY MR. BROUGHAN:

6           **Q**       **You considered Exhibit 1046 in forming**  
7           **your opinions in this matter?**

8           **A**       **I did, yes.**

9           **Q**       **Did you download Exhibit 1046?**

10          **A**       **I -- well, yes. And specifically I put**  
11          **together the pages that formed Exhibit 1046.**

12          **Q**       **You believe the information in**  
13          **Exhibit 1046 is accurate, correct?**

14                    MS. BENNETT: Objection, form, asked and  
15          **answered.**

16          **A**       **Generally. I mean, if there's a specific**  
17          **part of Exhibit 1046 that you have a question about**  
18          **I'm happy to go to that section. But I did not**  
19          **notice any material inaccuracies when I reviewed the**  
20          **information.**

21 BY MR. BROUGHAN:

22          **Q**       **Let's look back at your declaration,**

1 please. If you would go to paragraph 95.

2 **A Okay. I'm there.**

3 Q And I believe it's the second sentence.  
4 You say "However, a person of ordinary skill in the  
5 art familiar with gaming mathematics would already  
6 understand this concept and how to calculate the odds  
7 of any given event in a wagering game and derive  
8 suitable payouts."

9 Do you see that?

10 **A I do see that.**

11 Q I guess it may be helpful if you at least  
12 read to yourself the sentence preceding that.

13 **A (Reviewing document.) Yes. I have done  
14 so.**

15 Q Okay. Then you describe this calculation  
16 more in paragraph 96?

17 MS. BENNETT: Objection, form.

18 BY MR. BROUGHAN:

19 Q If you want to --

20 **A I'm sorry. Which calculation are you  
21 referring to?**

22 Q Maybe you could just review paragraph 96

1 for a moment and then I'll ask a question.

2 **A (Reviewing document.) Okay. I've**  
3 **reviewed paragraph 96.**

4 **Q** What do you understand the traditional  
5 rules of roulette to be that you reference in the  
6 first sentence of paragraph 96?

7 **A Well, I say that in the sentence. "A**  
8 **fixed payout of 35-to-1 for a straight-up bet on any**  
9 **number." That is when it wins, regardless of what**  
10 **that number is. So there's no distinction between,**  
11 **say, winning a bet on the number 1 versus winning a**  
12 **bet on the number 14. If you bet on 1 and the ball**  
13 **comes up 1 you win 35-to-1. If you bet on 14 and the**  
14 **ball comes up 14 you win the same 35-to-1. That's**  
15 **what I'm referring to here.**

16 **Q** Using the traditional rules of roulette  
17 all payouts are specified as N-to-1, correct?

18 **MS. BENNETT: Objection, form.**

19 **A No, that's not true.**

20 **BY MR. BROUGHAN:**

21 **Q** Why not?

22 **A Well, we just looked at an example where**

1 payouts were specified as, quote, even in one  
2 example. And I can't rule out the idea that anyone  
3 else has published a rules for how to play roulette  
4 type brochure where the payouts weren't specified  
5 as -- in some other way. For example, as a for-1  
6 notation or even as a fixed amount after limiting the  
7 wager to a particular amount of money.

8 Q How then is it that a person of ordinary  
9 skill in the art would have been able to calculate  
10 the math for a game of roulette if that person  
11 doesn't know what the payouts are?

12 MS. BENNETT: Objection, form.

13 A Well, your question presumes that the  
14 person doesn't know what the payouts are. I don't  
15 think that's a valid assumption. But I guess to -- I  
16 mean, I might agree that if a person doesn't know  
17 what the payouts are then they don't have enough  
18 information to calculate the house edge. I guess  
19 maybe I'm not clear on your hypothetical.

20 BY MR. BROUGHAN:

21 Q Using the traditional rules of roulette  
22 all payouts can be specified as N-to-1, correct?

1 MS. BENNETT: Objection, form.

2 A I think if you're limiting yourself to the  
3 wagers that were available in, say, the 1950s or the  
4 1960s, that that's -- I think that's probably true.

5 BY MR. BROUGHAN:

6 Q When you referenced the traditional rules  
7 of roulette in paragraph 96, what rules were you  
8 referring to?

9 A Well, I was referring to that circa 2018,  
10 which is the relevant date for a person of ordinary  
11 skill's understanding that an inside number or  
12 straight-up bet on a single number had a fixed payout  
13 of 35-to-1. That's what this first sentence in  
14 paragraph 96 indicates. And the conclusion is that  
15 therefore the overall game has a given theoretical  
16 edge regardless of what number occurs.

17 Q Did you have in mind any other payouts  
18 specified by the traditional rules of roulette aside  
19 from a straight-up bet in mind when you wrote this  
20 sentence?

21 MS. BENNETT: Objection, form.

22 A I'm not sure how to answer that question

1 other than to say that this sentence only refers to  
2 straight-up bets. I don't really know what you mean.

3 BY MR. BROUGHAN:

4 Q Aside from the fixed payout of 35-to-1 for  
5 a straight-up bet, what other rules are part of the  
6 traditional rules of roulette that you reference on  
7 paragraph 96?

8 MS. BENNETT: Objection, form.

9 A I wasn't referring to any other rules.  
10 I'm just referring to the basic game of roulette that  
11 involves wagering on a specific inside number or  
12 straight -- single number, straight-up bet, and being  
13 paid 35-to-1 regardless of what that number is. I  
14 guess by way of contrast, what I'm saying isn't the  
15 case is that the payout for winning on a 4 might be  
16 30 to 1 and the payout for winning on a 5 might be 40  
17 to 1. That's not -- or that would be outside the  
18 scope of what I understand the traditional rules of  
19 roulette to include.

20 BY MR. BROUGHAN:

21 Q In the traditional rules of roulette the  
22 payout on a straight-up bet is fixed, not variable,

1 correct?

2 **A Yes, that's correct.**

3 Q Does a variable payout have a different  
4 design profile in terms of when you're looking at the  
5 player experience per game?

6 MS. BENNETT: Objection, form.

7 **A I'm not entirely sure what you mean by**  
8 **design profile, but I would say that the player**  
9 **experience in a variable payout would necessarily**  
10 **differ from the player experience in a fixed 35-to-1**  
11 **payout.**

12 BY MR. BROUGHAN:

13 Q In slots are payouts always specified as  
14 N-for-1 or can they be specified in other ways as  
15 well?

16 MS. BENNETT: Objection, form.

17 **A Payouts in slots can be specified in other**  
18 **ways as well.**

19 BY MR. BROUGHAN:

20 Q Are payouts in slots typically specified  
21 as "for one"?

22 MS. BENNETT: Objection, form.

1           A           Well, so I guess I need to make the  
2           distinction between literally specified with like the  
3           words "for one" on the screen versus just a number  
4           that represents a multiplier where it's implicit or  
5           at least it would be understood based on how the game  
6           actually pays you back. Slot machine pay tables do  
7           not typically -- actually I have a -- give me a  
8           minute. I believe I have an example if I can find  
9           it.

10                    Sure. So I would refer you to page 40 of  
11           my declaration sorry. I'm shuffling pages to make  
12           sure they don't go out of order. Page 40 of my  
13           declaration shows the pay table of an IGT Wheel of  
14           Fortune game listing a pay table. And there are a  
15           number of payouts shown on this page. This is just  
16           before paragraph 99. And at the top -- not at the  
17           top. Sort of a third of the way down is a  
18           progressive jackpot listing \$1,273,929 and formerly  
19           02 cents progressing to 03.

20                    So that's what was depicted on the meter  
21           at the time of this video. It's been a while since I  
22           saw the video, but I have to assume that if I let it

1 continue to play the 03 would then progress to 04 and  
2 so on. But then underneath that there are two  
3 columns for pay tables. One is the first credit  
4 winner showing, for example, 10,000 credits being won  
5 on three Wheel of Fortune symbols whereas for the  
6 second credit those same symbols would pay out the  
7 progressive. In the second row of the first credit  
8 winners the 3X, 4X, 5X symbols is shown as paying  
9 2500. Then underneath that are lower pays of 2200,  
10 1400, 2000, 1000, 50 and so on and so forth.

11 I believe this game also as smaller pays  
12 listed on a secondary pay table underneath whatever  
13 is being depicted on this video. But it's worth  
14 noting that as a ratio because the first column is  
15 based on one credit the payout of a thousand  
16 represents a ratio of 1000 for 1. Now, it doesn't  
17 say "for one" on this pay table, but that's what the  
18 ratio would be.

19 But it's also worth noting that there is  
20 no additional pay -- what's typically called a  
21 multiplier pay table in slot machines. There's no  
22 additional pay if you bet the second credit and get

1 the -- hold on -- it looks like three 2X symbols is  
2 what pays out the thousand. And I'm looking -- in  
3 the first credit winner column there are two  
4 subcolumns and the second to last item in the  
5 rightmost subcolumn under first credit lists three 2X  
6 symbols pays a thousand.

7 So for a one credit wager that would pay a  
8 thousand for one. For two credits wager it would  
9 still pay a thousand which therefore makes it a  
10 thousand for two.

11 BY MR. BROUGHAN:

12 Q The progressive would be one whether you  
13 bet one or two credits, correct?

14 A No. This pay table depicts that if you  
15 bet one credit and achieve the three required Wheel  
16 of Fortune symbols you win 10,000 credits, and if you  
17 bet two credits then you win the progressive.

18 Q Oh, I see.

19 A That's a distinction between the top row  
20 of --

21 Q Oh, okay. I see it. I'm going to what's  
22 been previously marked as Exhibit 1007 into the chat

1 window for use as an exhibit.

2 (Previously marked Light & Wonder  
3 Exhibit 1007 was introduced.)

4 BY MR. BROUGHAN:

5 Q Let me know when you have it, please.

6 A **I have that.**

7 Q Exhibit 1007 is the Kido reference,  
8 correct?

9 A **Yes. I've been saying Kido, but it's  
10 fine. We know what that means.**

11 Q Kido, Kido. I don't know which is which.  
12 If you look at figure 3 of Kido --

13 A **I am there.**

14 Q -- figure 3 is an example the gaming  
15 device described in Kido, correct?

16 A **It's one of the figures or one of the -- I  
17 mean, it describes one of the embodiments or depicts  
18 one of the embodiments.**

19 Q And at the top of the device in figure 3  
20 there's a progressive jackpot meter. Do you see  
21 that?

22 A **Oh, hold on. Let me rotate the screen.**

1 Q Maybe at the left.

2 A Yes. So I see a depiction of a meter that  
3 reads 8,850,019, but let me go to the specification  
4 and see what Kido actually describes that as.  
5 Because it's figure 3 reference numeral 5.

6 Q I suggest looking at paragraph 129, but  
7 you can look other places if you like as well.

8 A Yes. JP amount indicator. That's how it  
9 describes it. "The JP amount indicator 15 displays a  
10 jackpot (JP) that is a special payout." And then it  
11 goes on and describes how the device accumulates a  
12 percentage of credits. That's how the progressive --  
13 this is equivalent to how the progressive works as  
14 I've described earlier today.

15 Q At the top of the gaming device there's  
16 the screen that indicates the jackpot amount,  
17 correct?

18 A What paragraph 128 says is "The JP amount  
19 indicator 15 is mounted on a top of the electric  
20 light indicator 5." So I agree that Kido discloses  
21 that it's mounted on top of something.

22 Q Why would a gaming device have a sign

1 showing the jackpot amount prominently at the top?

2 MS. BENNETT: Objection, form.

3 A Well, Kido itself in paragraph 128 states  
4 that "Thus the JP amount indicator 15 allows all  
5 players who play a game in the stations 4 to see the  
6 display contents." And those display contents namely  
7 are the jackpot amount, which is similar in premise  
8 to the image we were just looking at on page 40 of my  
9 declaration of the IGT Wheel of Fortune game where  
10 the million-plus dollar progressive jackpot is listed  
11 prominently the top of the machine just underneath  
12 the spinning bonus wheel.

13 BY MR. BROUGHAN:

14 Q The jackpot amounts are prominently  
15 displayed because they have the potential to attract  
16 players to play the game, correct?

17 A That's one good reason to display a  
18 jackpot amount prominently, correct.

19 Q Kido's amounts, 8,850,019, that's a fairly  
20 large jackpot; is that fair?

21 MS. BENNETT: Objection, form.

22 A Well, so that's not entirely clear only

1 because I have the context of knowing that this is a  
2 Japanese patent and therefore those might be depicted  
3 in yen. And I can't recall the exchange rate right  
4 now, but I vaguely understand that there are many  
5 hundreds or even thousands of yen per dollar. So  
6 that might not actually be a particularly substantial  
7 prize value.

8 BY MR. BROUGHAN:

9 Q If you assume that the exchange rate is  
10 120 yen per one U.S. dollar, 8,850,019 converts to  
11 approximately \$75,000?

12 A I mean, I'll take your word on the math.  
13 I haven't done it.

14 Q Let's --

15 A I mean, I can. I don't have my calculator  
16 up and --

17 Q The exact number is not terribly  
18 important. If you look at figure 3 Kido shows that  
19 its gaming device has an auto roulette wheel in the  
20 middle and it looks like 12 player stations around  
21 the edge of the device; is that fair?

22 A I believe that's what the specification

1 indicates. I don't know if it specifically uses the  
2 phrase auto roulette wheel, but I believe that's the  
3 intention. And I do perceive the 12 player stations.

4 Q And then just I guess for clarity, Kido is  
5 K-i-d-o, not Kido?

6 A Correct. Yes, K-i-d-o.

7 Q If you turn to figure 12 of Kido --

8 A All right. I am there.

9 Q -- you've considered this figure before?

10 A I have.

11 Q All right. Figure 12 of Kido shows how  
12 its prog bonus routine operates, correct?

13 A It shows -- actually it shows the whole  
14 flow of the game. The label at the top prior to step  
15 or box A1 states prog bonus routine.

16 Q Okay. So in figure 12 there's a number of  
17 steps, see A1, A2, A3, et cetera?

18 A I do see those, yes.

19 Q Okay.

20 Q In step A5 it specifies "reserve bet  
21 amount partly." Do you see that?

22 A I do.

1 Q And I'll kind of jump back and forth  
2 between figure 12 and part of the text, but this  
3 figure is described in various paragraphs around 226.

4 A **Let me go there. All right. I'm there.**

5 Q Paragraph 226 says that in step A5  
6 0.5 percent of the chip's bet are stocked as the  
7 payout portion of the progressive jackpot; is that  
8 fair?

9 A **That's a reasonable paraphrase of what  
10 226 says, yes.**

11 Q For a \$10 bet that means 5 cents would be  
12 reserved as the -- as going into the progressive  
13 jackpot, correct?

14 A **Yes, that's correct.**

15 Q In figure 12 in step A6 it says "stop the  
16 ball." Do you see that?

17 A **I do see that, yes.**

18 Q A6 means that the ball lands in a pocket  
19 on the roulette wheel, correct?

20 A **That's how I understand that step in these  
21 flowcharts, yes.**

22 Q In step A7 the Kido device will determine

1 what number of the wheel the ball fell in, correct?

2 MS. BENNETT: Objection, form.

3 A I think that's a fair paraphrase, but if  
4 you want to point me to a particular spot in Kido  
5 that describes A7 I can read along with you.

6 BY MR. BROUGHAN:

7 Q Paragraph 228.

8 A Okay.

9 Q In step A7 Kido determines the numbered  
10 pocket of the roulette wheel into which the ball  
11 fell.

12 A So what paragraph 228 says is "After the  
13 ball 27 is received in the numbered pocket 23, the  
14 server control CPU 81 drives the win determining  
15 device 86 to determine the numbered pocket 23 into  
16 which the ball 27 is received (A7)."

17 So that's what I understand step A7 to be  
18 referring to.

19 Q Do you understand A7 to be determining  
20 which pocket of the roulette wheel the ball fell  
21 into?

22 A I do, yes.

1 Q Then in step A8 Kido determines whether  
2 anyone bet on the number into which the ball fell,  
3 determines whether there is a winner, correct?

4 A Let me go back up. I mean, that's what  
5 the box says. "Determine bet win" is what's in that  
6 box. I don't think that the specification of Kido  
7 actually refers to that step. It sort of jumps down  
8 to the next step in the flowchart.

9 Q And step A9 is if there is a winner then  
10 Kido will determine whether the ball landed in the  
11 number that has the star mark on it, correct?

12 A From figure 12 I think that reflects steps  
13 A9 and A10.

14 Q And you agree that in steps A9 and A10  
15 Kido determines whether the ball landed in the number  
16 that the star mark -- that has the star mark on it,  
17 correct?

18 A Let me see what Kido actually says about  
19 that. Paragraph 230 says "When it is determined that  
20 the chip wins" -- referring to step A9 being yes --  
21 it is further determined whether it is made a win in  
22 the star mark 88, step A10, and then when it is

1 determined that it is made a win in the star mark  
2 88 -- namely step A10 being yes, the payout portion  
3 stocked in the step of A5 is awarded, A11. And  
4 that's the end of paragraph 230 of Kido.

5 Q So in step A11 Kido pays out the  
6 progressive jackpot if there was a winner on the star  
7 mark, correct?

8 A That is -- as I understand, yes. The  
9 payout portion stocked in the step of A5 is awarded,  
10 paren A11 from paragraph 230.

11 Q The payoff portion stocked in the step of  
12 A5 is the progressive jackpot, correct?

13 A I mean, that's how I think we've been  
14 colloquially describing it. What Kido actually calls  
15 it is -- it uses other words. And I'm going back to  
16 paragraph 226 where it says "A predetermined ratio of  
17 a portion (in this embodiment 0.5 percent) of the  
18 chip's bet is stocked as a payout portion to be paid  
19 out when it is made a win in the star mark 88 and is  
20 added to the accumulated portion accumulated up to a  
21 previous game (A5). This is stored as the privilege  
22 information in the RAM 83."

1                   So that's how Kido describes the jackpot.

2           Q       In step A12 Kido describes paying out --  
3       calculating a payout for the roulette win?

4                   MS. BENNETT:  Objection, form.

5           A       Well, let me see how Kido describes step  
6       A12.  Paragraph 231 states that "When the payout  
7       portion is awarded in the step of" -- oh, no.  
8       There's typos here.  Hold on.  I think I address this  
9       in my report.  Part of the problem with this  
10      reference is I believe it was translated and they  
11      didn't get it all correct.

12                  BY MR. BROUGHAN:

13           Q       The reference to A11 in paragraph 231  
14      likely should be a reference to A12, right?

15           A       No.  That's not what I'm looking at.  I'm  
16      talking about the very first sentence where it says  
17      "The payout portion is awarded in the step of A1"  
18      which is not where the payout portion is awarded.  
19      And I think I addressed this, but let me see if I  
20      specifically talked about that situation.

21                   I don't know that I specifically addressed  
22      that typo in the first sentence of paragraph 231 with

1 Kido.

2 I'm sorry. I may have lost the thread.

3 Can you ask your question again?

4 Q You agree that there are several typos in  
5 paragraph 231 of Kido?

6 A Well, I see at least one. What other one  
7 are you looking at?

8 Q The reference to step A11 in the middle of  
9 the paragraph.

10 A Step A11 is calculated using the base odds  
11 credit number per one chip. Maybe. Let me go look  
12 at the figure again. So A11 says payout accumulated  
13 game value and then A12 is perform payout calculating  
14 process. Let's go see what A12 -- no. I don't think  
15 that's a typo. The reference to A11 about halfway  
16 down paragraph 231, I don't believe that's a typo  
17 because the sentence in which that label appears  
18 states in full "In the payout calculating process" --  
19 which refers to A12 from the prior sentence.

20 So I'll start again. "In the payout  
21 calculating process the win chip is recognized in  
22 each station 4 and a sum of payout amounts of credits

1 to be paid out to each station 4 and the payout  
2 awarded in the step of A11 is calculated using the  
3 base odds (credit number per one chip) for each bet  
4 area 42 (refer to figure 8) which are stored in ROM  
5 82."

6 So what that's saying is in the payout  
7 calculating process you add the payouts awarded in  
8 the step of A11 to the payouts calculated using the  
9 base odds. So it's a sum.

10 Q Oh, I see. In step A12 Kido calculates  
11 the base odds for winning the roulette game and adds  
12 onto that the payout portion of the jackpot amount  
13 from A11, correct?

14 MS. BENNETT: Objection, form.

15 A I mean, I think that's a reasonable  
16 paraphrase of what paragraph 231 states.

17 BY MR. BROUGHAN:

18 Q And then after all this is done Kido sends  
19 an update to the player device; is that correct?

20 A Well, specifically the next paragraph in  
21 Kido says "In a step of A13 it is executed a game  
22 result transmit process of transmitting to all the

1 stations 4 a signal relating to a display change  
2 accompanying the payout of credits based on the  
3 payout calculating process of A12 and the  
4 determination of a win number."

5 I mean, there's more, but I'll stop there.

6 In Kido how often will the ball land on the same  
7 number that is assigned the star mark?

8 MS. BENNETT: Objection, form.

9 BY MR. BROUGHAN:

10 Q Let me withdraw that and ask it a little  
11 bit better.

12 A Okay.

13 Q In Kido what is the probability that the  
14 ball will land on the same number that is assigned to  
15 the star mark?

16 A Let me see if I can go find the star mark  
17 routine before I answer that question. Let me say it  
18 this way. If the ball spin is equally likely to land  
19 in any pocket and there is a single star mark in one  
20 of those pockets then the probability of the ball  
21 landing in the pocket where the star mark is is 1 in  
22 38.

1 Q In Kido the probability that the ball  
2 lands on the same number that is assigned the star  
3 mark is 1 in 38, correct?

4 A I want to make sure you -- maybe I  
5 misunderstood your question. Can you ask that get  
6 again?

7 Q In Kido the probability that the ball  
8 lands on the same number that is assigned the star  
9 mark is 1 in 38, correct?

10 MS. BENNETT: Objection, form.

11 A Well, again I think there's some caveats  
12 there. This is assuming that the ball is equally  
13 likely to land in any pocket and there are 38 pockets  
14 and exactly one of those has been assigned a star  
15 mark. If that's true then -- and the ball lands in a  
16 pocket after all of that happens then I believe the  
17 probability is 1 in 38.

18 BY MR. BROUGHAN:

19 Q After 14 spins there's a probability of  
20 about 50 percent that the ball will have landed in  
21 the same pocket as a star mark, correct?

22 MS. BENNETT: Objection, form.

1           **A**        You're talking about cumulative  
2           probabilities. I would need to do the math. Without  
3           having done the math that sounds about right. But, I  
4           mean, I can't do the math right now in my head.

5           BY MR. BROUGHAN:

6           Q        If we go back to Kido's jackpot meter --  
7           jackpot indicator I think is the better --

8           **A**        Okay. Where are you asking me to look?

9           Q        Figure 3.

10          **A**        Figure 3. Thank you.

11          Q        The top of figure 3. 8,850,019. Do you  
12          see that?

13          **A**        Yes.

14          Q        Okay. If we assume an exchange rate of  
15          120 yen to USD that number is actually \$73,750 USD.  
16          I will represent that to you. Can you accept that?

17          **A**        Okay. I understand.

18          Q        If Kido is reserving 0.5 percent of each  
19          bet made in order to get up to that 73,000 number  
20          approximately \$15 million in wagers would have had to  
21          have been made; does that sound fair?

22                   MS. BENNETT: Objection, form.

1           A       Well, I haven't done that math but I will  
2       take your representation. Well, except that assumes  
3       that there was no other seed or initial value. So I  
4       think -- you know what? I don't know because I  
5       haven't done the math. So I can't speculate.

6       BY MR. BROUGHAN:

7           Q       What amount of wagers would have to be  
8       passing through Kido in order to amass such a large  
9       jackpot if within 14 rolls there's a 50 percent  
10      chance -- I'm sorry. That's a crappy question. Let  
11      me withdraw that.

12                    Amassing a jackpot of 8,850,019 yen seems  
13      difficult to achieve with Kido's game design,  
14      correct?

15                   MS. BENNETT: Objection, form.

16           A       I'm going to have to say no, not  
17      necessarily.

18      BY MR. BROUGHAN:

19           Q       Why not?

20           A       Well, I think a couple of things. You're  
21      assuming that -- first of all, that the numbers  
22      reflected on the jackpot meter are accurate or

1 representative of the game design. Second, the  
2 0.5 percent accrual rate for the jackpot is  
3 explicitly listed as an example.

4 Third, and perhaps most significantly,  
5 you're assuming -- one of the questions you asked me  
6 just a little while ago was what is the probability  
7 of the ball landing on the star mark. But you didn't  
8 specifically ask what the probability was of the ball  
9 landing in the star mark and the player having  
10 wagered on that, because in the game of Kido the  
11 player doesn't just win when the ball lands in the  
12 star mark. The player wins when the ball lands on  
13 the star mark on a spot that they bet on.

14 And so that, again, goes to player  
15 behavior and knowing what the probabilities are there  
16 is not something I can speculate on.

17 Q There's twelve player stations. If you  
18 assume that each player bets on five numbers each  
19 game that's 60 different numbers being bet on. If  
20 there's 38 numbers on the wheel there's a high  
21 likelihood that whatever number the ball lands on has  
22 at least one wager on it, correct?

1 MS. BENNETT: Objection, form.

2 A Well, I mean, you can -- under that  
3 hypothetical, sure. I mean, I can give you a more  
4 straightforward hypothetical which is let's suppose  
5 someone just bets on all 38 numbers of the layout.  
6 That's very doable. In that case they have a hundred  
7 percent chance of having the ball land on one of the  
8 bets that they've made. They'll lose all the other  
9 ones so it's generally not a great strategy. But you  
10 can improve your probabilities to one hundred percent  
11 if you want in roulette and have that kind of  
12 experience.

13 So in that scenario if there's a star mark  
14 the ball will land on your bet and on the star mark.

15 MR. BROUGHAN: Why don't we take a break.  
16 We've been going a little over an hour.

17 MS. BENNETT: Yup. That works.

18 MR. BROUGHAN: Maybe ten minutes.

19 MS. BENNETT: Sure.

20 (Recess from 1:35 p.m. to 1:51 p.m.)

21 BY MR. BROUGHAN:

22 Q In Kido what happens if two people win on

1 the star mark?

2           A           That's a good question. I don't know if  
3 Kido explicitly says. Well, so -- all right. Here's  
4 how I will answer that. There are a number of  
5 embodiments in Kido that relate to different  
6 privileges -- privilege is the term Kido uses -- when  
7 a win happens on the star mark. So depending on  
8 which privilege you're talking about would influence  
9 I think how or to what extent the disclosure of Kido  
10 addresses that question.

11           Q           Where the privilege is the progressive  
12 jackpot what happens if two people win on the star  
13 mark?

14           A           I am not sure that Kido discloses that. I  
15 would have to -- let me go back to that section and  
16 see if it explicitly addresses that scenario. And we  
17 are talking about -- where are we? Hold on. I don't  
18 know that Kido expressly addresses that scenario.

19           Q           Assuming Kido does not expressly address  
20 the scenario when two people win on the star mark in  
21 the progressive jackpot embodiment, how would you  
22 think that the payout would be -- I'm sorry. Let me

1 try that again.

2 Assuming that Kido does not expressly  
3 address the scenario where two people win on the star  
4 mark in the progressive jackpot embodiment, how would  
5 you think Kido would handle that scenario?

6 MS. BENNETT: Objection, form.

7 A Well, I just maybe that phrasing isn't  
8 quite right because if you're assuming that Kido  
9 doesn't address it then it doesn't address it and  
10 then to me the question is whether a person of  
11 ordinary skill would understand how other systems  
12 like Kido might address it or how they would address  
13 it using the system of Kido.

14 Is that a fair characterization of your  
15 question?

16 BY MR. BROUGHAN:

17 Q Yes. How would a person of ordinary skill  
18 handle that scenario?

19 A Sure. Well, based on my experience there  
20 are a number of ways to deal with near simultaneously  
21 or simultaneously jackpot payouts. One is if in fact  
22 two players win at exactly the same time based on the

1 same event, which I believe is the scenario you're  
2 referring to, then typically the payout is split  
3 between the two players. So whatever the prize  
4 amount is is paid equally to the two players. This  
5 is assuming they've wagered the same amount. This is  
6 also what happens in lottery jackpots where if you  
7 have a Powerball ticket and I have a Powerball ticket  
8 and we have exactly the same winning numbers you and  
9 I split the jackpot.

10 There are other ways to proportionally  
11 distribute jackpot funds when wagers aren't  
12 necessarily the same amount. And there are a number  
13 of different ways to do that.

14 And then there are the case where in --  
15 for example, the Wheel of Fortune slot machine that  
16 we looked at -- where it's not strictly a multiplayer  
17 game. And so even though the jackpot is listed on  
18 the top of multiple machines and it's the same  
19 jackpot, one player's spin is not the same as the  
20 next player's spin.

21 So if they win the jackpot they could  
22 still win all of the jackpot and the next player's

1 machine could show the winning combination, but  
2 before the jackpot meter has updated to reflect the  
3 fact that the first player won the jackpot. And so  
4 then the casino has to have a very uncomfortable  
5 conversation with the player to convince them that,  
6 sorry, you don't win the million dollars, you only  
7 win 150,000 because someone just won the jackpot two  
8 seconds before you.

9 But in the case of a game like Kido where  
10 it's a shared roulette wheel and ball and the players  
11 are betting on the same event, then I would expect  
12 the jackpot to be split in some fashion between the  
13 winning players.

14 Q I'm going to put what was previously  
15 marked as Exhibit 1008 in the chat window.

16 (Previously marked Light & Wonder  
17 Exhibit 1008 was introduced.)

18 THE WITNESS: All right. I have that.

19 BY MR. BROUGHAN:

20 Q And Exhibit 1008 is the Baron reference,  
21 correct?

22 A It is, yes.

1           Q       If you look at paragraph 38 Baron refers  
2 to a conventional roulette wager in the second  
3 sentence. Do you see that?

4           A       I do see that, yes.

5           Q       What do you understand a conventional  
6 roulette wheel to be?

7           A       Well, the examples given in paragraph 38  
8 of Baron following the phrase conventional roulette  
9 wager is "(e.g. straight wager, split wager, street  
10 wager, corner wager, red wager, black wager, even  
11 wager, odd wager, dozen wager)." And so I think  
12 those are the examples of what Baron considers to be  
13 conventional roulette wagers.

14          Q       Do you consider each of those to be a  
15 conventional roulette wager?

16          A       I would, yes. In fact those are -- if I  
17 can go back to the background section, those are --  
18 many of those wagers are depicted by in fact the same  
19 names -- almost all of them are the same names as  
20 what is described in the Scarne reference that I have  
21 excerpted on page 28 of my declaration.

22          Q       If you look at paragraph 28 of Baron in

1 the third sentence there's a reference to an  
2 unconventional roulette wager. Do you see that?

3 **A I do see that, yes.**

4 Q Baron provides examples of unconventional  
5 roulette wagers as a side wager, a progressive wager  
6 or a bonus wager. Do you see that?

7 **A I do see that, yes.**

8 Q Do you agree that a progressive wager  
9 would be an unconventional roulette wager?

10 MS. BENNETT: Objection, form.

11 **A Well, that's what Baron is saying. Yes.**

12 BY MR. BROUGHAN:

13 Q If you look at figure 3 of Baron -- let me  
14 know when you're there.

15 **A Mm-hmm. I am there.**

16 Q Near the bottom there's like a section  
17 that's labeled back to back. Do you see that?

18 **A I do see that, yes.**

19 Q Do you know what back to back is?

20 **A I do.**

21 Q What is it?

22 **A Back to back as referenced here is I**

1 believe a leftover cut and paste error from a prior  
2 patent application which -- or maybe a series of  
3 prior patent applications, one which is the Yee  
4 reference which is cited by the examiner during  
5 prosecution and which was filed by the same company,  
6 if memory serves, several months prior to the Baron  
7 reference, of this Baron reference.

8 Q Approximately when were you retained for  
9 this matter?

10 A I don't specifically recall. I'd have to  
11 go back and look at my paperwork.

12 Q Approximately how much time have you spent  
13 on this case, or on these IPRs? Maybe that's a  
14 better question.

15 A I'll have you give you the same answer. I  
16 don't specifically recall. I'd have to look at my  
17 paperwork.

18 MR. BROUGHAN: I guess I have no further  
19 questions at this time.

20 MS. BENNETT: I have no questions.

21

22

1 (Reading and signing reserved.)

2 (Whereupon, at 11:23 a.m. PST the remote  
3 deposition concluded.)

4 \* \* \* \* \*

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1 REPORTER'S CERTIFICATE

2 STATE OF MINNESOTA )

3 COUNTY OF HENNEPIN )

4 I hereby certify that I reported the  
5 remote deposition of Stacy Friedman on February 24,  
6 2026, in Bloomington, Minnesota, via Videoconference,  
and that the witness was by me first duly sworn to  
tell the whole truth;

7 That the testimony was transcribed by me  
8 and that this transcript is a true record of the  
testimony of the witness;

9 That the cost of the original has been  
10 charged to the party who noticed the deposition, and  
11 that all parties who ordered copies have been charged  
at the same rate for such copies;

12 That I am not a relative or employee or  
13 attorney or counsel of any of the parties, or a  
relative or employee of such attorney or counsel;

14 That I am not financially interested in  
15 the action and have no contract with the parties,  
16 attorneys, or persons with an interest in the action  
that affects or has a substantial tendency to affect  
my impartiality.

17 That the right to read and sign the  
18 deposition by the witness was requested.

19 WITNESS MY HAND AND SEAL THIS 27th day of  
20 February, 2026.

21   
JONATHAN WONNELL

22 Notary Public, Hennepin County, Minnesota  
My Commission expires January 31, 2027

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