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**Datasheet for the decision
of 12 April 2011**

Case Number: T 1769/10 - 3.4.03

Application Number: 07751619.3

Publication Number: 2005400

IPC: G07F 17/32

Language of the proceedings: EN

Title of invention:
Internet remote game server

Applicant:
IGT

Opponent:
-

Headword:
-

Relevant legal provisions:
-

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

Keyword:
"Inventive step (yes) - after amendment"
"Inventive step - treatment of technical and non-technical
features (Reasons 4.2)"

Decisions cited:
G 0003/08, T 0641/00, T 0154/04, T 1051/07

Catchword:
-



Case Number: T 1769/10 - 3.4.03

D E C I S I O N
of the Technical Board of Appeal 3.4.03
of 12 April 2011

Appellant:

IGT
9295 Prototype Drive
Reno, NV 89521 (US)

Representative:

Browne, Robin Forsythe
Hepworth Browne
Pearl Chambers
22 East Parade
Leeds LS1 5BY (GB)

Decision under appeal:

Decision of the Examining Division of the
European Patent Office posted 4 March 2010
refusing European patent application
No. 07751619.3 pursuant to Article 97(2) EPC.

Composition of the Board:

Chairman: G. Eliasson
Members: R. Q. Bekkering
T. Bokor

Summary of Facts and Submissions

I. This is an appeal against the refusal of application No. 07 751 619 for lack of inventive step, Article 56 EPC 1973, over document

D1: US 2006/0025207 A.

II. The appellant applicant requested in the oral proceedings before the board that the decision under appeal be set aside and a patent granted on the basis of the following documents:

Claims: Claims 1 to 11 filed in the oral proceedings before the board;

Description: Pages 1 to 76 filed in the oral proceedings before the board;

Drawings: Sheets 1/8 to 8/8 as originally filed.

III. Claim 1 reads:

*"A gaming system comprising:
a plurality of game outcome servers (210), each game outcome server having stored thereon a plurality of selectable wagering games, each game outcome server (201) having a communication interface for allowing, in use, the game outcome server (201) to communicate with both a plurality of remote client devices (210, 216-228) and a physically separate and remotely located player management server (200, 202), each game outcome server (201) comprising:
a processor designed or configured to:*

a) communicate with the client device (210-228) and with the player management server (200, 202) via the communication interface,

b) receive information (608) from the player management server (200, 202) allowing a communication session to be established with the client device,

c) in response to receiving information in process (b), send (603) to an identified client device (210) first commands, first instructions, first data or combinations thereof that allow an interface (601) for playing a wager-based game to be generated (605) on a client interface of the identified client device,

d) receive from the identified client device (210) information (607) indicating a request to play the wager-based game and a wager amount,

e) in response to receiving information in process (d), send (611) information to the player management server (200, 202) requesting authorization of the wager amount wherein the player management server (200, 202) maintains a player balance relating to game play on the identified client device,

f) receive an authorization message (617) from the player management server (200, 202) indicating the wager amount is authorized, whereafter a game outcome for the game is generated (631) and only an adjustment to the player balance calculated (631) by the game outcome server (201),

g) send to the identified client device second commands, second instructions, second data or combinations thereof (633) that allows a presentation of the game outcome to be generated on the client interface; and

h) send (641) the calculated adjustment to the player balance to the player management server (200,

202) to effect an update of the player balance maintained at the player management server, wherein:

each game outcome server (201) functions as an application service provider that hosts games;

the player management server (200, 202) is remotely located from the game outcome servers by network infrastructure (206); the player management server (200, 202) functions to support account management of players stored in a player database (259), the account management including player registration and banking data; each game outcome server not allowed direct access to the player database, with interactions with the player management server (200, 202) based on a transactional approach that allows the player balance maintained on the player management server to be updated by the game outcome server; and;

the player may navigate to each game outcome server (201) through a game access interface (282) offering game links to game outcome server-supported games at the game outcome servers (201), the game access interface (282) being supported by the player management server (200, 202) and displayable by the identified client device (210, 216-228), player navigation arising without the player having to register or log-on into the game outcome servers (201)."

IV. Independent claim 2 corresponds to claim 1, however with features e) to h) reading as follows:

" e) generate a game outcome for the game and an adjustment to a player balance (628),

f) send information (630) to the player management server (200, 202) requesting authorization (632) of a game transaction wherein the request to authorize the game transaction includes information relating to the wager amount, the game outcome and the adjustment to the player balance and wherein the player management server (200, 202) maintains the player balance,

g) receive an authorization message (638) from the player management server (200, 202) indicating the game transaction is authorized and then send (644) to the identified client device (210) second commands, second instructions, second data or combinations thereof that allows a presentation of the game outcome to be generated on the client interface; and

h) store (640) a record of the game transaction".

V. The appellant essentially argued as follows:

The current case law of the Boards of Appeal was insufficiently developed and was in fact unclear and inconsistent as to when features in mixed inventions bestowed patentability. Moreover, there was absolutely no teaching or suggestion in the prior art references (and especially D1) about why or how a person of ordinary skill in the art would go about separating functionality and restricting access to data stored on physically separate server entities. In particular, there was no teaching or suggestion for allowing a player to navigate to game outcome servers through a game access interface offering game links to game outcome server-supported games at the game outcome servers through a game access interface supported by the player management server and displayable by the identified client device and without the player having

to register or log-on into the game outcome servers. Accordingly, the subject-matter of both claims 1 and 2 involved an inventive step.

Reasons for the Decision

1. The appeal is admissible.
2. *Amendments*

Claim 1 is based on claim 1 as originally filed and on the description as originally filed (cf in particular paragraphs [0052], [0087] and [0108]).

Independent claim 2 is based on claim 2 as originally filed and on the description as originally filed (see claim 1 above).

Dependent claims 3 to 11 are based in substance on originally filed claims 32, 34, 3, 4, 12 to 14, 16 and 17, respectively.

The amendments, thus, comply with Article 123(2) EPC.

Moreover, independent claims 1 and 2 provide alternative solutions for which it would be inappropriate to cover these alternatives in a single claim (Rule 43(2)(c) EPC).

3. *Novelty*

3.1 *Document D1*

Document D1 discloses a gaming system comprising a casino server communicating with a plurality of gaming devices allowing players to play wagering games (cf figures 1A, 1B).

According to D1, the steps as detailed in the flow chart of figure 11 may be performed by the casino server (cf paragraph [0165]). The software service (run on the casino server) for performing these steps forms a first (software) server, with corresponding processor (cf 220 in figure 2, 210 in description). As this server, among other things, generates the game outcome (cf step 1130) it may be held to form a "game outcome server" in the terminology of claim 1. Moreover, it "functions as an application service provider that hosts games" as per claim 1.

The system of D1 further comprises a player database including the player identity, banking data and credit balance (cf figures 2, 6; description paragraph [0140]). The software service (run on the casino server) handling data from the player database forms a second software server which may be held to form "player management server" in the terminology of claim 1.

Furthermore, according to D1 all play may occur in the "credit mode". That is, the player need not physically insert money into the gaming device prior to each pull, and money needn't come out of the gaming device after a player win. Rather, a player's credit balance may be

stored in a player database (figure 6) either in the gaming device or in the casino server. Every time the player then makes a handle pull, credits are deducted from the player's balance. Every time the player wins, credits are added to the player's balance (paragraph [0171]).

Moreover, as the process of figure 11 involves data exchanges with both the gaming devices (remote client devices) and the player database (eg when playing in the "*credit mode*") a communication via a communication interface is inherent in D1.

Arguably, in D1 the play occurring in "*credit mode*" (cf [0171]) when performed by the casino server (cf paragraph [0165]) in accordance with figure 11 implies:

- at step 1110 receiving credit information from the player database,
- sending data/commands to the gaming device for generating an interface for playing the game,
- receiving from the gaming device a request to play the game and a wager amount,
- sending an authorisation request for the wager amount to the player database maintaining a player balance,
- receiving authorisation,
- at step 1130 generating game outcome,
- at step 1140 calculating adjustment to player balance,
- sending data/commands to gaming device that allow presentation of game outcome,
- sending adjustment of player balance to player database.

3.2 However, the gaming of D1 does not include a plurality of such "*game outcome servers*" in which the "*player management server*" is physically separate and remotely located from the "*game outcome servers*" by network infrastructure.

Although in D1 it is envisaged to provide a remote server computer for maintaining databases (cf paragraph [0098]), and thus arguably a remote "*player management server*" for maintaining the player database which is physically separate and remotely located from the "*game outcome server*", this "*player management server*" does not communicate with a plurality of "*game outcome servers*".

Also not provided in D1 is that the "*game outcome server*" is not allowed direct access to the player database. In D1 in fact the casino server has direct access to the player database (cf figure 2; paragraphs [0097] to [0101]).

Furthermore, not disclosed in D1 is that the player may navigate to each "*game outcome server*" through a game access interface offering game links to game outcome server-supported games at the "*game outcome servers*". In particular, not disclosed is that this game access interface is supported by the "*player management server*" and displayable by the identified client device. Moreover, not disclosed in D1 is that the player navigation arises without the player having to register or log-on into the game outcome servers. In D1 communication with the player is handled by the casino server.

3.3 Accordingly, the subject-matter of claim 1 is new over document D1 (Article 54(1) and (2) EPC 1973).

The subject-matter of claim 1 is also new over the remaining cited, more remote prior art.

4. *Inventive step*

4.1 Document D1 is considered to provide the closest prior art. The above differences of the subject-matter of claim 1 over D1 allow maintaining player anonymity in the game transactions between the game outcome servers and the player management server. As stated in the application, *"One of the most important and valuable resources of an on-line casino may be its player database. The transactional approach described above may allow multiple on-line casinos to use functions provided by a game outcome server without having to worry that their customer database is revealed to the providers of the game outcome server or to another provider of another on-line casino"* (cf paragraph [00177]). Furthermore, the above differences allow offering a player a wider variety of games running on different (game outcome) servers, possibly developed on different software platforms, without the need to provide a dedicated player management server in each case. Moreover, player's convenience is served by not having to register or log-on into different game outcome servers.

4.2 At least some of the above aims to be achieved are in the non-technical field of schemes, rules and methods of playing games and doing business, and may thus, in accordance with established jurisprudence, legitimately

appear in the formulation of the technical problem to be solved, in particular as a constraint that has to be met (cf Case Law of the Boards of Appeal, 6th edition 2010, I.D.8.1; T 0641/00, OJ EPO 2003, 352, reasons 7).

As far as the appellant's allegation that the current case law of the boards of appeal was insufficiently developed and was in fact unclear and inconsistent as to when features in mixed inventions bestowed patentability is concerned, it is noted that the above established jurisprudence provides a methodology for applying the problem-solution-approach, generally adopted in the EPO for assessing inventive step, to inventions involving aspects in the non-technical field. In fact, the Enlarged Board of Appeal noted that, while numerous board of appeal decisions cited the earlier decisions defining this methodology, it was not aware of any divergence in this case law, suggesting that the boards were in general quite comfortable with it, and concluded that it would appear that the case law, as summarised in T 0154/04 (OJ EPO 2008, 46), had created a practicable system for delimiting the innovations for which a patent may be granted (G 0003/08, OJ EPO 2011, 10, reasons 10.13.2).

Still, this does not prevent the application of this methodology to an individual case, on occasions, to be complex. This, however, is not different in the application of the problem-solution-approach in general.

It is furthermore noted that, contrary to what is argued by the appellant, also decision T 1051/07, issued by this board, follows the above methodology. In particular, the appellant's contention that somehow the

consideration in this decision of "how" the aim in the non-technical field is achieved in terms of a technical solution involving technical means would diverge from this methodology is unfounded. In the problem-solution-approach, the objective technical problem to be solved is formulated based on the technical effect caused by the distinguishing features of the claim over the prior art, and thus depends on the individual case. This is also the case for inventions involving aspects in the non-technical field. Accordingly, depending on the available prior art and what is claimed, the objective technical problem to be solved may be formulated generally as to implement technically (the constraints as imposed by) the aim to be achieved in the non-technical field. In the case where some general form of implementation of the aim to be achieved in the non-technical field is already known from the prior art, the objective technical problem to be solved may be formulated more specifically as how to implement technically the aim in the non-technical field, or, reworded, to provide a technical solution involving technical means how to achieve the aim in the non-technical field.

- 4.3 In the present case the requirements to be met deriving from the above aims in the non-technical field, are to improve the player's access to games and to maintain confidentiality of the player's data in the player database.

Accordingly, the objective technical problem to be solved may be formulated as modifying the system of D1 so as to improve the player's access to games while maintaining confidentiality of the player's data in the

player database. Or, in other words, how to improve the player's access to games while maintaining confidentiality of the player's data in the player database in terms of a technical solution using technical means.

- 4.4 The technical solution involving technical means as claimed to the above technical problem essentially is to let the server for maintaining the player database communicate with a plurality of game outcome servers, with respective, different games. The server for maintaining the player database is physically separate and located remote from the game outcome servers. The game outcome servers are not allowed direct access to the player database, such that confidentiality of the player database is maintained. Player access is improved by letting the player navigate to each game outcome server through a game access interface offering game links to game outcome server-supported games at the game outcome servers through a game access interface supported by the player management server and displayable by the identified client device and without the player having to register or log-on into the game outcome servers.

As indicated above, in the document D1 the "*player management server*" neither communicates with a plurality of "*game outcome servers*", nor does it support a game access interface accessible by the player offering game links to game outcome server-supported games at the game outcome servers, without the player having to register or log-on into the game outcome servers. In D1, the "*player management server*" merely maintains the player database and the casino

server has direct access to the player database. Accordingly, the above technical solution involving technical means as claimed is not rendered obvious by D1.

As it is also not suggested in any of the remaining cited prior art or otherwise rendered obvious to the skilled person, the subject-matter of claim 1 is considered to involve an inventive step in the sense of Article 56 EPC 1973.

4.5 *Independent claim 2*

The subject-matter of claim 2 essentially differs from that of claim 1 in that according to claim 2 first the game outcome for the game and an adjustment to the player balance is generated by the game outcome server and only thereafter information is sent to the player management server requesting authorization of the game transaction.

These differences provide a further distinction over document D1, and do not alter the fact that the above identified distinguishing features of claim 1 over D1, which are equally provided in claim 2, render the claimed subject-matter inventive.

Accordingly, also the subject-matter of claim 2, having regard to the available state of the art, is not obvious to the person skilled in the art and, thus, involves an inventive step in the sense of Article 56 EPC 1973.

- 4.6 Claims 3 to 11 are dependent on either claim 1 or 2, providing further limitations. The subject-matter of these claims, therefore, also involves an inventive step.
5. The patent application as amended also meets the remaining requirements of the EPC, so that a patent can be granted on the basis of these documents.

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.
2. The case is remitted to the department of first instance with the order to grant a patent in the following version:

Claims: Claims 1 to 11 filed in the oral proceedings before the board;

Description: Pages 1 to 76 filed in the oral proceedings before the board;

Drawings: Sheets 1/8 to 8/8 as originally filed.

Registrar:

Chair:

D. Sauter

G. Eliasson