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Datasheet for the decision of 13 March 2025

Case Number: T 1919/22 - 3.4.03

Application Number: 15815001.1

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Language of the proceedings: EN

Title of invention:
METHOD OF OPERATING AN ELECTRONIC GAMING SYSTEM

Applicant:
Play'n Go Marks Ltd

Relevant legal provisions:
EPC Art. 56

Keyword:
Inventive step - (no)

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Case Number: T 1919/22 - 3.4.03

D E C I S I O N
of Technical Board of Appeal 3.4.03
of 13 March 2025

Appellant: (Applicant)	Play'n Go Marks Ltd 35, Triq id-Dejqa VLT1434 Valletta (MT)
Representative:	Kransell & Wennborg KB P.O. Box 27834 115 93 Stockholm (SE)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted on 23 February 2022 refusing European patent application No. 15815001.1 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman	M. Stenger
Members:	M. Ley
	E. Mille

Summary of Facts and Submissions

I. The appeal is against the decision of the examining division refusing European patent application No. 15 815 001 pursuant to Article 97(2) EPC.

II. The examining division cited the following documents:

D1 US 2009/0088239 A1
D2 US 2014/0141862 A1

and decided that claim 1 according to the main request and the first and second auxiliary requests did not involve an inventive step (Article 56 EPC).

III. At the end of the oral proceedings before the board, the appellant requested that the impugned decision be set aside and a European patent be granted on the basis of the claims according to the main request or the first and second auxiliary requests filed with the statement setting out the grounds of appeal, all requests corresponding to those underlying the decision under appeal.

IV. Claim 1 according to the main request has the following wording (labelling **(a1)**, **(a2)**, ... added by the board):

A method of operating an **(a1)** *electronic gaming system (100) comprising a* **(a2)** *control unit,* **(a3)** *the control unit provided as part of a server (102),* **(a4)** *the gaming system configured for providing an online game of chance to be visualized to a player within a graphical user interface (GUI) of a client device (106, 108, 110) controlled by the control unit and comprised with the gaming system, wherein* **(a5)** *the server is*

communicably linked to the client device using a network (112), **(a6)** *the online game having a selected probability of favorable outcome per turn of the game, the method comprising:*

(b1) *- identifying a player having the intention to play the game provided by the gaming system;*

(b2) *- acquiring a payment from the player for playing the game;*

(b3) *- receiving, from the player, at least one of said payment or a request to redeem an offer previously acquired by the player, wherein the offer provides the player with a benefit when playing the game;*

(c1) *- if a request to redeem an offer is received from the player:*

(c2) *- validating the authenticity of the offer;*

(c3) *- determining the benefit to be provided to the player; and*

(c4) *- configuring control portions of the GUI based on the determined benefit;*

(c5) *- inviting the player to play the game within the GUI of the client device, and*

(c6) *- visualizing a plurality of turns of the game to the player within the GUI of the client device, wherein* **(d1)** *if the benefit is determined to correspond to an opportunity of receiving a predetermined number of favorable outcomes when playing the game,* **(d2)** *the player is invited to play the game until the predetermined numbers of favorable outcomes have been reached without acquiring further payments for playing the game, characterized in that the method further comprises the steps of:*

(e1) *- performing, using the server, a large plurality of turns of the game in the background before the step of visualizing any turns to the player within the GUI of the client device,*

(f1) – *introducing an adjustable threshold to the electronic game system, and*
(f2) – *determining, using the server, for each of the large plurality of turns if a specific outcome of the large plurality of turns should be defined as favorable or non-favorable by comparing outcomes of each of the large plurality of turns with the adjustable threshold, wherein:*
(g1) – *the step of visualizing the plurality of turns is divided into an initial visualization mode and a thereafter following later visualization mode determined by the control unit,*
(g2) – *the later visualization mode further comprises the step of selecting, using the server, only favorable outcomes of the turns to be visualized within the GUI of the client device, and*
(g3) – *the later visualization mode being activated by the control unit based on a function of a duration of playing the game.*

Claim 1 according to the first auxiliary request is based on claim 1 of the main request with feature (f1) modified as follows (additions w.r.t. feature (f1) underlined by the board):

(f1)$_{AR1}$ – *introducing an adjustable threshold to the electronic game system, wherein the adjustable threshold is determined based on at least one of a size of payment acquired from the player for playing the game and a size of a payout relating to an outcome of the game, and*

Claim 1 according to the second auxiliary request is based on claim 1 of the main request with features (a3) and (f2) modified as follows (additions w.r.t. features (a3) and (f2) underlined by the board):

(a3)$_{AR2}$ *the control unit provided as part of a server (102) and the server further comprising a database (104),*

(f2)$_{AR2}$ *– determining, using the server, for each of the large plurality of turns if a specific outcome of the large plurality of turns should be defined as favorable or non-favorable by comparing outcomes of each of the large plurality of turns with the adjustable threshold, wherein the server is arranged to store the turns for the large plurality of turns at the database,*
wherein:

V. The appellant essentially argued that the features of the characterising portion of claim 1 of the main request provided a technical effect and thus contributed in a non-obvious way to the solution of a technical problem, see section 2.2 below. An inventive step should be acknowledged.

Reasons for the Decision

1. The invention relates to a method of operating an electronic gaming system configured for playing a game of chance.

According to the application, page 1, lines 9 to 13 a common trend within the online gaming industry is to provide potentially new and current players with promotional offers for attracting players to the newly introduced games. For example, the players will receive a predetermined number of free turns for playing the games, a concept sometimes denoted as "free spins" for

example in relation to a simulated multi-reel slots game. This concept is reflected in features (a1) to (d2) of claim 1 of the main request.

For reducing the potential tediousness in case of a high number of predetermined numbers of favorable outcomes and a low probability of favorable outcome per turn of the game (i.e. resulting in a large plurality of turns before the redemption mode offering the free turns has been completed), the number of turns that in fact are visualized for the player is reduced, see the application, page 2, lines 28 to 32.

As claimed, use of an "adjustable threshold" according to features (f1) and (f2) and of two visualization modes according to features (g1) to (g3) is made.

2. Main request

2.1 It is undisputed that the technical features of claim 1 define a common networked computing system consisting of servers and clients with displays (of client devices which can display GUIs), a processor and memory storing computer readable instructions. Such systems are considered to be notoriously known (see also D1, D2 or page 9, line 27 to page 10, line 25, page 6, lines 11 to 34 of the application), especially in video gaming environments and gaming on personal devices connected to a network such as the Internet, see points 3.2, 3.4 to 3.6 of the impugned decision.

Specifically, the appellant agreed that D1 described a network-based electronic gaming system where a server executed game logic and transmitted game results to client devices. The system allowed for promotional offers and free game rounds, in which players can

redeem such offers. According to the appellant, D1 disclosed the following aspects of claim 1: a server-based electronic gaming system, execution of an online game of chance, player identification and payment processing, and redemption of offers for free games, which corresponds to preamble of claim 1.

As submitted by the appellant, see pages 5 and 6 of its letter dated 12 February, features (e1), (f1), (f2), (g1), (g2), (g3) were not known from D1. These are thus the distinguishing features over D1.

2.2 Relevant arguments of the appellant

2.2.1 The appellant argued that the invention provided advantages in the field of operating electronic gaming systems, such as for computer systems used in relation to online gaming where a large plurality of electronic client devices each are arranged in network communication with a "centrally" arranged computer server.

2.2.2 It had generally been suggested to promote a specific online game to players operating electronic client devices by allowing the players to experience the success of multiple winnings of the specific online game, without having to provide a payment for such an experience. This was implemented by providing a player with an "offer".

In case of an "offer" to take part in an enhanced gaming experience, the server executing all of the N turns of the game (with N being the selected number of winnings divided by the selected probability of favorable outcome per turn of the specific game) would continuously, and for each of the N turns of the game,

have to communicate information to each of the electronic client devices, thus placing a severe strain on both the server and the network connecting the server and the multiple electronic client devices.

2.2.3 The inventors had solved this problem by implementing a "compression method" to be used by the server, purposely adapted to reduce the amount of data that needed to be transmitted from the server to the multiple electronic client devices. This compression method was implemented firstly by executing the N games at the server, then secondly by arranging the results from the N games into two "bins", where favorable outcomes were placed in one bin and non-favorable outcomes in another bin (based on the adjustable threshold) and then thirdly by communicating only data relating to the results in the bin comprising the favorable outcomes to the multiple electronic client devices for visualization at respective graphical user interfaces of the multiple electronic client devices. The threshold according to features (f1) and (f2) would be a "clear definition" of how to "bin" the turns of the game that were performed by the server in the first step.

2.2.4 The claimed method had several technical advantages. Executing turns in the background reduced real-time computational constraints on the server. Dynamically applying an adjustable threshold allowed to control data filtering in response to game conditions. Selectively transmitting results reduced the amount of data to be transmitted between the server and the multiple electronic client devices, thereby reducing the computational constraints on the network and the bandwidth used. Such a reduction was actually observed in existing technical implementations of claim 1.

Moreover, the player needed to spend less time by not having to observe visualized turns of the game that resulted in non-favorable outcomes.

By reducing both computational load and data transmission requirements per player session, the claimed method also enhanced the scalability of the gaming system.

2.2.5 The appellant accepted that a reduction of the amount of data transferred between the server and the client devices due to the data filtering was not explicitly disclosed in the application. However, the skilled person would understand from page 8, lines 6 to 15 that only data which was to be visualized on a player's client device would be transmitted from the server, the remaining data only being stored in the database of the server. This was the only sensible interpretation of a skilled person reading the application with a mind willing to understand.

2.2.6 The present invention therefore did not simply implement game rules for psychological impact. Instead, it provided a structured method for optimizing data flow, reducing system load, and improving scalability of the gaming system, making it a technical solution to a clearly defined technical problem.

2.2.7 The reduction in network traffic was not a secondary effect of the rules implemented by the server. The server implemented a statistical mathematical algorithm looped for a plurality of times, corresponding to the large plurality of turns. Then a unique compression method targeting the online gaming industry was applied to the data output before its transmission from the

server to the client device. The technical effect achieved by the compression method should be considered, in particular because it allowed for a reduction of the amount of data that needed to be transmitted.

Decisions T 650/13 and T 107/87 were cited. In T 650/13, the board confirmed that a compression algorithm contributed to the technical character of a claimed invention if it was used for the purpose of reducing the amount of data to be stored or transmitted. In T 107/87, the board established that a method reducing network load through structured data processing had technical character.

The present invention could thus be seen as an operational protocol targeted for a gaming environment, ensuring time to be saved and less communication bandwidth for the network to be used. The operational protocol could thus be considered as a "lossy communication protocol", where the selective "information loss" was determined by the server according to a selection process that had been specifically targeted for the gaming environment.

2.2.8 The objective problem facing the skilled person would be how to improve the scalability of the gaming system as defined in D1, allowing for a greater number of players to be able to make use of the gaming system without any perceived reduction in game quality.
In its letter dated 12 February 2025, the appellant argued that the objective technical problem could also be formulated as how to reduce computational load and data transmission between the gaming server and the client device while maintaining an engaging gameplay experience.

2.2.9 The claimed solution was not obvious for the skilled person.

Starting from D1, there was no indication for the skilled person to implement the distinguishing features. Confronted with the problem of optimizing network performance in a gaming system, the skilled person would consider other modifications (reducing graphical resolution, compressing transmitted data, or adjusting the refresh rate of animations, etc.) without, however, arriving at the invention as claimed.

2.3 The board is not convinced by the appellant's arguments. The subject-matter of claim 1 according to the main request lacks an inventive step (Article 56 EPC).

2.3.1 The application as a whole is silent about any reduction of the amount of data transferred between the server and a client device, a "unique compression method" or a "statistical mathematical algorithm looped for several times".

According to the application as originally filed, in a situation when a player requests to redeem an offer corresponding to an opportunity of receiving a predetermined number of favorable outcomes when playing the game without further payment ("free wins", see e.g. page 8, lines 1 to 5), the aim of not visualizing a number of (unfavorable) outcomes is to improve the attraction of the game, see page 1, lines 20 to 23, page 2, lines 11 to 20, "improve the attraction", "to experience all aspects of the game, including experiencing the success of winning the game", "the offerings will have an in comparison lower threshold of

acceptance, as a sure win is the result of such an acceptance", page 2, lines 28 to 34, "reducing the potential tediousness", page 3, lines 13, "advantageous psychological effect", "heighten the experience of the game", "remembered in an overall positive manner", page 8, line 29 to 34, "In case all (or at least a few) wins results in a payment being below the predetermined threshold, the server 102 may select to dynamically lower threshold such that a suitable number of wins are visualized to the player to keep the positive psychological effect to presenting wins to the player.", page 9, lines 18 to 26.

These psychological effects cannot be considered as solutions to any technical problem. Instead, they are related to the aim of presenting an attractive game to a player.

2.3.2 The skilled person would not derive from the application that the distinguishing features necessarily result in a reduction of data transfer between the server and the client devices.

The passage indicated by the appellant, page 8, lines 6 to 15 merely states that the turns of the games are stored in the database of the server and that the server selects the ones to be visualized within the GUI of the client device. The passage does not define the amount of data transferred. In the board's view it is not excluded that data related to all turn of the game are transferred to the client device.

Page 3, lines 14 to 21 or page 8, lines 18 to 34 describe the use of an adjustable threshold for determining if a specific outcome is to be be considered as favorable or non-favorable, and as such

to be visualized for the player or not. In other words, a turn or outcome of the game is visualized on the basis of said threshold. The passage does not provide any indications of how much data is transferred.

The application as a whole does not provide any technical details on how the "adjustable threshold" is used to define whether the outcome of a given turn is favourable or not, see page 3, lines 14 to 21 or page 8, lines 18 to 25. As an aside, the board notes that claim 1 does not include any step of visualizing only the favorable outcomes determined using the threshold. The threshold and its use in steps (f1) and (f2) are thus not more than rules specified by the creator of the game.

Step (e1) also does not necessarily imply any reduction of data transfer, because it only refers to performing turns.

Page 3, lines 1 to 7 disclose the use of an initial and later visualization mode. In the initial visualization mode, all turns of the games are visualized to the player, while in the later visualization mode, only a few turns are visualized. Hence, at least in the initial visualization mode, the data for all favorable and non-favorable outcomes are transferred to the client device. The application is completely silent about any reduction of data transfer when entering the later visualization mode. The application does not exclude that in the later visualization mode data for all favorable and non-favorable outcomes is transferred while only the number of outcomes visualized is smaller.

Steps (g1) to (g3) merely imply that during games of a given duration, a later visualization mode is activated wherein only favorable outcomes of the turns are selected to be visualized. Strictly speaking, the wording of steps (g1) to (g3) does not imply any reduction of data transfer, but merely that less information is presented to the player. Said features represent not more than rules specified by the creator of the game to render the game attractive.

2.3.3 Therefore, the board disagrees with the appellant that the invention is an operational protocol for a gaming environment, which ensures that time is saved in the system and less communication bandwidth for the network is used, which allows the scalability of the gaming system or which reduces computational load and data transmission.

Instead, the board concurs with the examining division that the distinguishing features of claim 1 are non-technical and relate to the playing of a game involving several rules. That is, they only define an aim to be achieved in the non-technical field of gaming.

2.3.4 Even if it were assumed that the distinguishing features resulted in a reduced data transfer between the server and the client devices, they could not be considered to be based on technical considerations. As set out above, the application only discloses psychological effects as their aim. Thus, in line with what was pointed out by the examining division, any supposed effects such as "reduction of the time needed to be spent to proceed with operation", "reduced bandwidth", "lossy communication protocol", "reduction in time-lag" would have to be considered as being merely secondary effects resulting from the

implementation of a gaming scheme and the direct technical consequences of such an implementation by generally known technical means in a straightforward manner.

In other words, the distinguishing features would only define an aim to be achieved in a non-technical field even if they resulted in a reduced data transfer between the server and the client devices.

This was different in cases T 650/13 and T 107/87, as the competent boards held that the claimed features indeed contributed to a technical solution. In T 650/13, the claimed algorithm features of the independent claims were found by the competent board to be regarded as redundancy-reducing coding rules explicitly used in a process for transmitting compressed data. In decision T 107/87, the competent board held that a data coding rule for identifying and eliminating statistical redundancy contributed to the solution of a technical problem where it was used to reduce the amount of data to be stored or transmitted.

2.3.5 According to the relevant case law, when aspects of the claim only define an aim to be achieved in a non-technical field (in particular, in the gaming or business field) and thus do not contribute to the technical character of the invention, this aim may legitimately appear in the formulation of the objective technical problem in the form of a requirements specification provided to the person skilled in a technical field (e.g. a computer specialist) as part of the framework of the technical problem that is to be solved, in particular as a constraint that has to be met.

It would be straightforward to implement the rules of playing a game defined in the distinguishing features on the server/client network of D1.

3. First auxiliary request

3.1 Claim 1 according to the first auxiliary request comprises the features of claims 1 and 6 according to the main request.

3.2 The appellant argued that the additional feature allowed to adaptively and in a controlled manner ensure that the visualization of favorable turns was matching the payment initially made by the player. Such a modification further refined the lossy communication protocol defined for the gaming environment, ensuring that the threshold function was linked to a quantifiable outcome, including the size of a payment or payout. The added feature thus ensured that data filtering was performed using an objective metric, not an arbitrary game rule.

The appellant added that the threshold served a technical purpose, namely to reduce the amount of data transferred from a transmitter to a receiver and to introduce a structured filtering mechanism that was dynamically adapted based on quantifiable outcome values.

Thus for the reasons given for the main request, the first auxiliary request was to be considered to involve an inventive step.

3.3 For the reasons given for the main request, the board is not convinced by these arguments.

The wording of claim 1 still does not imply any reduction in data transfer between the server and the client devices. With respect to feature $(f1)_{AR1}$, the board is of the view that adjusting the threshold based on a payment acquired is also a mere rule of the game and cannot contribute to inventive activity.

4. Second auxiliary request

4.1 Claim 1 of the second auxiliary request includes the database used for storage of the data/outcome of the N turns.

4.2 According to the appellant, by the introduction of the database it was possible to make the operator of the gaming system accountable for the full operation of the online game. The added feature strengthened the structured data processing approach of the invention by ensuring that the results of the pre-processing and threshold-based selection steps were stored, providing verifiability and accountability for the gaming operator.

Thus, the operational protocol was a reconstructive lossy communication protocol. The database was an integral part thereof, ensuring that non-transmitted or filtered-out data could be recovered when needed.

Conventional gaming databases logged complete game states for auditing purposes. In contrast, the invention as defined by claim 1 selectively stored only filtered data while preserving "reconstructability". It solved the technical problems of reducing data communication while at the same time ensuring that any missing data ("missing pieces") could be recreated if needed from a security perspective. The outcome was

generated by a mathematical gaming algorithm. The selection process as well as the database storage and resulting accountability were not gaming functions. Instead, they were technical functions serving a technical purpose. Moreover, lossy data transmission in gaming systems was counterintuitive, as it introduced potential issues with fairness and regulatory compliance.

Hence, an inventive step should be acknowledged.

4.2.1 The board is of the view that servers with a memory having a database were part of the notoriously known server/client networks mentioned above.

In the same manner as claim 1 of the main request, the wording of claim 1 of the second auxiliary request does not imply any reduction of data transfer as the data transfer of all outcomes to the client devices is not excluded.

The board notes that claim 1 merely requires that the turns according to step (e1) are stored in a database. Hence, all favorable and non-favorable turns are stored. As submitted by the appellant, this corresponds to what is done in the prior art. In addition, the board is not convinced that this alone would render it possible to make the operator of the gaming system accountable for the full operation of the online game.

In any case, in line with what was pointed out by the examining division, a computer specialist would consider that a database for storing the results of turns and games is an obvious choice generally known in gaming environments such as D1. It fulfils the legal purpose of verifiability of the gaming procedure which

as such cannot contribute to inventive activity, see point 9.3 of the impugned decision.

The subject-matter of claim 1 of the second auxiliary request therefore does not involve an inventive step (Article 56 EPC), either.

5. In its communication under Article 15(1) RPBA, the board had also preliminarily found that claim 1 of all requests did not meet the requirements of Article 123(2) EPC. In view of the above, however, this question need not be discussed here.

6. As no allowable request is on file, the appeal must fail.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chairman:

S. Sánchez Chiquero M. Stenger

Decision electronically authenticated