

United States District Court,
D. Delaware.

GTECH CORPORATION,
Plaintiff.

v.

SCIENTIFIC GAMES INTERNATIONAL, INC., Scientific Games Holdings Corporation, Scientific Games Finance Corporation, and Scientific Games Corporation,
Defendants.

Civil Action No. 04-138-JJF

Feb. 13, 2006.

Josy W. Ingersoll, Andrew Auchincloss Lundgren, John W. Shaw, Karen Elizabeth Keller, Young, Conaway, Stargatt & Taylor, Wilmington, DE, for Plaintiff.

Jack B. Blumenfeld, Maryellen Noreika, Rodger Dallery Smith, II, Morris, Nichols, Arsht & Tunnell LLP, Wilmington, DE, for Defendants.

TENTATIVE CLAIM CONSTRUCTION ORDER

JOSEPH J. FARNAN, **District Judge.**

IT IS HEREBY ORDERED that:

1. For the purposes of United States Patent No. 4,982,337, the following terms and phrases are *tentatively* construed as follows:

a. "**Housing means for storing a strip of tickets to be dispensed**" is a means-plus-function element construed pursuant to 35 U.S.C. s. 112, para. 6. The function performed is "storing a strip of tickets to be dispensed." The corresponding structure consists of a box-like unit with a control panel mounted on the front surface for use by the vendor for initiating the dispensing of a lottery ticket and a back surface that faces the customer with a dispensing outlet from which the customer receives the dispensed ticket.

b. "**Means for separating each of said tickets from said strip**" is a means-plus-function element construed pursuant to 35 U.S.C. s. 112, para. 6. The function performed is "separating the leading ticket from the remaining tickets in a strip." The corresponding structure consists of the combination of: (a) a burster wheel with a dull, rounded edge that is moveably mounted; (b) two sets of rollers-one set on each side of the perforation to be separated-which hold the strip of tickets in tension as the burster wheel is brought into contact with the tickets; and (c) a bursting blade drive means that includes a burster motor, a burster block, cable spool arrangement, and tensioning spring.

2. For the purposes of United States Patent No. 5,222,624, the following terms and phrases are *tentatively* construed as follows:

a. "**Plurality**" is construed to mean "more than one."

b. "**Array**" is construed to mean "a moveable strip of lottery tickets from the same game."

c. "**Lottery ticket representations**" and "**ticket images**" are synonymous and are construed to mean "graphical representations (or video images) of actual lottery tickets."

d. "**Video display means**" is a means-plus-function element construed pursuant to 35 U.S.C. s. 112, para. 6. The function performed is "displaying a plurality of arrays of ticket images on a video screen." The corresponding structure consists of a CPU 190.

e. "**Means for dispensing said tickets in a number corresponding to the amount of money input into said machine by said customer**" is a means-plus-function element construed pursuant to 35 U.S.C. s. 112, 16. The function performed is "dispensing tickets in a number corresponding to the amount of money input into the vending machine by the customer." The corresponding structure consists of a keypad, the feeding and bursting mechanism (as described in the '337 patent and incorporated into the '624 patent), outlet openings in the housing through which the tickets exit the housing, outfeed rollers, and a receptacle that receives the tickets that fall through the outlet opening.

3. By issuing this "tentative" claim construction order, the Court has the option of revising its interpretation of the disputed claim language after hearing further evidence at the trial.

D.Del.,2006.

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