BESCHWERDEKAMMERN   BOARDS OF APPEAL OF   CHAMBRES DE RECOURS
DES EUROPÄISCHEN   THE EUROPEAN PATENT   DE L'OFFICE EUROPÉEN
PATENTAMTS   OFFICE   DES BREVETS

Internal distribution code:

(A) [-] Publication in OJ
(B) [-] To Chairmen and Members
(C) [-] To Chairmen
(D) [X] No distribution

**Datasheet for the decision
of 3 December 2020**

Case Number: T 0683/17 - 3.4.03

Application Number: 14157712.2

Publication Number: 2811472

IPC: G07F17/32, G07C15/00

Language of the proceedings: EN

Title of invention:
Gaming system

Applicant:
Grubmüller, Walter

Headword:

Relevant legal provisions:
EPC Art. 56
RPBA Art. 12(4)

Keyword:
Inventive step - main request (no)
Auxiliary Requests - not substantiated - not admitted

Decisions cited:

Catchword:

Case Number: **T 0683/17 - 3.4.03**

D E C I S I O N
of Technical Board of Appeal 3.4.03
of 3 December 2020

Appellant:	Grubmüller, Walter
(Applicant)	Kreuzgasse 17-19
	1180 Vienna (AT)
Representative:	Staeger & Sperling
	Partnerschaftsgesellschaft mbB
	Sonnenstraße 19
	80331 München (DE)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted on 18 November 2016 refusing European patent application No. 14157712.2 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman	T. Häusser
Members:	M. Papastefanou
	W. Van der Eijk

Summary of Facts and Submissions

I.   The appeal is against the decision of the examining
        division refusing the European patent application
        No. 14 157 712.2 on the grounds that the Main Request
        and the Third Auxiliary Request before it did not
        involve an inventive step (Article 56 EPC). Moreover,
        the examining division, exercising its discretion under
        Rule 137(3) EPC, did not admit the First and Second
        Auxiliary Requests because it considered them to be
        prima facie not allowable.

II.   At the oral proceedings before the board the appellant
        requested that the decision under appeal be set aside
        and a patent be granted according to the Main Request
        or one of the 1st to 3rd and 5th to 8th Auxiliary
        Requests, all Requests filed with the statement of the
        grounds of appeal.

III.   Reference is made to the following documents, cited
        during the first instance procedure:

        D1: EP 2 551 829 A2
        D5: WO 2008/039174 A2.

IV.   Claim 1 of the Main Request is worded as follows:

        A roulette betting system (100) for playing betting
        cycles based at a central office (102) of a gaming
        service wherein the gaming service central office (102)
        houses a central server system (110) executing an
        instruction set for playing the modified version of
        roulette, wherein the server system (110) comprises a
        database server (111), a draw server (112), a bet
        acceptance server (114), a table management server

(115) and an authentication server (116) wherein the
server system (110) is connected to the Internet (150)
with a communications link for communicating with
entities outside of the central office wherein the
entities having [sic] at least one electronic roulette
gaming area (160) with a central table (162) including
a draw presentation client (166), which provides
players with an electronic display of a roulette wheel,
wherein

the central table (162) has for each player a dedicated
electronic user interface (168) which includes modules
comprising an interactive bet acceptance client (168a)
and a table presentation client (168b) wherein the bet
acceptance client (168a) enabling [sic] a player to
place bets on the roulette betting system (100) and the
table presentation client (168b) provides the user with
a graphical representation of the betting table and

the roulette gaming area (160) is connected with the
server system (110) of the central office (102) through
an electronic communication link (124) via Internet
(150) and wherein

the database server (111) is adapted to stores [sic]
persistent information,

the draw server (112) utilize [sic] a random number
generator (113) to generate a random result within a
given set of numbers and is adapted to pass the result
of the random number generator (113) to the draw
presentation clients (166) and to the bet acceptance
server (114),

the bet acceptance server (114) is adapted to receives
[sic] bets from all connected bet acceptance clients
(168a) and to verify the input via interaction with the
authentication server (116) and to store the bets and
to return information about the bets to the bet
acceptance client (168a) and to forward to the table

management server (115).

V.   Claim 1 of the **1ˢᵗ Auxiliary Request** has the same
        wording as claim 1 of the Main Request with the
        addition, before the last paragraph of the claim ("*the
        bet acceptance server (114) is adapted to ...*") of the
        following feature:

        *"the spinning of the roulette wheel is accomplished by
        the random number generator (113) selecting a random
        number and then associating the random number, through
        an internal algorithm, with a numbered slot on the
        roulette wheel representation on the draw presentation
        client (166),"*

VI.   Claim 1 of the **2ⁿᵈ Auxiliary Request** has the same
        wording as claim 1 of the Main Request with the
        addition of the following features at the end of the
        claim:

        *", the spinning of the roulette wheel is accomplished
        by the random number generator (113) selecting a random
        number and then associating the random number, through
        an internal algorithm, with a numbered slot on the
        roulette wheel representation on the draw presentation
        client (166),
        wherein the roulette system (100) is configured that
        after the first spin of the roulette wheel, the winning
        number is replaced in the betting table layout and is
        replaced by a randomly selected number out of the
        remaining (N-1) numbers of N numbers and a color
        property of the added number is inherited from the
        replaced number and thereafter, the field of numbers on
        the betting table again contains N numbers for the next
        betting cycle."*

VII.   The only claim of the **3rd Auxiliary Request** is a method
        claim and is worded as follows:

        *A method of playing betting cycles with a roulette
        betting system (100) based at a central office (102) of
        a gaming service wherein the gaming service central
        office (102) houses a central server system (110)
        executing an instruction set for playing the modified
        version of roulette, wherein the server system (110)
        comprises a database server (111), a draw server (112),
        a bet acceptance server (114), a table management
        server (115) and an authentication server (116) wherein
        the server system (110) is connected to the Internet
        (150) with a communications link for communicating with
        entities outside of the central office wherein the
        entities having [sic] at least one electronic roulette
        gaming area (160) with a central table (162) including
        a draw presentation client (166), which provides
        players with an electronic display of a roulette wheel,
        wherein
        the central table (162) has for each player a dedicated
        electronic user interface (168) which includes modules
        comprising an interactive bet acceptance client (168a)
        and a table presentation client (168b) wherein the bet
        acceptance client (168a) enabling [sic] a player to
        place bets on the roulette betting system (100) and the
        table presentation client (168b) provides the user with
        a graphical representation of the betting table and
        the roulette gaming area (160) is connected with the
        server system (110) of the central office (102) through
        an electronic communication link (124) via Internet
        (150) and wherein
        the database server (111) is adapted to stores [sic]
        persistent information,
        the draw server (112) utilize [sic] a random number
        generator (113) to generate a random result within a*

given set of numbers and is adapted to pass the result of the random number generator (113) to the draw presentation clients (166) and to the bet acceptance server (114),

the bet acceptance server (114) is adapted to receives [sic] bets from all connected bet acceptance clients (168a) and to verify the input via interaction with the authentication server (116) and to store the bets and to return information about the bets to the bet acceptance client (168a) and to forward to the table management server (115),

wherein the roulette system (100) is configured that after the first spin of the roulette wheel, the winning number is replaced in the betting table layout and is replaced by a randomly selected number out of the remaining (N-1) numbers of N numbers and a color property of the added number is inherited from the replaced number and thereafter, the field of numbers on the betting table again contains N numbers for the next betting cycle. [sic] including the steps of:

(a) *providing an executable instruction set hosted on the roulette betting system (100);*

(b) *receiving from the bet acceptance clients (168a) a bet desired by the players;*

(c) *spinning of the roulette wheel accomplished by the random number generator (113) selecting a random number and then associating the random number, through an internal algorithm, with a numbered slot on the roulette wheel representation on the draw presentation client (166),*

(d) *associating the random number to one of a field of numbers presented on the table presentation clients (186b) [sic];*

(e) *designating the associated one of the field of numbers as the winning number;*

(f) *determining winning and losing bets;*

(g) *removing the winning number from the field of numbers presented on the table presentation clients (168b) and replacing the removed number with a randomly selected one of the numbers remaining in the field of numbers presented on the table presentation display;*

(h) *recalculating the odds of each possible bet; and*

(i) *repeating the betting cycle.*

VIII. Claim 1 of the **5th Auxiliary Request** has the same wording as claim 1 of the Main Request with the additional specification that the claimed "entities" "*are one or more casinos (140, 142)*" and the following features added at the end of the claim:

", *wherein the system is adapted to replace after the first spin of the wheel, the winning number in the betting table by a randomly selected number out of the remaining (N-1) numbers wherein the color occurrences [sic] of the added number is inherited from the replaced number and thereafter, the field of numbers on the betting table again contains N numbers for the next spin, so that the next cycle can continues [sic] with a table field of N numbers and the system is configured that after the first draw there will be multiple occurrences of one or more numbers and the odds for a single number will change depending on how often the number is used as a substitute for another withdrawn number and if in one of the subsequent spins a number with multiple occurrences in the table field is selected, all of the occurrences will be replaced by the same number selected from the field of available numbers.*"

IX. Claim 1 of the **6th Auxiliary Request** is worded as claim 1 of the Main Request with the addition, at the end of

the claim, of the following features:

"*and wherein*
the random number generator (113) can select the random
numbers electronically via hardware and/or software
implementation which allows the roulette wheel to be
manually operated by a croupier wherein the spinning of
the roulette wheel is accomplished by the random number
generator (113) selecting a random number and then
associating the random number, through an internal
algorithm, with a numbered slot on the roulette wheel
representation on [sic] draw representation client
(166)."

X.   Claim 1 of the **7th Auxiliary Request** has the same
        wording as claim 1 of the 6th Auxiliary Request with
        the additional specification that the claimed
        "entities" *"are one or more casinos (140, 142)"*.

XI.   Claim 1 of the **8th Auxiliary Request** has the same
        wording as claim 1 of the 6th Auxiliary Request with
        the additional specification that the claimed
        "entities" *"are one or more casinos (140), (142)"*
        having at least one electronic roulette gaming area
        with a central table *"with a real roulette wheel with a*
        real roulette ball wherein the insertion and the
        removal of the ball works fully automatic [sic] with a
        pneumatic or mechanical mechanism".

XII.   The appellant argued essentially that the architecture
        of the claimed system provided for increased security
        without losing speed in the execution of the roulette
        game. A skilled person would not contemplate modifying
        the architecture of the roulette playing system of the
        prior art and arrive at the architecture of the claimed
        system without exercising inventive skill. Regarding

the Auxiliary Requests, the appellant argued mainly
that they comprised self-explanatory amendments and no
additional substantiation was necessary. The
appellant's arguments are dealt with in the reasons for
the decision.

Reasons for the Decision

1.   The appeal is admissible.

2.   The claimed invention

2.1   The claimed invention relates to a roulette betting
        system and method for playing a modified version of
        roulette.

        The system comprises a central office server system in
        communication with at least one electronic roulette
        gaming area via the Internet (Figure 1 of the published
        application). The central server system comprises a
        series of servers carrying out various operations: a
        draw server (which uses a random number generator to
        "spin" the electronic roulette), a database server
        (comprising a player database), a bet acceptance server
        (for accepting bets from the players and managing
        payouts to them), an authentication server (for
        authenticating the players) and a table management
        server (for managing the electronic roulette tables)
        (Figure 2 and paragraph [0021] of the application as
        published). The electronic roulette gaming area
        comprises a central table including an electronic
        representation of a roulette wheel and electronic user
        interfaces (clients) for each player, such that the
        players can place their bets and follow the game

(*ibid.*, Figures 3 and 4; paragraphs [0019] and [0022]).

2.2   The modified roulette game consists in a series of
        roulette "spins". After each "spin" the drawn number is
        removed from the game and is replaced by a randomly
        selected number among the remaining numbers. After each
        round the odds of the game are calculated anew before
        the players can place bets (*ibid.*, paragraphs [0023] to
        [0025]).

2.3   It is to be noted that the apparatus claims of the Main
        Request (claims 1 to 3) refer only to a central server
        system "executing an instruction set for playing the
        modified version of roulette", without any details
        about the actual modified roulette game. It is only in
        method claim 4 of the Main Request that the modified
        roulette game is defined.

3.   Main Request

3.1   Claim 1 of Main Request relates to a roulette betting
        system. During the examination procedure, the admitted
        requests related to a method for playing a modified
        electronic version of roulette (Main Request and Third
        Auxiliary Request underlying the impugned decision).

        The board considers that the change of the claimed
        invention from a method to a system made a reassessment
        of the available prior art documents and the selection
        of the closest prior art appropriate.

3.1.1   Document D1, which was used by the examining division
        as closest prior art, relates to a lottery gaming
        system and method and not to a system for playing a
        roulette game. The playing of a modified version of a
        roulette game combined with lottery

("BetLottoRoulette") is mentioned as one of the
possible games offered (see, for example, paragraph
[0054]).

Document D5 defines a roulette betting system
comprising an electronic roulette table with which
players can interact using individual electronic user
interfaces (clients/stations), in a similar way as the
claimed system (see more details below).

3.1.2   In the board's view, since the claimed invention
relates to a roulette betting system, the most
appropriate and promising starting point for the
skilled person should also be a roulette betting
system, such as the one in D5, for example. The
appellant agreed also that D5 was a more appropriate
starting point for the assessment of inventive step
than D1.

3.2   D5 describes a roulette betting system (Figure 3 and
paragraphs [36] and [43]) comprising a table (34) with
an electronic display of a roulette wheel (42)
("virtual wheel"). The virtual wheel is connected with
a random number generator, which generates the results
of the virtual "spins" of the roulette wheel. The table
comprises further player stations (36A, 36B, ..., 36N)
with an interactive electronic user interface (Figure
4), allowing the players to place bets and to follow
the game (paragraphs [36], [37], [48] and [49]). The
table comprises a croupier station (38), which is used
to accept bets and award benefits and payouts to the
players. The table comprises also a table controller
(40), which controls the operation of the electronic
roulette game at the table. In some embodiments the
table controller and the croupier controller are merged

(paragraphs [41] and [42]).

3.2.1   The table (34) is connected to a remote central server
         via a communications network (Figure 5 and paragraph
         [54]), which can be the Internet (paragraph [176]). The
         central server system (controller 108) comprises, among
         others, a player database (118) and executes a series
         of programs (116) carrying out different
         functionalities such as tracking the activity on the
         tables, tracking the activity of the players, assign or
         otherwise determine a unique identifier for a player
         (i. e. authenticating players), control access to
         stored funds and credit lines, etc. (paragraphs [54]
         and [56]).

3.2.2   Regarding the game played, the system of D5 can play
         the classic roulette game but also a modified roulette
         game involving multiple balls (paragraph [47]).

3.3   Comparing the claimed system to the one in D5, the only
         differences relate to the distributed system
         architecture. In claim 1 of the Main Request a series
         of servers (database server, draw server, etc.) are
         defined, which are implemented within the central
         server system and carry out the various functionalities
         of the claimed betting system. In D5, the same
         functionalities are distributed between the central
         controller and the table(s). In addition, in D5 there
         is no mention of separate servers as in the claimed
         system, but rather of controllers and programs
         (instructions) executed in the central controller.

3.4   The claimed system has, thus, a more centralised
         architecture, since the various functionalities are
         implemented at the central server system and none of
         them locally, at the gaming table(s) or areas.

The board considers such an architecture of a
centralised computer system generally known in the art.
Its advantages and disadvantages with respect to a
distributed architecture are also commonly known. It is
known, for example, that a system whose operation is
controlled centrally can be more flexible in that
additional peripherals (gaming areas in the present
context) can be added more easily, since all the
necessary functionalities are controlled/carried out
by/at the central server. Costs can be also saved in
that the peripherals do not need to have the necessary
resources to carry out functionalities which are
executed by/at the central server. A centralised server
can also control better the security of the whole
network. On the other hand, it is also known that in a
distributed implementation, with various
functionalities carried out at/by (some of) the
peripheral devices, technical problems (malfunctions)
can be treated locally at the device (peripheral) where
they occur without risking the operation of the whole
system. Hence, when, for example, the "spinning" of the
virtual wheel does not operate correctly at a table,
only the table manager of the specific table has to be
repaired, while the other tables can continue playing
normally.

3.5   The appellant agreed also that the only differences
        between the claimed system and D5 lay in the
        centralised architecture of the system. It argued,
        however, that the architecture of the claimed system
        provided additional technical effects beyond those
        identified by the board.

        In the claimed system, when a player placed a bet to
        the bet acceptance server, the server interacted first

with the authentication server to verify the input
before accepting the bet (last 5 lines of claim 1).
Hence, even if a player had already been authenticated
at some previous phase of the game, each time they
placed a bet, their input was authenticated again. In
this way, even if an external (unauthorised) user
managed to gain access to the gaming system in some
way, at the moment they would attempt to place a bet,
the system, through this interaction of the bet
acceptance server with the authentication server, would
recognise them as unauthorised players/users and would
not accept their bet(s), i. e. would not allow them to
participate in the game. This improved the security of
the game.

Moreover, since the authentication was performed
between the bet acceptance server and the
authentication server, i. e. without requiring the
players to provide (again) their credentials (e. g. a
password), the flow of the game was not affected in any
way, since the interaction between the two servers was
a fast step that did not change the overall speed of
the game.

Hence, the technical effect obtained by the
architecture of the claimed system was improved
security without any sacrifice in the speed of the
game. In D5 there was no indication or suggestion of
such an authentication step and the skilled person
would not contemplate such an implementation of the
gaming system without hindsight. At the most, if they
wished to improve security, they would add a step in
the gaming procedure requiring the users to (re)enter
their credentials when they placed a bet in order to be
authenticated as players authorised to place bets. Such
a step would, however, slow down the whole gaming

experience. The subject-matter of claim 1 of the Main Request involved, thus, an inventive step.

3.6   The board does not agree with the appellant's definition of the technical problem. The system of D5 comprises a series of programs (116), which facilitate the operation of the controller (108), allowing it, among others, to track gaming or other activities of individual players, assign or determine a unique identifier for a player, control access to stored funds and/or a credit line (paragraph [56]). Although it is not explicitly described in D5, the board considers it implicit that users, who wish to participate in the game played in the described system, would have to go through an authentication/verification process before they are allowed to do so. As the cited passage indicates, each user is assigned a unique identifier and the board considers it implicit that this unique identifier is used by the system (controller) to track the player's activity within the game, including the placing of bets.

3.6.1   The board further considers that, in the context of a multiple player gaming system as in claim 1 of the Main Request and D5, it is not the individual players (persons) that are tracked by the central server or controller but the respective devices they use for playing (interacting with) the game. In claim 1 of the Main Request there is mention of bet acceptance clients, i. e. the devices the players use to place their bets (play the game). In a similar way, in D5 the players use their player stations (36) to interact with the table where the game is played (paragraph [39]). In the board's view it is evident for the skilled person that in a multi-device network like those of D5 and the present application, the various peripheral devices are

recognised by a unique identifier (e. g. a network
address) so the central controller/server can track
their activity. Hence, it is implicit that when a
player of the system in D5 places a bet through their
player station, the central controller will check
whether the specific player station is a recognised
device of the network and whether it is authorised to
perform the specific action (place a bet).

3.6.2   The board concludes, therefore, that the step of
        verification of a user (device) at the moment they
        place a bet must also be present in D5, i. e. it is
        implicitly disclosed in D5. Hence, there is no
        additional technical effect in the claimed system
        beyond those identified by the board (see point 3.4
        above).

3.7   D5 provides some indication about a possible
        centralised implementation of the system, where the
        functionalities of the tables and player stations are
        taken over by the central controller (108), see for
        example paragraph [56]. In particular, the last
        sentences of this paragraph state explicitly that
        *"[t]he controller 108 may be programmed to perform any
        or all of the functions described herein ..."* and *"[i]t
        is particularly contemplated that the table 34 may be a
        thin client controlled by the controller 108 ...".*

3.8   In the board's view, such hints would be sufficient for
        the skilled person to contemplate a centralised
        implementation of the described system in D5, where the
        various functionalities are carried out by the central
        controller. Moreover, the board considers that the
        skilled person (a computer programming expert in
        gaming/betting systems) would be aware of the
        advantages and disadvantages of a particular

distribution of known functionalities in a centralised
computer system as part of their common general
knowledge (see point 3.4 above).

3.9   The board is, therefore, convinced that the skilled
        person would select between a centralised and a
        distributed implementation of the various
        functionalities of the gaming system in an obvious
        manner, based on the circumstances and using only
        common general knowledge.

3.10   It is also the board's opinion that there is no
        functional difference between implementing a server for
        each functionality (as in the claimed system) and
        implementing the functionalities with computer programs
        (as in D5). It is regarded as commonly known that a
        server can also be implemented only as a computer
        program. The application does not indicate any
        particular technical advantages of the use of servers,
        either.

        Hence, an implementation of a centralised architecture
        of the system in D5 would also be within the skilled
        person's common general knowledge, since the
        application does not indicate any particular technical
        problems or constraints related to this aspect of the
        gaming system.

3.11   The board's opinion is, therefore, that the subject-
        matter of claim 1 of the Main Request does not involve
        an inventive step within the meaning of Article 56 EPC.

4.   Auxiliary Requests

4.1   The appellant submitted eight Auxiliary Requests with
        the statement of the grounds of appeal. The 4th

Auxiliary Request was later withdrawn.

Each of the remaining Auxiliary Requests comprises additional features when compared to the Main Request. In the statement of the grounds of appeal, the appellant did not provide any explanations of the amendments made or any arguments why the additional features of any of these Auxiliary Requests would overcome the grounds of refusal of the application. It made only a general reference to the arguments regarding the Main Request (last paragraph on page 7 of the statement of the grounds of appeal).

4.2   In its preliminary opinion, which was issued with the summons to the oral proceedings, the board considered the Auxiliary Requests not to have been properly substantiated and referred to established case law, according to which unsubstantiated requests are considered as not filed until the date they are substantiated (*Case Law of the Boards of Appeal of the EPO*, 9th Edition, July 2019, section V.A.4.12.5). The board indicated that it intended to adhere to that case law and the admittance of the Auxiliary Requests would be a possible point of discussion during the oral proceedings.

4.3   The appellant argued in response that the Auxiliary Requests were substantiated, essentially because the amendments carried out were self-explanatory.

The statement of the grounds of appeal comprised the appellant's arguments why it considered claim 1 of the Main Request to be new and to involve an inventive step. This applied also to the Auxiliary Requests as well, especially since claim 1 of each of them comprised additional features (with respect to the Main

Request) that were not disclosed in any of the prior
art documents. Since the additional features were
clearly indicated in the amended claims, the amendments
were self-explanatory in this aspect.

4.3.1   Moreover, the examining division had not admitted the
         First and Second Auxiliary Requests because it held
         that they did not fulfil the requirements of Articles
         84 and 123(2) EPC. The appellant considered the
         examination division's approach to be "overly strict".
         The claims were, however, reformulated so as to be
         clear and the support in the originally description for
         the amended features was clearly indicated in the
         submitted working copies. The appellant thus regarded
         the amendments to be also in this respect self-
         explanatory.

4.3.2   Finally, since the examining division had not presented
         any arguments regarding inventive step in relation to
         the non-admitted First and Second Auxiliary Requests,
         the appellant did not consider it necessary or
         appropriate to provide arguments regarding inventive
         step with respect of the Auxiliary Requests, either. It
         expected that, if the board admitted the Auxiliary
         Requests, it would remit them to the examining division
         for the assessment of inventive step, permitting thus
         the appellant to have the issue decided in two
         instances.

4.4   The board did not find the appellant's arguments
         persuasive.

         The submitted working copies of the Auxiliary Requests
         comprise indeed references to the originally filed
         description as basis for the amended features and they
         distinguish (underline) the additional features in the

claims with respect to the Main Request.

4.4.1   They are not self-explanatory, however. In its letter
         of 8 October 2020, the appellant states that "*[t]he
         interpretation if a claim has support in the
         application is simply a question of interpretation of
         the content of the application as originally filed
         based on the parts in the application forming the
         support*" (page 3, second paragraph). Hence, the
         appellant itself recognises the need for interpretation
         of the content of the application (as originally filed)
         in order to assess whether there is support for the
         amended features or not. This implies that a mere
         reference to a passage of the originally filed
         application is not sufficient. Yet, the appellant
         provided no arguments or explanations regarding the
         interpretation of the cited passages and how they
         provide the necessary support for the amended features.

4.4.2   Regarding clarity, the appellant provided no indication
         why the new formulation of the claims in the Auxiliary
         Requests was clear or why it overcame the examining
         division's *prima facie* objections in this respect.
         Neither in the statement of the grounds of appeal nor
         in the letter of 8 October 2020 did the appellant
         explain why or how the claims overcame the objections
         for lack of clarity by the examining division or in
         which concrete aspects it considered the examining
         division's approach to be "overly strict". A mere
         assertion during the oral proceedings that the claims
         were reformulated to be clear is not considered
         sufficient in order to allow the board to understand
         and to assess the amendments carried out with respect
         to the requirement of clarity.

4.4.3   Finally, the board expected that the appellant would
        provide some explanation as to why it considered the
        additional features in claim 1 of each of the Auxiliary
        Requests to be new and inventive or at least how these
        features contributed to an inventive step of the
        claimed subject-matter, in particular as to how these
        Auxiliary Requests would overcome the outstanding
        objections or at least what they contribute beyond the
        Main Request. According to the above-cited case law,
        the appellant must make its complete case at the outset
        of the appeal and it is not the task of the board to
        seek to understand the rationale behind any submitted
        requests.

        In the present case, the appellant's arguments
        regarding novelty and inventive step of the Main
        Request were not found convincing, as the board
        indicated already in its preliminary opinion. In the
        absence of any substantiation, the board is not in a
        position to assess how the Auxiliary Requests might
        overcome the objections raised against the Main
        Request. Even after receiving the board's preliminary
        opinion, the appellant did not provide any arguments as
        to why or how the Auxiliary Requests might overcome the
        board's objections against the Main Request. The board
        considers, thus, that the amendments are not self-
        explanatory in this aspect, either.

4.5   Summarising, the board regards the 1st to 3rd and 5th to
        8th Auxiliary Requests filed with the statement of the
        grounds of appeal as not substantiated.

4.6   According to Article 12(3) of the Rules of Procedure of
        the Boards of Appeal (RPBA 2020), the statement of the
        grounds of appeal shall contain a party's complete
        appeal case. It shall set out clearly and concisely the

reasons why it is requested that the decision under appeal be reversed, amended or upheld, and should specify expressly all the requests, facts, objections, arguments and evidence relied on.

In the board's view, the 1st to 3rd and 5th to 8th Auxiliary Requests do not meet these requirements.

4.7 Therefore, pursuant to Article 12(4) of the version of the RPBA in force when the statement of the appeal was filed, i. e. before 1 January 2020 (which applies in this case pursuant to Article 25(2) RPBA 2020), the board does not admit the 1st to 3rd and 5th to 8th Auxiliary Requests into the proceedings.

4.8 Since the Auxiliary Requests are not admitted into the proceedings, the board does not need to comment on the appellant's expectation of a remittal to the examining division for the assessment of inventive step of the Auxiliary Requests.

5. Since the Main Request is not allowable and the Auxiliary Requests are not admitted, the appeal must fail.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chairman:

B. Atienza Vivancos   T. Häusser

Decision electronically authenticated