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**Datasheet for the decision
of 27 November 2025**

Case Number: T 2030/22 - 3.4.03

Application Number: 16886180.5

Publication Number: 3407314

IPC: G07F17/32

Language of the proceedings: EN

Title of invention:

DEVICE FOR CONTROLLING THE OPERATION OF AT LEAST ONE PHYSICAL
GAMING MACHINE AND GAMING INSTALLATION COMPRISING THE DEVICE

Applicant:

Marcoype, S.L.

Headword:

Relevant legal provisions:

EPC Art. 52(1), 56, 83, 84, 111(1), 123(2)

Keyword:

Inventive step - (yes) - after amendment - non-obvious
solution

Amendments - allowable (yes)



Beschwerdekammern

Boards of Appeal

Chambres de recours

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Case Number: T 2030/22 - 3.4.03

D E C I S I O N
of Technical Board of Appeal 3.4.03
of 27 November 2025

Appellant: Marcoype, S.L.
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 21 April 2022
refusing European patent application No.
16886180.5 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman T. Häusser
Members: A. Böhm-Pélissier
W. Ungler

Summary of Facts and Submissions

I. The appeal is against the decision of the examining division refusing European patent application No. 16 886 180 on the grounds of lack of inventive step (Articles 52(1) and 56 EPC) in view of the teaching of document D1 in combination with the common general knowledge.

II. Reference is made to the following **document**:

D1 = US 2006/217199 A1

III. The appellant (applicant) **requests** that the decision be set aside and that a patent be granted in the following version:

Description:

pages 1 to 20 filed with the letter of 9 June 2025

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Claims:

claims 1 to 10 filed with the letter of 8 July 2025

Drawings:

sheets 1/9 to 9/9 filed with the entry into the regional phase before the EPO

IV. **Claim 1** of the sole request reads as follows (labelling (A), (B), ... introduced by the board):

(A) A gaming installation comprising at least one gaming machine and a control device for controlling the operation of the at least one physical gaming machine (1), the at least one gaming machine being governed by a programmable electronic control logic (2),

(B) wherein the control device comprises a remote server (3) and first telecommunication means (4) to exchange data between the gaming machine (1) and the remote server (3),

(C) wherein the gaming machine (1) comprises a physical viewing display (5) to show an on-site player (6) information on gaming stages,

(D) physical selector means (7a, 7b, 7c, 7d) to allow the on-site player (6) to select on-site commands available with respect to a game session of the game,

(E) payment processing means (2b) for activating the gaming machine (1) when an on-site player (6) has paid a price to be able to play the game,

(F) status collection means (2d) integrated in the control logic that capture position signals, which identify positions of the images displayed on the physical viewing display (5) at each time;

(G) payout processing means (2c) for the payment of prizes to the on-site player (6) when he has won at least one game session of the game from the gaming machine (1),

(H) the physical viewing display (5), the physical selector means (7a, 7b, 7c, 7d), the payment processing means (2b), the payout processing means (2c) and the first telecommunication means (4) being connected to the control logic (2),

(I) and wherein the control device comprises an accounts manager module (3b) integrated in the remote server (3), to manage collections and payments in the respective accounts of remote players;

(J) at least one digital camera (13) for the real-time taking of images connected to image transmission means (8), the digital camera (13) arranged to take images (5') in real time of the physical viewing display (5) of the gaming machine (1);

(K) second telecommunication means (9) to perform interactive wireless communications of data related to the game, between the remote server (3) and at least one remote player terminal (10) of a remote player, and for the real-time transmission of images to the remote user terminal (10),

(L) the second telecommunication means (9) designed to transmit to the remote user terminal (10) the images (5') of the physical viewing display (5) taken by the digital camera (13);

(M) a gaming interface (11) that, at least when it is in communication with the remote server (3), shows in real time on a screen (10a) of the remote player terminal (10) the images transmitted by the image transmission means (8),

(N) as well as remote selecting means (7a', 7b', 7c', 7d') which are analogous to the physical selector means (7a, 7b, 7c, 7d) of the gaming machine (1),

(O) the gaming interface (11) further allowing the remote player to select, on the remote player terminal (10), commands available in the stages of the game session and transmit them in real time via the second telecommunication means (9) to the remote server (3), the gaming interface (11) designed to display on the screen (10a) of the remote user terminal (10) the images (5') of the physical viewing display (5);

(P) a control module (12) connected to the control logic (2) of the gaming machine (1) for automatically blocking, when receiving blocking commands from the remote server (3), at least the activation of remote selection commands when the gaming machine (1) is activated by an on-site player (6),

(Q) and for automatically blocking at least the activation of the on-site selection commands, the payout processing means (2c) and the payment processing means (2b)

(R) and for activating at least the selection process module (2a) in remote gaming mode, when the gaming machine (1) is activated by the remote player, the image transmission means (8) being integrated in the control module; characterized in that

(S) the control device further comprises selection process means (3a), integrated in the remote server (3), for the real-time processing of commands selected by the remote player in the gaming interface (11) of the remote player terminal (10), and for real-time transmission of the processed selected commands to the control module (12) via the first telecommunication means (4)

(T) and in that the remote server (3) comprises a control server (3c) designed to control the functionalities of the system, to store data transmitted between the gaming machine (1) and the remote server (3), images (5') taken by the digital camera (13), data transmitted between the remote server (3) and the remote player terminal (10),

(U) and to route the images (5') to the respective remote player terminals (10) from which the remote players are playing on different gaming machines (1);

(V) a video server (3d) designed to collect the images (5') captured by each digital camera (13) and transmit them to respective remote player terminals (10) indicated by the control server (3c);

(W) where the control server (3c) and the video server (3d) are separate from each other,

(X) and further in that the digital camera (13) is mounted at a distance from the gaming machine, the control module (12) further comprising a recognition unit programmed to issue a blocking signal which prevents activation of the gaming machine (1) from the remote player terminal (10) when the digital camera

(13) does not capture images (5') of the physical viewing display (5) of the gaming machine (1).

V. The **board** issued a detailed communication under Article 15(1) RPBA, in which it concluded that the subject-matter of the then main request (present claim 1 without features (W) and (X)) and first auxiliary request (present request without feature (X)) was not inventive (in agreement with the Examining Division), but that the subject-matter of the then second auxiliary request was inventive. The applicant then made the then second auxiliary request the current main request.

VI. The **arguments** of the appellant can be summarised as follows:

- (a) D1 neither discloses nor teaches at least features (W) and (X). Therefore, the subject-matter of claim 1 is inventive over the teaching of D1 in combination with the common general knowledge.
- (b) The set of claims meets the requirements of Articles 123(2) and 84 EPC.

Reasons for the Decision

1. The invention

The invention relates to a system that enables remote game playing of physical gaming machines through a real-time interface. Key components include:

- (a) Real-time video streaming: A digital camera captures live images of the gaming machine's display, transmitting them to a remote user's device.

- (b) Interactive remote control: Players can interact with the gaming machine using virtual controls analogous to the physical buttons.
- (c) Secure payment and payout management: Integrated mechanisms manage payments and payouts for remote users securely.
- (d) Control signals and video signals are separated by using two separate servers/channels (feature (W)).
- (e) Automatic switching: The system automatically blocks remote commands when a local player is using the machine and vice versa (feature (X)).

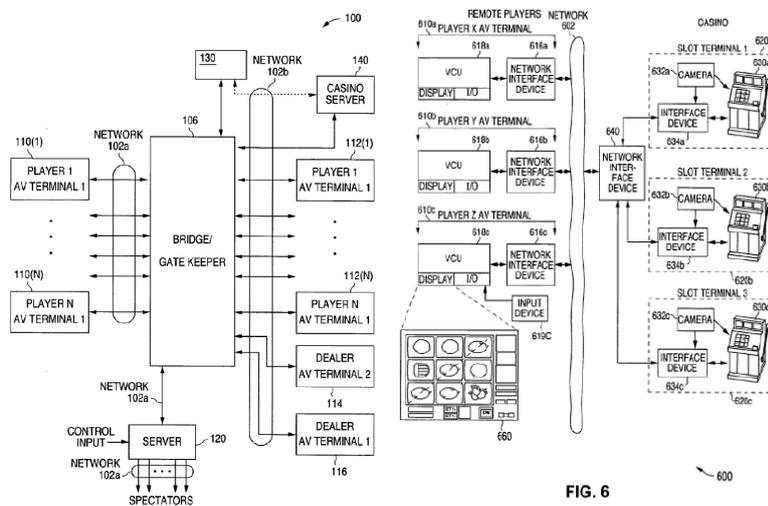
The system combines the tangible aspects of physical gaming machines with the convenience of remote accessibility, addressing both trust and practicality issues.

2. Inventive step (Article 56 EPC)

2.1 Closest prior art

The board agrees with the examining division and with the appellant in that D1 is the closest prior art.

2.2 Disclosure of D1



D1

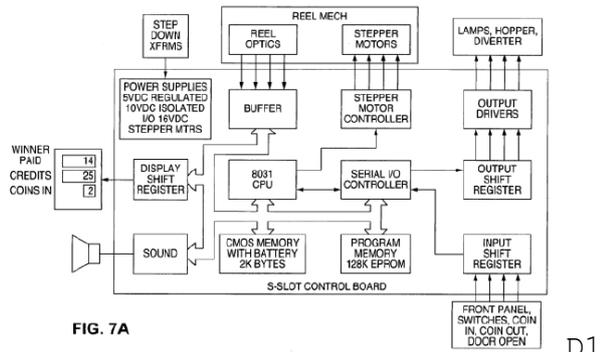


FIG. 7A

D1

2.2.1 D1 discloses the remote control of gaming machines in an arcade with real-time transmission of video images from both the gaming machine display and the control commands. The control is carried out via a server that is connected to a bank server for the financial processing. D1 discloses all the features of claim 1 except features (W) and (X). In particular, D1 discloses in paragraph [0025] that the signal transmission can be wireless (feature (K)).

2.2.2 Furthermore, D1 discloses that the control device comprises selection process means (paragraphs [0078], [0081] to [0087], [0091], [0092]), integrated in the remote server, for the real-time processing of commands selected by the remote player in the gaming interface of the remote player terminal, and for real-time transmission of the processed selected commands to the control module via the first telecommunication means (feature (S)).

2.3 Difference

2.3.1 Consequently, D1 discloses (wording of claim 1, references to D1, cf. Figures 1, 6 and 7A):

(A) a control device for controlling the operation of at least one physical gaming machine (player terminals

1 to 2, slot terminals 630a-c) governed by a programmable electronic control logic (gaming server 140, bank server 130, network server 120),

(B) wherein the control device comprises a remote server (130) and first telecommunication means (network server 120, network interface 640) to exchange data between the gaming machine and the remote server,

(C) wherein the gaming machine comprises a physical viewing display (display of slot machine 630, paragraphs [0079] to [0081], Figure 7A) to show an on-site player information on gaming stages,

(D) physical selector means (Figure 7A: "*front panel switches*", paragraphs [0079] to [0081] and [0085]) to allow the on-site player to select on-site commands available with respect to a game session of the game,

(E) payment processing means (coins, bank 130, online player's account, paragraphs [0120] and [0131]) for activating the gaming machine when an on-site player has paid a price to be able to play the game,

(F) status collection means (paragraphs [0041] and [0042]) integrated in the control logic that capture position signals, which identify positions of the images displayed on the physical viewing display at each time (paragraphs [0041] and [0042]);

(G) payout processing means (paragraph [0086], Figure 7A, paragraph [0069]) for the payment of prizes to the on-site player when he has won at least one game session of the game from the gaming machine,

(H) the physical viewing display, the physical selector means, the payment processing means, the payout processing means and the first telecommunication means being connected to the control logic (servers, Figures 1 and 6),

(I) and wherein the control device comprises an accounts manager module (bank, online account linked to a banking account [credit card, *Paypal* etc.]

integrated in the remote server, to manage collections and payments in the respective accounts of remote players;

(J) at least one digital camera (Figure 6, cameras 632a-c) for the real-time taking of images connected to image transmission means (643a-c), the digital camera arranged to take images in real time of the physical viewing display of the gaming machine (paragraph [0081]);

(K) second telecommunication means to perform interactive wireless (paragraphs [0025] and [0044]), communications of data related to the game, between the remote server and at least one remote player terminal of a remote player, and for the real-time transmission of images to the remote user terminal (the network between server and gaming machines may be wireless: paragraphs [0008] to [0010], [0025], [0043] to [0044], [0081]),

(L) the second telecommunication means designed to transmit to the remote user terminal the images of the physical viewing display taken by the digital camera (paragraphs [0081] to [0083]);

(M) a gaming interface that, at least when it is in communication with the remote server, shows in real time on a screen of the remote player terminal the images transmitted by the image transmission means (paragraphs [0081] to [0083]),

(N) as well as remote selecting means which are analogous to the physical selector means of the gaming machine (paragraph [0083]),

(O) the gaming interface further allowing the remote player to select, on the remote player terminal, commands available in the stages of the game session and transmit them in real time via the second telecommunication means to the remote server (implicit

in paragraph [0083], in view of the context the transmission must be in real time),

(O) the gaming interface designed to display on the screen of the remote user terminal the images of the physical viewing display (paragraph [0083]);

(P) a control module connected to the control logic of the gaming machine for automatically blocking, when receiving blocking commands from the remote server, at least the activation of remote selection commands when the gaming machine is activated by an on-site player (paragraph [0087]),

(Q) and for automatically blocking at least the activation of the on-site selection commands, the payout processing means (implicit when online commands are blocked) and the payment processing means (implicit when online commands are blocked)

(R) and for activating at least the selection process module in remote gaming mode, when the gaming machine is activated by the remote player, the image transmission means (618, 660) being integrated in the control module (Figure 6, paragraph [0087]);

(S) the control device further comprises selection process means (paragraphs [0078], [0091], [0092]), integrated in the remote server, for the real-time processing of commands selected by the remote player in the gaming interface of the remote player terminal, and for real-time transmission of the processed selected commands to the control module via the first telecommunication means (see above)

(T) and in that the remote server comprises a control server (Figure 1) designed to control the functionalities of the system, to store data transmitted between the gaming machine and the remote server, images (660) taken by the digital camera (VCU), data transmitted between the remote server (control signals, images) and the remote player terminal (610),

(U) and to route the images (660) to the respective remote player terminals (610) from which the remote players are playing on different gaming machines;
(V) a video server section (added by the board) designed to collect the images captured by each digital camera and transmit them to respective remote player terminals indicated by the control server
~~(W)~~, ~~(X)~~.

2.3.2 D1 therefore fails to disclose

- (a) a separate video server and providing two distinct, separate servers each having a particular function instead of one single server (features (V) and (W)), and
- (b) the control module further comprising a recognition unit programmed to issue a blocking signal which prevents activation of the gaming machine from the remote player terminal when the digital camera does not capture images of the physical viewing display of the gaming machine (feature (X)).

2.4 Effect - objective technical problem

2.4.1 Differing feature (a) has the technical effect that the data transmission is made more efficient, because less image and video data transmitted leads to higher data transmission efficiency.

2.4.2 Differing feature (b) has the technical effect that the gaming efficiency and security is increased, because just by local players standing in front of the machine, the possibility of said machine being activated by a remote player is automatically blocked. According to feature (X) data security standards are maintained or even improved and the switch between remote player and local player is simplified and accelerated, because a

log-in / log-out process via a GUI or the operation of buttons is not any more necessary.

- 2.4.3 The objective technical problem is to achieve these technical effects.

2.5 Non-obviousnesses

- 2.5.1 The board comes to the conclusion that D1 neither discloses nor suggests at least feature (X):

2.5.2 Based on the objective problem to be solved, the skilled person would not be prompted by the teaching of D1 or its common general knowledge to install a complex video data evaluation system based on image recognition that can evaluate whether a person is standing in front of the slot machine.

2.5.3 D1 only mentions a combination mode for both local and remote players. D1 does not provide any details how to implement this combination mode, in particular how remote gaming is disabled when a local player uses the gaming machine.

2.5.4 The skilled person might have considered a button for local players or a detector to recognize whether local players are activating the gaming machine's user interface.

2.5.5 However, the skilled person would not consider that the camera disables remote gaming if physical viewing of the display cannot be detected. This is a fairly efficient, quick, and relatively simple solution for disabling remote gaming when a local player wants to use a gaming machine, because (1) the local user does not need to press a specific button, (2) no such button

needs to be provided, and (3) the player can start playing immediately.

- 2.5.6 However, detection software must be provided to recognize the patterns displayed on the gaming machine's display. D1 does not provide any indication that such software should be installed for the camera recordings. This solution is also not part of the common general knowledge of the skilled person in the given context.
- 2.5.7 Instead, starting from D1, the skilled person would implement the standard solutions described above (button, detector). Also to increase security, the skilled person would have considered other solutions.
- 2.5.8 Consequently, the solution defined by feature (X) is not obvious in view of the disclosure of D1 and the skilled person's common general knowledge.
- 2.5.9 The examining division held in the contested decision (point 4.3 of the Reasons) that feature (X) had no technical effect or, if it did have a technical effect, the feature was not sufficiently disclosed (Article 83 EPC), as the application did not disclose sufficient details in this regard.
- 2.5.10 However, the board is of the opinion that the effect described above is of a technical nature, since feature (X) both maintains and improves data security standards as well as simplifies and accelerates the switch between remote player and local player compared to a situation where a log-in / log-out process via a GUI or the operation of buttons would be necessary. The implementation of an algorithm that detects when the gaming display is covered by a player was technically

feasible without any problems at the time of filing, so that the skilled person does not require any further details in this regard. Consequently, the present application also fulfils the requirements of Article 83 EPC.

2.6 Claims 2 to 10 depend upon claim 1. Therefore, the subject-matter of these claims is also not obvious with respect to the teaching of D1 in combination with the skilled person's common general knowledge.

2.7 Consequently, the board reaches the conclusion that the claims 1 to 10 of the sole request meet the requirements of Articles 52(1), 56 and 83 EPC.

3. **Articles 123(2) and 84 EPC**

3.1 Claim 1 has basis in original claims 1, 7, 12 and 15. Furthermore, feature (W) of claim 1 has a basis on page 5, lines 10 to 18 of the description as originally filed, which discloses feature (W) in the broad context of claim 1:

The remote server preferably comprises a control server and a video server (feature (W)). The control server controls the functionalities of the system, stores data transmitted between the gaming machine and the remote server, images taken by the digital camera, data transmitted between the remote server and the remote player terminal (feature (T)) , and routes the images to the respective remote player terminals from which the remote players are playing on different gaming machines. (feature (U)). In turn, the video server collects the images captured by the digital cameras and transmits them to the respective remote player

terminals indicated by the control server (feature (V)). This separation of servers contributes to the proper functioning of the system and is a measure of security. (highlighting and reference to the features of claim 1 added by the board)

Therefore, isolating feature (W) from the description is not an inadmissible intermediate generalisation (see "Case Law of the Boards of Appeal of the European Patent Office", 11th edition 2025, section II.E.1.9).

3.2 The dependent claims 2 to 10 are adapted to new claim 1. All claims are clear, concise and supported by the description (Article 84 EPC).

3.3 Consequently, new claims 1 to 10 meet the requirements of Articles 123(2) and 84 EPC.

4. Summary

Since the patent application, in particular the new set of claims, meets the requirements of the EPC, the contested decision must be set aside and a patent is to be granted on the basis of the sole request (Article 111(1) EPC). The board notes that the description was adapted to the new claims and that the prior art is discussed therein (Rule 42(1)(b) EPC).

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.

2. The case is remitted to the examining division with the order to grant a patent in the following version:

Description:

pages 1 to 20 filed with the letter of 9 June 2025

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Claims:

claims 1 to 10 filed with the letter of 8 July 2025

Drawings:

sheets 1/9 to 9/9 filed with the entry into the regional phase before the EPO

The Registrar:

The Chairman:



S. Sánchez Chiquero

T. Häusser

Decision electronically authenticated