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**Datasheet for the decision  
of 12 February 2008**

**Case Number:** T 0072/06 - 3.4.03

**Application Number:** 02703072.5

**Publication Number:** 1350232

**IPC:** G07F 17/32

**Language of the proceedings:** EN

**Title of invention:**

Gaming method and apparatus with triggering of bonus events by the presence of a trigger symbol in particular locations

**Applicant:**

ANCHOR GAMING

**Opponent:**

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**Headword:**

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**Relevant legal provisions:**

EPC Art. 56

**Relevant legal provisions (EPC 1973):**

-

**Keyword:**

"Inventive step (no)"

**Decisions cited:**

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**Catchword:**

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Case Number: T 0072/06 - 3.4.03

**D E C I S I O N**  
of the Technical Board of Appeal 3.4.03  
of 12 February 2008

**Appellant:** ANCHOR GAMING  
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**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 22 July 2005  
refusing European application No. 02703072.5  
pursuant to Article 97(1) EPC.

**Composition of the Board:**

**Chairman:** R. G. O'Connell  
**Members:** V. L. P. Frank  
J. Van Moer

## Summary of Facts and Submissions

I. This is an appeal from the refusal of European patent application 02 703 072 for lack of inventive step (Article 56 EPC).

II. The appellant applicant requested that the decision under appeal be set aside and that a patent be granted on the basis of a main or an auxiliary request both sent with the letter dated 11 January 2008.

III. Claim 1 of the main request reads:

"A gaming apparatus (40; 50), comprising  
at least one processor (42; 52),  
a memory associated with said at least one  
processor (42; 52),  
a display (44; 54) in communication with said at  
least one processor,  
an input element (46; 56) in communication with  
said at least one processor,  
whereby said at least one processor (42; 52) is  
programmed to identify at least one payline (35)  
selected by a user, to randomly assign symbols  
from a predetermined set to an array (30) of image  
sites (32), to determine whether one of a  
plurality of winning combinations of symbols is  
present along the at least one selected payline  
(35) within said array (30) with said randomly  
assigned symbols, and to determine whether a first  
triggering event is present along the at least one  
selected payline (35) within said array (30) with  
said randomly assigned symbols,  
characterized in,

that said processor (42; 52) further determines whether a second triggering event is present at a trigger site of said array (30) with said randomly assigned symbols even if said trigger site is not located in a selected payline, said trigger site being a specified image site within said array (30)."

The last sentence of claim 1 of the auxiliary request reads as follows (the difference with respect to claim 1 of the main request has been marked by the board):

"said trigger site being a specified image site **selected by a user** within said array (30)."

IV. The following prior art document was cited in the examination procedure:

D1: EP 1 063 622 A

V. The examining division refused the application on the grounds that the distinguishing features in view of document D1 either did not solve a technical problem or the technical problem would be solved by the person skilled in the art in an obvious manner.

VI. The appellant applicant argued essentially as follows:

- According to the present invention, after symbols from a predetermined set were randomly assigned to an array of image sites, three determinations were made. The first determination was whether one of a plurality of winning combinations of symbols was present along the at least one selected payline

within said array. The second determination was whether a first triggering event was present along the at least one selected payline within said array. The third determination was whether a second triggering event was present at a specified trigger site of said array even if said trigger site was not located in a selected payline. Therefore, on the basis of a single array of image sites, the present invention gave three different winning possibilities which were determined on the basis of the single array. Furthermore, the third determination did not depend on the selection of the paylines, but was completely independent therefrom and could be made without checking which paylines were active.

- Document D1 described a gaming machine that determined, from a first spin in a first payoff mode, whether a bonus game was to be awarded based on the presence of a predefined symbol combination along a player-selected payline and/or whether the gaming machine was to enter a second payoff mode that operated distinctly and independently of the first payoff mode. If the bonus game was awarded, the gaming machine then determined, using a second spin and still in the first payoff mode, whether a payout should occur based on a predefined symbol combination appearing along a player-selected payline. If the second payoff mode was entered, the gaming machine determined, using a third spin separate from the first and second spins, whether a payout should occur based on a predefined symbol combination appearing anywhere among the symbol group displayed on the reels as a product of the third spin. However, D1 did not describe three

separate determinations made from symbols randomly assigned to a plurality of image sites as in the present invention.

- The present invention departed from the principle disclosed in D1 that the triggering events were determined by the appearance of a specific symbol combination on one of the selected paylines. Instead a pre-determined trigger site, which could be selected by the user, was used for deciding the second triggering event. This principle was not rendered obvious by the disclosure of document D1.
  
- In the present invention, conditions for detecting and determining a second triggering event were specified. The detection step could only be carried out using technical means on the basis of technical considerations and was therefore not merely part of the rules of the game as objected by the examining division.

## **Reasons for the Decision**

1. The appeal is admissible.
  
2. *Main request - Inventive step*
  - 2.1 Gaming machines of the kind dealt with in the application include means for displaying an array of randomly generated symbols. In the games under consideration the user may choose between different paylines to increase their winning chances. Figure 2 of the present application shows such a display in which

nine different paylines 34, each including five image sites 32, are indicated by various broken lines. The player selects the desired paylines by pressing corresponding input buttons (as shown eg in figure 4).

2.2 The gaming apparatus of claim 1 comprises a processor programmed *inter alia* to

(a) determine whether one of a plurality of winning combinations of symbols is present along the at least one selected payline within said array with said randomly assigned symbols,

(b) determine whether a first triggering event is present along the at least one selected payline within said array with said randomly assigned symbols, and

(c) determine whether a second triggering event is present at a trigger site of said array with said randomly assigned symbols even if said trigger site is not located in a selected payline, said trigger site being a specified image site within said array.

2.3 In step (a) the processor detects a winning combination of symbols along one of the selected paylines and determines a corresponding award to the player (steps 14 and 16 in figure 1). In step (b) the paylines are checked to determine whether a first trigger event, ie a special symbol or combination of symbols, occurred in one of the selected paylines. If so, a bonus event is started (*ibid*, step 18 and 20). Finally, in step (c) a pre-determined image site within the array is checked

for the occurrence of a trigger event, ie a special symbol. If so, an additional bonus event is started (ibid, steps 22 and 24). The processor therefore uses the initially generated array of symbols for making all three determinations.

- 2.4 Document D1 discloses a gaming apparatus controlled by a CPU 20. The basic game commences in response to the player selecting a number of paylines and activating a switch which causes the CPU to set the reels in motion, randomly select a game outcome and then stop the reels to display symbols corresponding to the game outcome. Certain outcomes of the basic game cause the CPU to enter a "SUPER SCATTER" spinning relay pay feature and certain other outcomes cause the CPU to enter a bonus mode causing the video display to show a bonus game.

The CPU 20 thus evaluates the winning combinations appearing in the symbol group relative to an active payline and assigns a corresponding award to the player (this step corresponds to step (a) mentioned above). The appearance of three "SUPER SCATTER" symbols along a given payline is a triggering event which starts a new game in the "SUPER SCATTER" mode (this step corresponds to step (b) mentioned above). Finally, the CPU enters the bonus game (ie the "WINNING BID" game) when a special "start-bonus", eg three "GAVEL" symbols, occurs on an active payline in the basic game (this step differs from step (c) mentioned above in that an active payline instead of a pre-determined trigger site is evaluated). Table 2 shows that the "SUPER SCATTER" and the "WINNING BID" games are directly entered from the basic game when either three "SUPER SCATTER" or three "GAVEL" symbols are the outcome of the basic game



- ([0012], [0014], [0015], [0019], [0025] and [0032]; Table 2; figures 1, 3 and 4).
- 2.5 Document D1 further discloses that once the "SUPER SCATTER" game mode becomes active the processor evaluates the symbol group for winning combinations in scatter-pay format, ie without regard to the display positions of the respective symbols and to whether they occur on an active payline or not ([0026]).
- 2.6 The appellant applicant argued that in contrast to what was disclosed in document D1, in the present invention the three determinations (a) to (c) mentioned under point 2.2 above were made on the same group of symbols assigned to the array.
- 2.7 In the board's understanding of D1 however three determinations corresponding to steps (a) to (c) are also made on the initial symbols shown on the display, namely the determination of whether an award is assigned to the user and whether a first game (the "SUPER SCATTER" game) or a second game (the "WINNING BID" game) is entered.
- 2.8 The appellant applicant further argued that document D1 did not disclose what occurred when symbol combinations giving rise to the "SUPER SCATTER" mode and to the "WINNING BID" game appeared on different active paylines. In contrast, the flow diagram of figure 1 of the application clearly indicated that the symbol combinations were sequentially evaluated and dealt with.
- 2.9 The board however judges that a person skilled in the art would conclude that a sequential handling of the

determination's outcome is the only way of handling such a situation in a manner acceptable to the user. Document D1 also does not explicitly disclose that when a credit is awarded to the user the array of symbols should be further examined for determining whether one of the two additional bonus games should start. This is however implicitly disclosed to the person skilled in the art, as it would be unacceptable for a user that one or more of his winning chances be disregarded. The person skilled in the art of developing gaming apparatus would not understand the disclosure of D1 in any other way.

- 2.10 It follows from the above that the gaming apparatus of claim 1 differs from the one disclosed in document D1 in that in the third step (step (c)) the processor determines whether a triggering event is present at a **specified image site** within said array even if said site is not located in a selected payline, while in D1 only the active paylines are considered.
- 2.11 Replacing the determination along an active payline, as in D1, by the determination on a specified image site, as in the application, is in the judgement of the board an alternative devoid of inventive technical significance. An image site can be seen as a degenerate payline reduced in length to a single symbol site.
- 2.12 Furthermore, document D1 discloses the evaluation of the image sites irrespective of whether they belong to an active payline or not while in the scatter-pay mode. To restrict the evaluation to a single image site is merely a limitation of the evaluation executed in D1 while in the scatter-pay mode (see point 2.5 above),

such limitation not having any discernible inventive technical significance..

Accordingly the board is not persuaded by the appellant applicant's contention that the present invention departs from the general tendency in the art to consider trigger sites only along the active paylines selected by the user.

2.13 The board concludes therefore that the gaming apparatus of claim 1 of this request does not involve an inventive step within the meaning of Article 56 EPC.

3. *Auxiliary request - Inventive step*

3.1 The gaming apparatus of claim 1 of this request differs from the corresponding one of the main request in that the image site for determining whether the second triggering event occurred is selected by the user.

3.2 The application does not disclose any special technical means required for making this selection. Nor is the significance of this selection disclosed in the application. The application merely discloses that "Referring to Fig. 8, if a predetermined or preselected (eg player selected) trigger symbol 36T" appears at a predetermined or prespecified (eg player selected) trigger site 32T" of array 20", the player may be awarded another bonus event." (page 14, 2<sup>nd</sup> paragraph).

3.3 The board considers therefore that the selection of the trigger site is of the same nature as and could be effected simultaneously with the conventional selection

by the user of the active paylines at the start of the game.

3.4 For these reasons and the reasons advanced in relation to the main request the board judges that the gaming apparatus of claim 1 of this request does not involve an inventive step (Article 56 EPC).

## **Order**

**For these reasons it is decided that:**

The appeal is dismissed.

Registrar

Chair

S. Sánchez Chiquero

R. G. O'Connell