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**Datasheet for the decision
of 23 September 2011**

Case Number: T 1112/08 - 3.4.03

Application Number: 04765712.7

Publication Number: 1671284

IPC: G07F 17/32

Language of the proceedings: EN

Title of invention:
Doorframe for gaming machine

Applicant:
Novomatic AG

Opponent:
-

Headword:
-

Relevant legal provisions:
-

Relevant legal provisions (EPC 1973):
EPC Art. 56

Keyword:
"Inventive step (yes) after amendment"

Decisions cited:
-

Catchword:
-



Case Number: T 1112/08 - 3.4.03

D E C I S I O N
of the Technical Board of Appeal 3.4.03
of 23 September 2011

Appellant: Novomatic AG
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Representative: Thoma, Michael
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Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 27 November 2007
refusing European application No. 04765712.7
pursuant to Article 97(1) EPC 1973.

Composition of the Board:

Chairman: G. Eliasson
Members: T. Häusser
T. Karamanli

Summary of Facts and Submissions

- I. The appeal concerns the decision of the examining division refusing the European patent application No. 04765712 for lack of inventive step (main request and auxiliary requests 1 and 2).
- II. The following documents, among others, were cited during the examination proceedings:
- D1: GB 2 326 505 A,
D2: WO 03/028829 A1,
D4: US 2003/0027627 A1,
D5: EP 1 074 954 A1.
- III. At the oral proceedings of 23 September 2011 before the board, the appellant requested that the decision be set aside and that a patent be granted in the following version:
- Claims No. 1 to 4 according to the sole request, filed during oral proceedings of 23 September 2011;
 - Description pages 1 to 6, filed during oral proceedings of 23 September 2011;
 - Drawings sheets 1/3 to 3/3 as published.
- IV. The wording of independent claim 1 reads as follows:
- "1. Gaming machine comprising a gaming machine cabinet and a doorframe (15) attached thereto, further comprising at least two display monitors (28a, 28b) placed behind said doorframe (15) at an interior side thereof so as to be viewed through at least one opening (17a, 17b) in said doorframe (15) when said doorframe (15) is in its closed position, wherein said two display monitors (28a, 28b) are positioned one above

the other at an obtuse angle relative to each other, and wherein below said two display monitors (28a, 28b) a game control panel (20) is running from one edge of the doorframe (15) to the other, wherein said two display monitors (28a, 28b) are affixed to said doorframe (15) in a securely fastened manner and said doorframe (15) is supported on said gaming machine cabinet by means of a hinge so as to open and close said doorframe together with the two display monitors (28a, 28b) relative to said gaming machine cabinet, and said game control panel (20) is inclined with respect to the two display monitors (28a, 28b) positioned above said game control panel (20)."

V. The appellant argued essentially as follows:

The subject-matter of claim 1 differed from document D2, which was regarded to be the closest prior art, in that the two display monitors were positioned one above the other at an obtuse angle relative to each other.

Document D2 was aimed at improving the visibility of the displays like the invention (page 2, second paragraph) which was solved in a different way in document D2 - by allowing the game area to be viewed within a single field of vision - thus leading away from the invention. Furthermore, the display in document D2 was intended to be mounted adjacent to mechanical reels without requiring an angled sidewall on the display (page 2, third paragraph), which also leads away from mounting the displays at an obtuse angle to each other.

Reasons for the Decision

1. Admissibility

The appeal is admissible.

2. Amendments

Claim 1 is based on original claim 1 and the description as originally filed (page 3, second and fourth paragraphs; page 4, first paragraph; page 5, second paragraph).

Dependent claims 2 to 4 are based on the description as originally filed (page 5, last paragraph) as well as original claims 2 and 3.

The description has been brought into conformity with the amended claims and supplemented with an indication of the relevant content of the prior art without extending beyond the content of the application as filed.

Accordingly, the board is satisfied that the amendments comply with the requirements of Article 123(2) EPC.

3. Novelty

3.1 Document D2

3.1.1 Document D2 discloses (see Figures 5-8, page 5, first paragraph - page 6, first paragraph) a gaming machine 80 with a housing 24 and a top door 82, which is attached to the housing by means of hinges. The top

door 82 has two windows 52 and supports two video displays 86 and 88. Below the top door 82, a ledge 15 is provided comprising means 14 for entering wagering instrumentalities and a plurality of decision making buttons.

3.1.2 In the wording of claim 1, document D2 discloses a gaming machine (80) comprising a gaming machine cabinet (24) and a doorframe (82) attached thereto, further comprising at least two display monitors (86, 88) placed behind said doorframe (82) at an interior side thereof so as to be viewed through at least one opening (52) in said doorframe (82) when said doorframe (82) is in its closed position, wherein said two display monitors (86, 88) are positioned one above the other and wherein below said two display monitors (86, 88) a game control panel (ledge 15 including buttons and means 14 for entering wagering instrumentalities) is running from one edge of the doorframe (82) to the other, wherein said two display monitors (86, 88) are affixed to said doorframe (82) in a securely fastened manner and said doorframe (82) is supported on said gaming machine cabinet (24) by means of a hinge so as to open and close said doorframe together with the two display monitors (86, 88) relative to said gaming machine cabinet (24), and said game control panel is inclined with respect to the two display monitors (86, 88) positioned above said game control panel (as can be seen in Figure 5).

Document D1 does not disclose the following feature of claim 1:

- (i) said two display monitors are positioned one above the other at an obtuse angle relative

to each other.

3.1.3 The subject-matter of claim 1 is therefore new over document D2.

3.2 Document D1

Document D1 discloses (page 6, line 16 - page 8, line 22, Figures 1-2) an entertainment machine comprising a front wall structure 7 which is attached by means of a hinge to the top wall 4 of a cabinet 1. The front wall structure 7 has upper and lower flat glass panels 11, 12. Alphanumeric displays 30 and 35 are mounted in the cabinet, positioned to be seen through the upper panel 11 and lower panel 12, respectively. The glass panels 11 and 12 are arranged at an obtuse angle (see Figure 1).

Document D1 does not describe the following feature of claim 1:

- said two display monitors are affixed to said doorframe in a securely fastened manner.

3.3 Document D5

Document D5 describes (see paragraphs [0007]-[0009] and Figures 1-3) a gaming machine 1 comprising a base element 3 and a door 4. Two flat screens 13, 14 are pivotably attached to a support 20 which cooperates with a drive frame 25 which is in turn attached to the door 4 of the gaming machine 1. The flat screens 13, 14 can be rotated about a horizontal axis and vertically displaced by means of the support 20 and the drive frame 25.

Document D5 does not describe the following feature of claim 1:

- at least two display monitors placed behind said doorframe at an interior side thereof so as to be viewed through at least one opening in said doorframe when said doorframe is in its closed position.

The subject-matter of claim 1 is therefore new over document D5.

- 3.4 The remaining prior art documents on file are not closer to the subject-matter of claim 1 than the documents referred to above. Claims 2 to 4 are dependent on claim 1 providing further limitations.

Accordingly, the subject-matter of claims 1 to 4 is new (Article 52(1) EPC and Article 54(1) EPC 1973).

4. Inventive step

- 4.1 The gaming machine described in document D2 as second embodiment and shown in Figures 5-8 of that document is regarded to be structurally closest to the subject-matter of claim 1 and is therefore regarded to be the closest state of the art.

- 4.2 The subject-matter of claim 1 differs from the closest state of the art in comprising feature (i) (see point 3.1.2 above).

- 4.3 The effect of feature (i) is to improve the ease of viewing the monitors (see the description, page 2,

second paragraph). The objective technical problem is therefore to achieve this effect.

- 4.4 In the decision under appeal the examining division was of the opinion that document D5 disclosed a change in the angle between two LCD screens and that the skilled person would - being confronted with the task of improving the visibility of the monitors - incorporate this teaching into the gaming machine of D2 thereby arriving at the subject-matter of claim 1.

Indeed, the goal of document D5 is to improve the visibility of the screen content in the presence of disturbing stray light (paragraphs [0001] and [0005]). As this is related to the posed problem of improving the ease of viewing the monitors, the skilled person - an expert in the construction of gaming machines - would consider the teaching of document D5 to solve that problem.

However, an important aspect of that teaching is the vertical adjustability in order to attain the goal of improved visibility, in particular for small and tall players (D5, paragraph [0001]). Furthermore, the vertically adjustable and pivotable mounting of the flat screens 13, 14 to the door 4 in document D5 is structurally entirely different from the rigid mounting of the video displays 86, 88 to the top door 82 in document D2. In the board's opinion the teaching of document D5 would therefore merely suggest to the skilled person to *replace* the rigid display mounting in document D2 by the adjustable mounting in document D5. This would however not lead the skilled person to the subject-matter of claim 1.

4.5 Document D2, which comprises the closest state of the art, aims at overcoming diversions breaking a players rhythm. These occur for example when playing games that have a series of reels placed at one location and a bonus game presented on a display elsewhere as the player is then required to frequently alter the angulation of his head. Document D2 achieves this aim by providing the two video displays 86, 88 close enough to each other that they can be viewed within a single field of vision (D2, page 1, lines 14-28; page 5, lines 22-25; Figures 3 and 7). The gaming machine of document D1 is precisely of the type described in document D2 as disadvantageous as it requires the player to frequently alter the angulation of his head. The skilled person would therefore be led away from considering document D1 for solving the posed problem.

Even though document D1 discloses in Figure 1 that the panels 11 and 12 are arranged at an obtuse angle, no advantage of such an arrangement is explicitly mentioned in the document. On page 4, lines 19-21, it is merely described that by arranging the panels at an angle the "bottom panel projects forwardly". In the board's view this is intended to create space in the cabinet 1 for the bulky reels 21 and to position the press-buttons 31 on the front-wall structure 7 near the player to allow their comfortable manipulation. The apparatus of D1 therefore exhibits feature (i) for a different purpose from that of the invention.

For these reasons, the board is of the opinion that the skilled person would not be prompted to consider the

teaching of document D1 for solving the posed problem of improving the ease of viewing the monitors.

- 4.6 None of the other prior art documents on file contains a teaching that would lead the skilled person in an obvious way to the subject-matter of claim 1. Nor is the subject-matter of claims 2 to 4 considered obvious as these claims are dependent on claim 1.

Accordingly, the subject-matter of claims 1 to 4 involves an inventive step (Article 52(1) EPC and Article 56 EPC 1973).

5. Other requirements of the EPC and conclusion

The description has been brought into conformity with the amended claims in order for them to comply with the requirements of Article 84 EPC 1973. These requirements of the EPC are therefore also satisfied.

In view of the above the sole request is allowable.

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 department with the order to grant a patent in the following version:
 - Claims No. 1 to 4 according to the sole request, filed during oral proceedings of 23 September 2011;
 - Description pages 1 to 6, filed during oral proceedings of 23 September 2011;
 - Drawings sheets 1/3 to 3/3 as published.

The Registrar:

The Chairman:

S. Sánchez Chiquero

G. Eliasson