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**Datasheet for the decision
of 19 June 2007**

Case Number: T 1093/06 - 3.2.04

Application Number: 01925096.8

Publication Number: 1339467

IPC: A63F 13/00

Language of the proceedings: EN

Title of invention:

Apparatus, method, and program product for facilitating game play in an electronic lottery game network

Applicant:

Multimedia Games Inc.

Opponent:

-

Headword:

-

Relevant legal provisions:

EPC Art. 52(1), 56, 123(2)

Keyword:

"Inventive step - (yes) after amendment"

Decisions cited:

-

Catchword:

-



Case Number: T 1093/06 - 3.2.04

D E C I S I O N
of the Technical Board of Appeal 3.2.04
of 19 June 2007

Appellant: Multimedia Games Inc.
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Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 17 February 2006
refusing European application No. 1925096.8
pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: M. Ceyte
Members: A. de Vries
T. Bokor

Summary of Facts and Submissions

- I. The Appellant lodged an appeal, received at the EPO on 12 April 2006, against the decision of the Examining Division posted 17 February 2006, refusing the European patent application no. 01925096.8 filed as international patent application PCT/US01/40104.

The Examining Division held that the application did not meet the requirements of Articles 52(1) and 56 EPC having regard to the following documents in particular:

D1: US-A-5 324 035

D2: EP-A-0 625 760

- II. At oral proceedings held 19 June 2007 before the Board the Appellant submitted as sole request amended claims and description pages. He thus requests that the decision under appeal be set aside and a patent be granted based on the following documents:

Claims

No.: 1-12 as filed during the oral proceedings before the Board of 19 June 2007

Description

Pages: 1, 2, 4-16 as originally filed

Pages: 3,3a as filed during the oral proceedings of 19 June 2007

Figures

Figures: 1-3 as originally filed

III. The wording of the independent claims of the requests is as follows :

1. "A method for facilitating game play in an electronic lottery game network in which a player terminal (14) communicates with a central processing system (12) which stores at least one pool of game play records (23), each game play record (23) associated with a predetermined result of a particular result type from among a number of different result types, each being associated with a particular prize value, the number of result types being smaller than the number of game play records, wherein

(a) each game play record (23) included in a pool of game play records (23) stored at the central processing system (12) includes a record index (24) selected from a set of unique index values, each respective index value in the set being associated with a respective one of said different result types;

(b) in response to a game play request at the player terminal (14), the central processing system (12) communicates a record index (24) associated with a particular game play record (23) to the player terminal (14); and

(c) in response to the record index (24) received at the player terminal (14), the player terminal (14) generates display commands to produce a specific graphic representation at the player terminal (14), the graphic representation being consistent with the result type associated with the index value and with the associated prize value (25), the record index not specifying the graphic representation or the result of the particular game play record".

5. "An apparatus for facilitating game play in an electronic lottery game network in which a player terminal (14) communicates with a central processing system (12) which stores at least one pool of game play records (23), each game play record (23) being associated with a predetermined result of a particular result type from among a number of different result types, each being associated with a particular prize value, the number of result types being smaller than the number of game play records, the apparatus comprising:

(a) a game play storage device at the central processing system (12), the game play storage device storing at least one pool of game play records (23), each game play record (23) including a record index (24) selected from a set of unique index values, each index value in the set being associated with a respective one of said different result types;

(b) a play request processor at the central processing system (12) for receiving a game play request from a player terminal (14) and for responding to the game play request by communicating the record index (24) associated with a particular game play record (23) from the central processing system (12) to the player terminal (14); and

(c) a player terminal processor and display device at the player terminal (14), the player terminal processor being adapted to receive the record index (24) communicated to the player terminal (14), and to generate display commands at the player terminal (14), the display commands producing a specific graphic representation on the player terminal display device consistent with the result type associated with the index value and with the associated prize value (24)

[terminal], the record index not specifying the graphic representation or the result of the particular game play record".

[The term "terminal" appearing above in the last but second line above and placed within brackets by the Board is an unintended remnant of an otherwise cancelled passage. In its decision the Board shall disregard this term as an obvious oversight.]

9. "A program product stored on a computer readable medium for facilitating game play in an electronic lottery game network in which a player terminal communicates with a central processing system (12) which stores at least one pool of game play records (23), each game play record (23) being associated with a predetermined result of a particular result type from among a number of different result types, each being associated with a particular prize value, the number of result types being smaller than the number of game play records, the program product comprising:

(a) record storage program code for causing at least one pool of game play records (23) to be stored at the central processing system (12), each game play record (23) including a record index (24) selected from a set of unique index values, each unique index value in the set being associated with a respective one of said different result types;

(b) play request processing program code for responding to a game play request at a player terminal (14) by communicating the record index (24) associated with a particular game play record (23) from the central processing system (12) to the player terminal (14); and

c) display control program code for responding to the record index (24) received at the player terminal (14) by generating display commands at the player terminal (14) to produce a specific graphic representation at a player terminal display device, the graphic representation being consistent with the result type associated with the index value and with the associated prize value, the record index not specifying the graphic representation or the result of the particular game play record".

Reasons for the Decision

1. The appeal complies with Articles 106 to 108 and Rule 64 EPC and is therefore admissible.
2. *Allowability of amendments under Article 123(2) EPC*

Claims 1, 5 and 9 are based on the like numbered claims as originally filed. Apart from minor re-editing and the inclusion of reference signs each of these originally filed claims has been amended in the following points:

- 2.1 The opening lines of the claims are redrafted to indicate that the result associated with a game record is "*of a particular result type from among a number of different result types, each being associated with a particular prize value, the number of result types being smaller than the number of game play records*". Though such wording does not appear as such in the originally filed documents, it may nevertheless be inferred directly and unambiguously by the skilled

person from a contextual reading of the originally filed description giving the individual terms their normal meaning.

Thus, the term "result type" is first mentioned in line 15 of page 3. Giving "type" its normal, accepted meaning, the Board reads the above term as signifying a distinctive class or group of results. Page 3, lines 20 to 21, indicates that there are different such result types and thus a number of such distinctive groups available in a game. Further lines 22 to 23 of page 3 exclude the trivial case of each group containing only one member (each index value - and thus its result type - is not associated with "a specific embodiment of the result type" meaning "a particular result" as follows from the "full house" example in the immediately following lines 23 to 25). The number of result types is consequently smaller than the number of results, as borne out by the specific examples of draw poker with 10 types identified in the bridging paragraph of pages 9 and 10, and of a scratch-off ticket type game on page 14, lines 3 to 20, with result type corresponding to the degree by which symbols match. Implicit in these examples is also the fact that "result type" is not intended to merely distinguish between winning or losing results, but rather allows for a more refined differentiation of the results, e.g. in reference to different win levels and associated prize amounts (cf. page 14, line 18-20). This is expressed in the formulation "a number of result types" which the Board interprets in its usual sense of "a certain, esp. a large or considerable, collection ... not precisely reckoned or counted" (Oxford English Dictionary). Page 4, lines 21 to 29, finally provides a

basis for the association between index value, and thus result type, on the one hand, and prize value on the other.

- 2.2 In feature (a) each respective index value is now associated with "*a respective one of said different result types*" is a clarification based on page 3, lines 14 to 15 read in conjunction with further lines 20 to 21.
- 2.3 In feature (c) the player terminal produces "*a specific graphic representation*", where *specific* refers to it being consistent with result type (and thus associated *prize value*, see above), which is based on page 15, lines 9 to 10. The final indication "*the record index not specifying the graphic representation or the result of the particular game play record*" is based on page 15, lines 5 to 7.
- 2.4 In conclusion, the Board finds that the amendments concerned are allowable under Article 123(2) EPC.
3. *The invention*

The invention concerns an electronic lottery game network in which predefined gaming records are stored at a central processing system. Records represent possible game play results. Upon request the central processing system communicates a "record index" associated with a game play record and corresponding with the particular "result type" of the game play result of the game play record in question. This index controls display of the results to a player in a manner

which is specific to the result type but not to the particular result.

4. *Novelty*

None of the documents cited in the decision under appeal disclose the use of a record index *associated with result type* of the result *where there are a smaller number of result types than of game play records*, with the index being transmitted to the player terminal where it is used to produce a specific graphic representation *consistent with result type but not specifying the graphic representation of the result of the particular game play record*.

In the electronic lottery game network described in columns 14 and 15 of D1 a record index may be identified as the win bit (column 15, lines 33 to 50) in the video ticket data corresponding to a game play out of pool of plays stored at the master unit 14 and issued to player terminal 16 for display of the corresponding particular result of game play. It can also be seen to correspond to the 12 ASCII character string, which in the electronic gaming system of D2, see pages 5 and 6, is issued by the host computer for each individual simulated game play to a player terminal and used there as an argument of a graphic subroutine to display the game result in question. However, neither the bit of D1 nor the character string of D2 is associated with a *result type* as required by claims 1, 5 and 9. Nor does their use result in the requisite graphic representation *unspecific* to the game play record.

The Board thus finds that the subject-matter of claims 1, 5 and 9 is novel over the prior art as required by Article 52(1) in combination with Article 54 EPC.

5. *Inventive Step*

D1, which, see columns 14 and 15, relates to an electronic (internet based) game network where a central computer stores pools of game play records, from which, upon request, individual ones are retrieved and corresponding data transmitted to player terminal for display of the result, is considered as the closest prior art. With regard to D1, the differing features of indexing game records according to result type, and transmitting the index to the player terminal to generate a graphic representation specific to result type but not to the particular result results in a reduction of the amount of data transferred to player terminals to communicate a game play, see the description as filed, page 2, penultimate lines. D1 is already concerned with data reduction, see e.g. column 15, lines 8 to 16, so that the technical problem to be solved by the present invention can be formulated as "further reducing data transmitted from the central computer to player terminals".

The claimed solution is neither known from nor obvious in the light of the cited prior art. Further D2 does teach reducing data transmission through the use of a character string as argument for a player terminal based display subroutine. Each string is however unique to a particular game play and generates a display of its particular result. Straightforward application of

D2's teaching to the D1 game network will have the video ticket data generated for each game play record replaced by a corresponding unique data string for transmission to the player terminal and display of the particular result. This differs from the underlying inventive concept of the present invention, which makes advantageous use of the different result types associated with different prize or win levels that exist in a game scheme to further minimize data transmission.

As the Board also does not consider the claimed solution obvious per se, that is in the light of the skilled person's common general knowledge, it concludes that the claimed invention meets the requirements of Article 52(1) with Article 56 EPC.

6. As the claimed subject-matter is moreover manifestly technical in nature, and thus not excluded from patentability, and is also clearly industrially applicable, the Board concludes that the subject-matter of claims 1, 5 and 9 meets all the requirements of Article 52(1), explicit and implicit.

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.
2. The case is remitted to the first instance with order to grant a patent on the basis of the documents indicated above under section II.

The Registrar

The Chairman

G. Magouliotis

M. Ceyte