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November 29, 2004

Philip N. Hogen, Chairman
National Indian Gaming Commission
1441 "L" St. NW, Suite 9100
Washington, DC 20005

Via Fax to 202/632-7066

Re: Class II Game Classification and Technical Standards

Dear Mr. Hogen,

The following comments are offered on behalf of Winnovations, which is engaged in the development of electronic bingo game systems. The references are to the document titled "Third Draft – Classifications Standards for Electronic, Computer or Other Technological Aids Used in Connection with Class II Gaming".

Game-Winning Prize

References: 3)d)ii)(a) & (d).

The issue: The same value prize must be awarded to a subsequent game-winning player in the game (if a player sleeps the winning pattern).

Comments: Provisions (a) and (d) are inconsistent. If the game-winning prize is subject to a prize payout table, then the subsequent prize should be based on the payout table. The exception would be if there were two or more winners and one slept the pattern – in that case the prize would happen to be the same since the pattern was achieved on the same last ball. We are aware that the "same value prize" concept was a part of the opinion letter on "Mystery Bingo" (September 26, 2003) but that was a part of the developer's design and not a provision mandated by NIGC. We see no logic to the "same value prize" provision when the win occurs on a subsequent ball drop.

Game-Winning Prize and Progressive Prize

References: 3)d)ii); 3)d)iii)(a) & (f).

The issue: Prohibition on the use of a progressive prize as the game-winning prize.

Comments: Subparagraphs (iii)(a) and (iii)(f) preclude the use of a progressive prize as the game-winning prize, since they discuss a progressive prize as an ancillary prize. We believe that a progressive prize should not be precluded as a game-winning prize. We see no logical reason to prohibit it, and there is ample historical precedent for it –

the traditional "bonanza bingo" game (notwithstanding the NIGC's current prohibition on pre-drawn balls) routinely featured a progressive prize as the game-winning prize, which also incorporated a payout table tied to the number of balls needed to achieve the pattern.

We should probably note that this is a major item for us, as we currently have a game under design which utilizes a progressive prize as the game-winning prize.

Sleeping a Winning Pattern and Related Requirements for Daubing

References: 3)d)i)(g); 3)e)vii), & x).

The issue: Ambiguities regarding subsequent daubing by a player that has slept a winning pattern.

Comments: The current provisions are ambiguous and incomplete. There appears to be an assumption that the player who slept the winning pattern is still actively involved in the game and will daub moments after sleeping the win. Not addressed is the case where the player is distracted from the game for a longer period of time and any potential daubing would occur significantly later. In the latter case, the requirement [3)d)i)(g), and also 3)e)x)] that the numbers slept must be "clearly and uniquely identified as such by displaying them in a unique color, by drawing a strikeout through them, or by other readily visible means" could be a developer's nightmare. For how long a time period must they be so displayed -- until the player next daubs, until the next set of balls are released, or under any circumstances until the end of the game? What if the player has failed to daub and the next set of balls is released -- do the numbers still remain uniquely identified? If the player daubs in a timely manner for the next set of balls after sleeping the win, are the previous "undaubed" balls now also considered daubed and usable, and are the numbers in the slept pattern still uniquely displayed at that time? What if the player never daubs again in that game?

Failure of at Least One Player to Daub

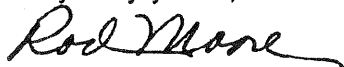
References: 3)e)vii & xii).

The issue: A failure to daub could suspend all play and lock-up the system.

Comments: Subparagraph (xii) appropriately provides for external intervention if there is no daubing in connection with the game-winning pattern. Subparagraph (vii) proposes an indefinite wait for at least one player to daub at an earlier stage in the game. The latter condition also needs provision for external intervention.

We appreciate this opportunity to provide comments.

Very truly yours,



Rod Moore
Partner