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Datasheet for the decision of 30 October 2025

Case Number: T 0185/25 - 3.4.03

Application Number: 20209997.4

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Title of invention:
A SYSTEM AND METHOD FOR EXECUTING AN INTERACTIVE LIVE GAME

Patent Proprietor:
Playtech Software Limited

Opponent:
Hampton Knowles Limited

Headword:

Relevant legal provisions:
EPC Art. 100(a), 52(1), 56

Keyword:
Grounds for opposition - Inventive step - all requests (no)

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Case Number: T 0185/25 - 3.4.03

D E C I S I O N
of Technical Board of Appeal 3.4.03
of 30 October 2025

Appellant: (Patent Proprietor)	Playtech Software Limited Mid City Place 71 High Holborn London WC1V 6EA (GB)
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Representative:	D Young & Co LLP 3 Noble Street London EC2V 7BQ (GB)
Decision under appeal:	**Decision of the Opposition Division of the European Patent Office posted on 28 January 2025 revoking European patent No. 3827889 pursuant to Article 101(3)(b) EPC.**

Composition of the Board:

Chairman	T. Häusser
Members:	M. Papastefanou
	P. Guntz

Summary of Facts and Submissions

I. The appeal of the patent proprietor is against the decision of the opposition division revoking the European patent with number 3 827 889.

The opposition was based on all the grounds for opposition under Article 100(a), (b) and (c) EPC. In the decision under appeal, the opposition division concluded, among others, that the subject-matter of claim 1 as granted was new but did not involve an inventive step. None of the auxiliary requests then on file was found to meet the requirements of the EPC and the patent was revoked.

II. Reference is made to the following documents, cited in the decision under appeal:

D3: US 2018/0139260 A1,
D4: US 2018/0139257 A1,
D5: WO 2014/067911 A1.

III. At the request of the Unified Patent Court(UPC), where parallel proceedings involving the opposed patent were pending, the board accelerated these appeal proceedings and adopted a strict framework (Articles 10(4) and (6) of the Rules of Procedure of the Boards of Appeal, RPBA). The oral proceedings were held on 30 October 2025, at the end of which the chairman announced the board's decision.

IV. At the end of the oral proceedings the parties' requests were as follows:

- The appellant patent proprietor ("proprietor") requested that the decision under appeal be set aside and the patent be maintained as granted (i.e. the opposition be rejected), as its main request. If the patent could not be maintained as granted, the proprietor requested that it be maintained on the basis of one of auxiliary requests 1 to 68, 24A to 60A and 63A to 68A. All the requests were filed with the statement of grounds of appeal.

- The respondent opponent ("opponent") requested that the appeal be dismissed.

- During the oral proceedings, both parties withdrew their respective requests for apportionment of costs in their favour, which they had submitted earlier in the appeal proceedings.

V. Claim 1 as granted is worded as follows (features' numbering as in the decision under appeal):

[F1] A computerized method for facilitating a player's device to execute an interactive live game, the method comprising,
[F2] by a processor of a game server:
[F2.1] receiving (410) from the player's device a request of a player to participate in an interactive live game;
[F2.2] repeatedly:
[F2.2.1] executing (420) an interactive game, including generating game events;
characterised in that,
[F2.2.2] based on the executed game, transmitting (430) game display data to a video processor, wherein the transmitted game display data is used to create, by the video processor, together with

a captured video of a live studio, a live game video stream, wherein the captured video includes video portions, each video portion being associated with a video timestamp;

[F2.2.3] associating (440) the generated game events with sync data comprising event timestamps indicative of the time that a game event of the game events was generated, giving rise to modified game events; and

[F2.2.4] transmitting (450) to the player's device the modified game events, thereby facilitating the player's device, after obtaining the live game video stream,

[F2.2.4.1] to synchronize between a-synchronously received modified game events and the obtained live game video stream, based on the sync data in the modified game events and the video timestamps in the obtained video,

[F2.2.4.2] and to create a composited synchronous video comprising the obtained live game video stream and data that pertains to the transmitted modified game events, the composited synchronous video constituting the interactive live game;

[F2.3] wherein at least some of the events are generated in response to receiving data indicative of a player's action in the executed interactive game.

For conciseness, the claim wording of the auxiliary requests is included in the Reasons below.

VI. The parties' relevant arguments in relation to the assessment of inventive step can be summarised as follows:

The **proprietor** essentially argued that in the system of

D5 the game server did not execute an interactive game, as the game was executed by the operator at the studio. Moreover, D5 did not disclose any synchronization of the live game video stream with game events generated in response to players' actions. The skilled person starting from D5 would not have arrived at the claimed invention in an obvious manner.

According to the **opponent**, the game server in D5 executed an interactive game in the same way as in the claimed method. Implementing a synchronization of the live game video stream with the game events at the player's device would have been obvious to the skilled person.

Reasons for the Decision

The claimed invention

1. The patent describes a distributed gaming environment (see Figure 2).

   This environment comprises a live studio (201) with a live operator (206) and a live game system (202). The operator can communicate with the players, comment on the game played and also execute game actions with the help of an activation button (208). The action in the live studio is captured by a camera (207) and transmitted as live stream to a video processor (222). This video stream contains timestamps (see paragraphs [0015], [0035]).

2. The environment comprises also a live game server (205), which executes an interactive game and generates game events. The server executes a game and provides,

via a game renderer (220) game display data to the video processor (paragraphs [0016] and [0017]). The game display data correspond to the game executed, e.g. when the server executes a slot game, they represent the reels that are turning (see e.g. Figure 1).

3. The video processor (222) combines the received captured video stream and the game display data into a live game video stream (including the timestamps of the captured video). The game server combines the generated game events with sync data indicative of the time each event occurred, generates so-called "modified game events" and transmits them to the players' devices separately from the live game video stream.

4. The player's device combines the received live game video stream and the modified game events and, using the timestamps of the video stream and the sync data of the modified events, constitutes a synchronised live game video stream that is displayed to the player.

Patent as granted, inventive step

5. In the decision under appeal, the opposition division concluded that claim 1 as granted did not involve an inventive step in view of a combination of documents D5 with D3 or D4 (see Reasons, points 22 to 23.6).

The claimed method

6. Claim 1 of the opposed patent defines a method which is executed by a processor of a game server. The method aims at facilitating a player's device to execute an interactive game. According to features F2.2.4, F2.2.4.1 and F2.2.4.2, the execution of the interactive game by the player's device is to be understood as

"constituting the interactive live game" by synchronising the live game video stream and the modified game events, which are received a-synchronously by the player's device.

7. According to the claim, the game server (205) executes an interactive game and generates game events (feature F2.2.1). The game server transmits game display data to a video processor, which is a separate entity (feature F2.2.2). The game server also associates the generated game events with sync data comprising timestamps indicative of the time that a game event was generated, and generates so called "modified game events" (feature F2.2.3). The game server transmits these modified game events to the player's device (feature F2.2.4).

8. Claim 1 also defines a step executed by the video processor (feature F2.2.2), which receives the game display data from the game server and a captured video of a live studio. There is no mention in the claim of where this captured video comes from. The only specification included is that the captured video includes portions, each of which is associated with a video timestamp. The video processor creates a live video game stream using the game display data and the captured video. No details are given on how this live video game stream is created.

9. The synchronization of the modified game events and the live video game stream is carried out by/at the player's device (features F2.2.4 and F2.2.4.1). Although not specifically defined in the claim, it is understood that the player's device obtains the live game video stream from the video processor (see Figure 2).

10. In the board's understanding, the facilitation of the synchronization at the player's device by the game server (see features F2.2.4 and F2.2.4.1) consists in associating the generated game events with sync data comprising event time stamps indicative of the time that a game event was generated (feature F2.2.3). The claimed method does not define any other related action by the game server.

11. The player's device uses the sync data of the modified events and the video timestamps of the captured live video to synchronize the game events and the live game video stream (feature F2.2.4.1). No details are given in the claim about how this synchronization is carried out beyond the indication that it is "based on" the sync data and the video timestamps (feature F2.2.4.1).

The gaming environment of document D5

12. D5 also describes a distributed gaming environment (see Figures 1 and 3).

This environment comprises a studio (20), where live casino gaming is performed and recorded (page 6, line 26 and Figure 3). At the studio, a game leader (301, croupier) is performing a game (page 11, line 25 to page 12, line 13; page 14, last paragraph). As the game is performed, information related to the game activity, e.g. result of a roulette spin, time of a roulette spin, or time for "no more bets", is generated using game sensors (312) and a corresponding processor (313). The sensors detect the actions performed by the game leader (301) and the gaming device (311) and the processor transmits this information to a studio server (331) (see page 14, lines 18 to 31).

13. The live stream from the casino studio including the information pertaining to gaming activity is transmitted to an audio/video data streaming provider center (40). Here, using the received information pertaining to gaming activity occurring in the studio, pieces of synchronization information ("cuepoints") are inserted into the audio/video stream. These cuepoints are used by the game user client (i.e. the player's device) to synchronise the audio/video stream from the live game studio with the game events (or gaming activity), see for example page 7, lines 33 to 39.

14. The information pertaining to game activity is also received by the data integration center (30) (see Figure 4). The data integration center comprises, among others, a multiplayer server (410) and a game server (420). The multiplayer server manages the players connected to the gaming environment and receives player generated gaming activity (i.e. player's actions) such as placing of bets. This information is transmitted to the game server (420). The game server (420) executes game logic and determines the results of gaming based on the game related information pertaining to gaming activity received from the studio server (331) and the players' actions information received from the multiplayer server (410). Relevant information about the results is transmitted to the game leader (301) at the studio and also to the player's game client device (see for example page 8, lines 3 to 33).

15. Summarising, in the gaming environment of D5 live gaming action in a studio is captured and streamed as a live audio/video stream including corresponding game related information (i.e. game events) related to the game activity at the studio. The game related information is transmitted to a game server, where game

logic is executed based on this information and e.g. the results of each gaming round are determined. Information related to the results of the executed gaming logic is transmitted to the player's device.

16. Using the game related information pertaining to the game activity in the studio, pieces of synchronisation information ("cuepoints") are inserted in the live audio/video data stream which is sent to the player's device. The player's device uses the cuepoints to synchronise the audio/video data stream with the gaming activity/game events.

Parts of the claimed method disclosed in D5

17. The proprietor contested that the game server in D5 executed an interactive game according to feature F2.2.1. According to the proprietor, the game was executed by the operator at the studio and the game server of D5 did not execute an interactive game in the sense of claim 1 of the patent. Consequently, the game server in D5 did not generate any game events in the sense of feature F2.2.1, as all the game-related events were generated at the studio. In the system of D5 the game events were detected by the sensors and transmitted from the studio server to the game server.

18. The proprietor also argued that no synchronisation according to feature F2.2.4.1 of the live video stream including timestamps (feature F2.2.2) with game events with sync data comprising event timestamps (feature F2.2.3) was taking place at the player's device in the system of D5. Although D5 described that the cuepoints inserted in the video stream were used for synchronization with game events at the player's device, these events related to the activity taking

place in the studio (e.g. where the ball had stopped in the roulette) and were not events related to the player's actions as in the claimed method. D5 mentioned the use of cuepoints to synchronize with event-related animations stored in the player's device (see for example page 10, line 12 to page 11, line 24).

19. The data stream received by the player's device from the data integration center (30) contained information about whether the player won or lost (for example). D5 mentioned no synchronisation of the audio/video data stream of the game (containing the cuepoints) with that data stream taking place at the player's device.

20. Summarising, the proprietor argued that at the player's device in the system of D5, when a cuepoint indicated that a certain event took place at a certain point of time in the stream, a corresponding animation showing that event was inserted in the stream and displayed to the user. Such events were not generated in response to player's actions as in feature F2.3 of claim 1 since all the information related to the events of the game executed in the studio was already included in the cuepoints.

21. The proprietor also argued that D5 did not disclose timestamps in the live video stream captured from the studio. The cuepoints were inserted at a later stage, when the video stream from the studio was combined with the casino operating content (see Figure 2). So, D5 did not disclose this part of feature F2.2.2, either.

22. The board does not find the proprietor's arguments convincing.

23. The game server of D5 executes an interactive game according to feature F2.2.1 of claim 1. According to the opposed patent, there is an operator at a live game studio, who uses an activation button to trigger the execution of a game round by a server. Then the game server executes the game round and generates gaming events. In the board's view, the game is not exclusively executed by the game server, but the operator at the studio contributes to its execution.

24. A similar setting is also described in D5. The operator at the studio (game leader 301) executes a game round in a physical roulette. Game events such as the operator spinning the roulette or the ball stopping at a specific number are generated, detected by corresponding sensors, and transmitted to the studio server. However, there is no interaction with the players at this point. The operator at the studio spins the roulette without having any information about any players participating, any bets placed, who won, etc. In the board's opinion, what is taking place in the studio cannot be called a (complete) roulette game, since there are no players, no bets, no wins or losses, all of which are considered an inherent part of a roulette game.

25. The game server receives the information about the players and their actions (e.g. placed bets), the events generated at the studio and executes game logic to generate other game events taking into account information related to the players' activity. Only the events generated by the game server relate to information such as the bets placed, who won the round etc. Therefore, the board considers that in the gaming environment of D5, the game is executed partially by the operator at the studio and partially by the game

server, in the same way as in the opposed patent. D5 discloses therefore feature F2.2.1 of claim 1.

26. Regarding the synchronization taking place at the player's device in D5, the board notes, as also the opponent pointed out, that D5 mentions repeatedly that the cuepoints inserted in the video stream are used by the player's device to synchronize the received audio/video stream ("video events") with gaming activity/game events, see for example the paragraph bridging pages 4 and 5 and page 14, lines 34 to 37.

27. In D5 the live audio/video stream from the studio server is mixed with operator specific content to generate the audio/video data stream that is transmitted to the player's device. This corresponds to the live game video stream of the claim. In this audio/video data stream cuepoints are inserted, which indicate the points in time at which game events occurred. At the player's device this video stream is synchronised with game events or "game related information pertaining to gaming activity" (page 5, line 1). This game related information corresponds to the game events of the claim since it relates to e.g. the end of a game round, a result of a round, etc. (see also page 8, lines 19 to 25). There is no indication in D5 about whether this game related information (game events) contains or is associated with timestamps or other synchronization data ("sync data"). The player's device uses the cuepoints in the audio/video data stream to synchronize the video stream with the corresponding game event(s), but no details are given as to how this is carried out.

28. Regarding the timestamps in the captured live video stream from the studio, the board agrees with the

proprietor that there is no specific mention of timestamps in D5. However, D5 mentions the use of RTP (Real-time Transport Protocol) streams (see page 24, line 27). As the opponent also mentioned, it is part of the skilled person's common general knowledge that timestamps are inherent features of RTP video streams and are used for synchronisation purposes. So, this part of feature F2.2.2 is disclosed in D5, as well.

29. In relation to the expression "based on the executed game" in feature F2.2.2, the board follows the parties, which agree that it means that the transmitted game display data relate to the game being played, although this is not the only possible interpretation. In D5 the corresponding game display data do not necessarily relate to the game being played, as they can be operator specific content, for example.

30. In view of the above, the board concludes that D5 discloses all the features of claim 1 as granted with the following exceptions:

(i) the transmitted game display data are "based on the executed game" (part of F2.2.2); and

(ii) the game events transmitted to the player's device are associated with sync data, which the player's device uses to synchronize the game events with the live video game stream (F2.2.3 and part of F2.2.4.1).

Technical problem(s), solution(s), obviousness

31. The board agrees with the opposition division that the two differences identified above do not provide any synergistic effect and are thus to be assessed separately as to whether they involve an inventive

step. The parties also agreed to this approach.

Distinguishing feature (i)

32. Regarding distinguishing feature (i), the opposition division and the parties agreed that the effect provided by this feature was that it enhanced the user experience in playing the game as it amplified the sensation that they participate in a live game.

33. The board has doubts whether this can be considered a technical effect. This effect is obtained by the content of the game display data, i.e. that the game display data are related to the game being executed (as in claim 1) in contrast to operator specific data unrelated to the played game (as in D5). The only difference lies in the cognitive content of the game display data. In the board's view, this feature relates to presentation of information as such (Article 52(2) and (3) EPC) and therefore cannot be considered to contribute to an inventive step within the meaning of Article 56 EPC.

34. Even if the identified effect were to be considered a technical effect, the board agrees with the opposition division that it would be obvious for the skilled person to replace the displayed operator specific content with content related to the game being executed in order to enhance the player's experience, see also impugned decision, Reasons, points 23.2.1 and 23.3. The parties did not argue further on this issue.

Distinguishing feature (ii)

35. In the board's opinion, the problem of synchronisation of the live game video stream with the game events is

also solved in D5. As also noted by the opponent (see e.g. opponent's reply to the appeal, point 88), D5 repeatedly describes that the cuepoints inserted in the video stream are used by the player's device to synchronize the audio/video live stream with the game events/gaming activity. Compared to the timestamps in the claimed method, the cuepoints include information both about the point in time and the type of game event/gaming activity that occurred at that specific point in time. So, although not explicitly disclosed in D5, the board's understanding is that the player's device uses the information from each cuepoint to identify and insert the corresponding game event from those received from the game server. In this way, there is no need for the game events to also include timestamps since the information about when each event occurred is included in the cuepoint of the live audio/ video data stream.

36. The claimed method solves the synchronization problem in a different way, by using timestamps both in the live game video stream and the modified game events (stream). Although the synchronization is not explained in the patent, the board understands that the player's device uses the timestamps of the modified game events to insert those events in the live game video stream at points corresponding to the time each event occurred. The timestamps in the live game video stream serve to follow the time in the game activity represented, so that the game events can be inserted correctly and be synchronized with the live game video stream.

37. In the board's opinion, there is no particular technical advantage by using the solution of the claimed method rather than the one of D5. The parties did not identify any such advantages, either. In both

cases, the player's device achieves the synchronization of the live game video stream and the game events. The board does not see any advantages in the scalability of the system, either, contrary to the proprietor's arguments. Any added player's device receiving the live game video stream and the game events can synchronize them and provide the user with a synchronized video of the interactive game. The number of the player's devices does not play any role in this solution.

38. Therefore, the only technical effect of distinguishing feature (ii) (see paragraph 30. above) is to provide an alternative way of facilitating the synchronisation of the live game video stream and the game events at the player's device. Consequently, the skilled person is faced with the technical problem of how to provide an alternative solution to the problem of facilitating the synchronisation of the live game video stream and the game events (see also impugned decision, Reasons, point 23.2.2, last sentence).

39. The board considers that providing timestamps in two data streams that are to be synchronized is an obvious solution, if not a more commonly used solution in comparison to the cuepoints of D5. It is also known in the prior art, as documents D3 and D4 show (see D3, paragraphs [0014], [0015] and [0022]; D4, paragraphs [0035] and [0037]).

40. In the context of D5 this would mean that the game server would associate sync data in the form of timestamps to the generated game events (or "game related information pertaining to game activity") and these sync data would be used in combination with the timestamps in the live audio/video stream to synchronize the video stream with the game events at

the player's device. As mentioned before, this live stream comprises inherently timestamps, so there is no need to insert any. On the contrary, there would be no need to insert cuepoints in the video stream, simplifying thus the system. This is considered an obvious step, which the skilled person would carry out based only on their common general knowledge. In any case, neither the claim nor the patent as a whole provide any details of how the modified game events are generated other than a mention of associating a timestamp to every generated event, so the board considers that associating sync data (timestamps) to the game events would be obvious for the skilled person within the context of D5, as well.

41. The proprietor argued that, if the skilled person wished to synchronise the "information pertaining to gaming activity" generated at the game server with the video stream, they would rather opt for using the cuepoints, which were already inserted in the live game audio/video stream. Synchronization information related to the game events ("sync data" in the terminology of claim 1) would have been included in the cuepoints, along with the information relating to the other gaming events stemming from the studio server. Only using hindsight the skilled person would have come up with a solution including the insertion of timestamps in the stream transmitted from the game server (part of the data integration center (30)) to the player's device.

42. The board does not find this argument convincing, either. This argument is based on the assumption that the synchronization taking place at the player's device involves the audio/video stream including the cuepoints and an animation (or similar) content related to generic game events. As explained previously (see

paragraph 26. above) the board does not follow this assumption.

43. For the sake of argument, following the proprietor's argument would mean that the skilled person would have to modify the operation of the described system significantly. The stream of game events generated by the game server (at the data integration center (30)) would have to be transmitted to the audio/video streaming provider data center (40) instead to the player's device. This would necessitate further modifications at the audio/video streaming provider data center (40), which would have to combine three streams of data: the audio/video data stream from the studio server, the operator specific content, and the game events from the game server. The skilled person would also need to modify the player's device, as the device would only need to display the received combined stream and not execute any synchronization locally since everything would be included in one data stream. These constitute significant modifications of the system described in D5, which the board considers to go beyond what would be straightforward to the skilled person in the present context.

44. The board considers, therefore, that the skilled person would not have opted for such a solution. As mentioned before (see point 39. above) combining two data streams containing corresponding timestamps is the simplest, most obvious, if not standard, way. It would simplify the system by eliminating the need for cuepoints and would streamline the whole process.

45. In view of the above, the proprietor has not convinced the board to overturn the conclusion of the opposition division that the subject-matter of claim 1 as granted

does not involve an inventive step. The ground for opposition of lack of inventive step according to Article 100(a) EPC in combination with Articles 52(1) and 56 EPC prejudices therefore the maintenance of the patent as granted.

Auxiliary request 1

46. Compared to claim 1 of the main request in claim 1 of this auxiliary request, feature F2.3 has been amended as follows (amendments marked by the board):

[F2.3$_1$] wherein at least some of the events are generated in response to receiving data indicative of <u>the</u> ~~a~~ player's action in the executed interactive game.

47. The proprietor argued that this amendment made clear, that the generated game events related to the action of the player using the player's device and participating in the interactive live game (features F1 and F2.1) and not to the action of any player.

48. The board does not see how this clarification could contribute to overcoming the objection of lack of inventive step against the main request as it does not add any further limitations. Since claim 1 defines only one player's device, it is evident for the skilled person that the actions mentioned in the claim are generated by that device and the player using it. The board therefore concludes that the subject-matter of claim 1 of auxiliary request 1 does not involve an inventive step for the same reasons as for claim 1 of the main request.

Auxiliary request 2

49. Compared to claim 1 of the main request in claim 1 of this auxiliary request, feature F2.2.2 has been amended as follows (amendments marked by the board):

[F2.2.2$_2$] based on the executed game, transmitting (430) game display data that corresponds to the executed interactive game to a video processor, wherein ...;

50. As with auxiliary request 1, the board does not see how this clarification can overcome the lack of inventive step objection against the main request. As mentioned previously (see point 29. above) the expression "based on the executed game" in the beginning of feature F2.2.2 has been considered to mean that the transmitted data relate to the interactive game being executed. Claim 1 of auxiliary request 2 makes this only clearer. The proprietor did not argue further.

51. Therefore, the subject-matter of claim 1 of auxiliary request 2 is not inventive for the same reasons as claim 1 of the main request.

Auxiliary request 3

52. Claim 1 of auxiliary request 3 comprises both the amendments carried out in claim 1 of auxiliary requests 1 and 2. It is considered not inventive for the same reasons as for those requests, especially since no synergistic effect by the two amended features has been identified.

Auxiliary request 4

53. Compared to claim 1 of the main request in claim 1 of auxiliary request 4, features F2.2.2 and F2.2.4 have been amended as follows (amendments marked by the board):

[F2.2.2$_4$] based on the executed game ... wherein the captured video includes video portions, each video portion being associated with a video timestamp <u>based on a global clock</u>;

[F2.2.3$_4$] associating (440) the generated game events with sync data comprising event timestamps <u>based on the global clock and</u> indicative of the time that a game event of the game events was generated, giving rise to modified game events;

54. Although the board agrees with the proprietor that D5 does not mention a global clock on which the cuepoints are based, it considers that in a network environment, when more than one data stream containing timestamps are to be synchronized, it would be obvious - if not standard - to base these timestamps on the same clock. Otherwise no synchronization would be possible. In that context, the use of a common network clock or a global clock or any other common clock would be an obvious choice. In the context of D5, should the skilled person implement the obvious solution to provide timestamps in the game events transmitted to the player's device (see point 40. above), it would be obvious, if not inevitable, that these timestamps have to be based on the same clock as the timestamps in the video stream, e.g. on a global clock.

55. The board concludes therefore that the subject-matter of claim 1 of auxiliary request 4 is not inventive,

either.

Auxiliary requests 5 to 7

56. Claim 1 of each of these requests combines some of the amendments carried out in claim 1 of auxiliary requests 1, 2 and 4.

57. As each of these amendments is found to be non-inventive and no synergistic effect has been identified, the board's conclusion is that the subject-matter of claim 1 of each of auxiliary requests 5 to 7 does not involve an inventive step, either.

Auxiliary request 8

58. Compared to claim 1 of the main request in claim 1 of auxiliary request 8 feature F2.3 has been amended as follows (amendment marked by the board):

[F2.3$_8$] wherein at least some of the events are generated in response to receiving data indicative of a player's action in the executed interactive game, and wherein the interactive game is an RNG based game.

59. The proprietor acknowledged that the type of game executed does not provide any technical effect and would have been given to the skilled person as a constraint to be implemented. So, the skilled person would have been tasked to implement the amended feature F2.3$_8$ in the system of D5, i.e. that the executed game was an RNG (Random Number Generator) based interactive game. In D5 however, the game was executed by a physical roulette operated by an operator. Even if it were accepted that the game server of D5 executed some

game logic, having the server execute an RNG based game according to feature F2.3$_8$, would have involved eliminating the physical roulette, as well as the sensors and the studio server from the studio. These were significant modifications that were beyond what could have been considered obvious for the skilled person in the context of D5. Claim 1 of auxiliary request 8 involved therefore an inventive step.

60. As a first remark, the board agrees with the opponent that the roulette wheel itself can be considered a random number generator, albeit a physical one. In that context, when the game server executes game logic corresponding to the roulette game (see also point 24. above), it also executes an RNG based game according to feature F2.3$_8$. Consequently amended feature F2.3$_8$ would be disclosed in D5.

61. Secondly, even if a replacement of the executed game were considered necessary to implement feature F2.3$_8$ in the system of D5, the board considers this to be an obvious step for the skilled person. Replacing the roulette with a slot machine (for example) and its implementation, as required by said constraint to be implemented, would be within the obvious steps a skilled person would take in the present context. There would be no need to modify further the studio, the sensors, or the studio server, except from adapting the sensors to detect the various events generated at/by the slot machine. In such a case, the game server would execute game logic based on the game events received from the studio server, i.e. game logic corresponding to the slot game executed at the studio, and would also be considered to execute an RNG based game in the sense of feature F2.3$_8$.

62. The board's conclusion is therefore that the subject-matter of claim 1 of auxiliary request 8 does not involve an inventive step, either.

Auxiliary requests 9 to 15

63. Claim 1 of each of these auxiliary requests comprises a combination of at least two of the amendments carried out in claim 1 of auxiliary requests 1, 2, 4 and 8.

64. Since none of these amendments is considered inventive and no synergistic effect has been identified, the subject-matter of claim 1 of each of auxiliary requests 9 to 15 is not inventive, either.

Auxiliary request 16

65. Compared to claim 1 of auxiliary request 8 in claim 1 of auxiliary request 16, besides the addition in feature $F2.3_8$ of the specification that the executed game is an RNG based game as in claim 1 of auxiliary request 8 (see point 58. above), a similar specification is added in feature F2.2.1 (amendments marked by the board):

[$F2.2.1_{16}$] executing an interactive game, including operating random number generation of the interactive game and generating game events;

66. According to the proprietor, this amendment made clear that the RNG based game was the game executed by the game server. In D5 the roulette game was executed by the game leader in the physical studio and there was no motivation to have it executed by the game server.

67. As explained in paragraphs 24., 25., and 61. above, the board considers that the game server of the system of D5 executes an interactive game. The game logic executed by the game server corresponds to the game played at the studio. Therefore, if an RNG based game is played at the studio, the server also executes an RNG based game (logic). In such a case, it is expected that the game server during the execution of such a game logic would operate a random number generator.

68. The subject-matter of claim 1 of auxiliary request 16, therefore, does not involve an inventive step, either.

Auxiliary requests 17 to 23

69. Claim 1 of each of auxiliary requests 17 to 23 comprises at least three of the amendments carried out in claim 1 of auxiliary request 1, 2, 4, 8 and 16. It is noted that the amendments of claim 1 of auxiliary requests 8 and 16 are always included together.

70. As none of the individual amendments is inventive and no synergistic effect has been identified, the subject-matter of claim 1 of each of auxiliary requests 17 to 23 does not involve an inventive step, either.

Auxiliary requests 24 to 60 and 24A to 60A

71. In the decision under appeal, the opposition division raised an objection of lack of clarity in relation to claims 3 and 7 of each of the auxiliary requests 24 to 60. The proprietor, besides arguing for the clarity of these auxiliary requests, filed auxiliary requests 24A to 60A in which the objected claims were deleted. Claim 1 of each of the auxiliary requests 24 to 60 is identical to claim 1 of the respective request 24A to

60A. In the following only the inventive step of the subject matter of claim 1 of these auxiliary requests is discussed leaving the objection of lack of clarity open.

Auxiliary requests 24 and 24A

72. With respect to granted claim 1, the following features have been added at the end of claim 1 of auxiliary requests 24 and 24A (numbering as in the decision under appeal, see Reasons, point 55):

[F2.4] wherein the method further comprises: receiving from a plurality of players' devices requests of plurality of players [sic] to participate in the interactive live game; and transmitting to the plurality of players' devices the modified game events, thereby facilitating the players' devices to synchronize between the a-synchronously received modified game events and the obtained live game video stream, based on the sync data in the modified game events and the video timestamps in the obtained video, and to create the composited synchronous video,

[F2.5] wherein at least some of the events are generated in response to receiving data indicative of the plurality of players' actions in the executed interactive game, and

[F2.6] wherein transmitting to the player's device the modified game events, includes selectively transmitting to a first player of the plurality of players at least some of the modified game events generated in response to receiving data indicative of the first player's actions in the executed interactive game.

73. The added features stem from claims 2, 3 and 5 as granted. The features from granted claims 2 (F2.4) and 3 (F2.5) include a limitation that defines a multi-player game and that the modified game events are personalised to each player. According to the features from granted claim 5 (F2.6), this personalisation is achieved by selectively transmitting to a first player at least some of the modified game events generated in response to receiving data indicative of the first player's actions in the executed interactive game. In other words, the actions of each player cause the generation of (modified) game events, which are then transmitted to the corresponding player.

74. It is common ground that D5 discloses a multi-player game. The proprietor argued that the selective transmission of game events to the players provided for an improved scalability of the system. By providing a common live game video stream to all players and only personalised modified events to each player, it was easy to add players to the system. In D5 there was disclosure of a player-specific game video stream but not of player-specific game events.

75. The board cannot follow the proprietor in this argument. In the board's understanding, when a player plays an interactive game, makes an action (e.g. places a bet, rolls a dice, etc.), a corresponding event is generated by the gaming system (e.g. result of the bet, win-loss, etc.), and this event is communicated to the player. When there are more than one player playing the game it is expected that each player will receive an event related to their own actions, e.g. the result of the bet they placed.

76. Feature F2.6 of claim 1 of auxiliary requests 24 and 24A does not provide any information about how the selective transmission is carried out but merely mentions "selectively transmitting" to a first player some of the events generated in response to their actions. Contrary to the proprietor's argument, this definition does not include the limitation that these events are not transmitted to any other player than the one whose actions caused their generation.

77. The board agrees with the proprietor that D5 does not include any explicit mention of selective transmission of game events. However, it is considered inherent that each player of the plurality of players participating in the multi-player game of D5 must receive information about the result of their own actions in the game (e.g. win or loss of the bets they placed), otherwise playing the game would make no sense.

78. The board concludes that such a "selective transmission" of game events to the players is an obvious feature if not an implicit one in the context of D5. The subject-matter of claim 1 of each of auxiliary requests 24 and 24A is therefore not inventive.

Auxiliary requests 25 to 36 and 25A to 36A

79. Claim 1 of these auxiliary requests comprises combinations of the amendments carried out in claim 1 of auxiliary requests 1, 2, 4, 8, 16 and 24/24A.

80. Since none of the amendments is considered to provide a basis for an inventive step and no synergistic effect has been identified, the board concludes that the subject-matter of claim 1 of each of auxiliary requests

25 to 36 and 25A to 36A does not involve an inventive step, either.

Auxiliary requests 37 and 37A

81. Compared to claim 1 of auxiliary requests 24 and 24A, claim 1 of auxiliary requests 37 and 37A comprises the following additional feature at the end (numbering as in the impugned decision, see Reasons, point 60)

[F2.7] wherein the plurality of players' devices obtain the same live game video stream.

82. The board considers this feature disclosed in D5 (see also point 14. above) and therefore it cannot be considered to contribute to an inventive step.

83. Consequently, the subject-matter of claim 1 of each of auxiliary requests 37 and 37A lacks an inventive step.

Auxiliary requests 38 to 41 and 38A to 41A

84. Claim 1 of each of auxiliary requests 38A to 41A comprises a combination of the amendments carried out in claim 1 of auxiliary requests 1, 2, 4, 8 and 37/37A.

85. Since none of these amendments is considered inventive and no synergistic effect has been identified, the subject-matter of claim 1 of each of auxiliary requests 38 to 41 and 38A to 41A is not inventive, either.

Auxiliary requests 42 and 42A

86. Claim 1 of these auxiliary requests comprises the amendments of claim 1 of auxiliary requests 4, 16 and 37/37A. In other words, claim 1 of these requests

combines the added limitations that the timestamps of the captured video and the modified game events are based on the global clock, that the executed game is an RNG based game and that each player receives personalised modified game events while all the players receive the same live game video stream.

87. The board does not see any synergistic technical effect provided by these added features, and the proprietor did not identify any, either (see e.g. statement of grounds of appeal, point (543)). At another point (*idem*, point (547)) the proprietor asserted that the added features combined to improve scalability of the system. The board cannot accept this, as it is not apparent how the fact that the game is an RNG based game or that timestamps are based on a global clock can contribute to improving scalability of the system. The proprietor did not provide any further relevant indications, either.

88. Since no synergistic effect has been identified and none of the added features is inventive, the board concludes that the subject-matter of claim 1 of each of auxiliary requests 42 and 42A is not inventive.

Auxiliary requests 43 to 48 and 43A to 48A

89. Claim 1 of these auxiliary requests comprises combinations of the amendments of claim 1 of auxiliary requests 1, 2, 4, 8, 16 and 37/37A.

90. As none of these amendments is considered inventive and no synergistic effect has been identified, the subject-matter of claim 1 of each of auxiliary requests 43 to 48 and 43A to 48A does not involve an inventive step,

either.

Auxiliary requests 49 and 49A

91. Compared to claim 1 of auxiliary request 37/37A (see point 81. above) in claim 1 of auxiliary requests 49 and 49A feature F2.7 has been amended as follows (amendment marked by the board):

[F2.7$_{49}$] wherein the plurality of players' devices obtain the same live game video stream from the video processor.

92. The board agrees with the opposition division that the objections against auxiliary requests 37/37A apply also to these requests (see impugned decision, Reasons, point 71). The proprietor did not identify any particular technical effect of the fact that the live video stream is obtained from the video processor, either (see statement of grounds of appeal, point (574)).

93. The board's conclusion is therefore that the subject-matter of claim 1 of each of auxiliary requests 49 and 49A is not inventive for the same reasons as claim 1 of each of auxiliary requests 37 and 37A.

Auxiliary requests 50 to 60 and 50A to 60A

94. Claim 1 of these auxiliary requests comprises combinations of the amendments carried out in claim 1 of auxiliary requests 1, 2, 4, 8, 16 and 49/49A.

95. Since none of these amendments is inventive and no synergistic effect has been identified, the subject-

matter of claim 1 of each of auxiliary requests 50 to 60 and 50A to 60A is not inventive, either.

Auxiliary request 61

96. Compared to claim 1 of auxiliary request 8, in claim 1 of auxiliary request 61 the following feature has been added:

[F2.4$_{61}$] and wherein the RNG based game is a slots game.

97. In the context of the discussion about auxiliary request 8 (see point 59. above), the proprietor acknowledged that the type of game executed does not provide any technical effect. The board concluded that claim 1 of auxiliary request 8 did not involve an inventive step (see points 61. and 62. above). The board cannot see how the specification of particular type of an RNG based game could overcome the objection of lack of inventive step against claim 1 of auxiliary request 8. The proprietor did not provide any further arguments, either.

98. The board's conclusion is therefore that the subject-matter of claim 1 of auxiliary request 61 is not inventive for the same reasons as claim 1 of auxiliary request 8.

Auxiliary request 62

99. Claim 1 of auxiliary request 62 comprises a combination of the amendments carried out in claim 1 of auxiliary requests 1, 2, 4, 16 and 61.

100. As none of these amendments is inventive and no synergistic effect has been identified, the board's conclusion is that the subject-matter of claim 1 of auxiliary request 62 is not inventive, either.

Auxiliary request 63

101. Compared to claim 1 as granted claim 1 of auxiliary request 63 comprises the following additional feature (numbering as in the impugned decision, see Grounds, point 78):

[F2.4$_{63}$] and wherein the method further comprises:
receiving data indicative of disconnection of the player's device;
executing offline completion of the executed game, including communicating with a wallet application; and
transmitting game events indicative of the offline completion to the player's device in response to receiving data indicative of re-connection of the player's device.

In other words, when a player's device is disconnected from the game server, the execution of the game is continued to completion and the game events generated during that time are transmitted to the player's device after it is reconnected. This feature stems from claim 12 as granted.

102. The proprietor made reference to the passage on page 33, line 26 to page 34, line 13 of the originally filed application (corresponding to paragraph [0059] of the opposed patent) and argued that these features allowed for the completion of the game even if a player was

disconnected.

103. In the board's understanding, however, as the game is executed by the game server, its execution is independent of whether a player is connected or not. The patent mentions, for example, that in the event of a slot game, the reels can be constantly rolling and players can join the game at any point and start betting from the following round (paragraph [0019] of the patent). So, it appears that the disconnection of a player's device does not cause the execution of the game to stop.

104. Naturally, a disconnected player cannot place any bets or execute any other actions in the game. The game events that are generated in response to player's actions according to feature F2.3 cannot be generated when a player is disconnected. From the definition in claim 1 of auxiliary request 63, it is not clear which game events are generated when the player is disconnected and transmitted to them when they are re-connected.

105. The board agrees with the opposition division that these features do not solve any technical problem and relate rather to non-technical, i.e. administrative considerations (see impugned decision, Reasons, point 81). As the execution of the game is not interrupted when a player device is disconnected, the only contribution of the added features is that information about the game events generated during the period a player was disconnected is transmitted to them when they are reconnected. The board cannot see any technical effect of these method steps nor how they can provide a basis for the presence of an inventive step.

106. The quick completion of financial transactions mentioned in the cited passage of the opposed patent does not appear to relate to the amended features. Firstly, a quick completion of a transaction cannot be considered a technical constraint, but rather an administrative one. This is also derivable from paragraphs [0059] and [0060] of the opposed patent, where it is stated that following the amounts of bets, wins, etc. may become complicated in a multiplayer environment. Introducing a requirement of a fast completion of transactions may help but cannot be considered a technical solution to a technical problem.

107. Moreover, it is not clear how the completion of transactions is related to the disconnected player. If the player is disconnected, they cannot play, i.e. they cannot win or lose, so there is no transaction to be carried out. The other players, who continue playing (and possibly transacting financially), are still connected.

108. The only possible case for which these features may be relevant would be when a player places a bet (or makes any other gaming action) and then is disconnected before the result (i.e. the game event) based on this action is generated. In such a case, informing the player of the result of their bet after they are reconnected seems to be the expected thing to do. Therefore, even in such a case, it would be considered obvious if not inherent to provide the generated events to the player after their reconnection.

109. Consequently, the board concludes that the subject-matter of claim 1 of auxiliary request 63 does not involve an inventive step.

Auxiliary request 64

110. Claim 1 of auxiliary request 64 comprises a combination of the amendments carried out in claims 1, 2, 4, 16 and 63.

111. Since none of these amendments is held to be inventive and no synergistic effect has been identified, the subject-matter of claim 1 of auxiliary request 64 is not inventive, either.

Auxiliary request 65

112. Compared to claim 1 of the main request in claim 1 of this auxiliary request the features of granted claim 2 relating to the definition of a multi-player game have been added with the additional limitation that the players can place a plurality of bets for a next predefined number of rounds of the interactive game. The additional feature reads as follows:

[F2.4$_{65}$] the method further comprising:
receiving from a plurality of players' devices requests of plurality of players to participate in the interactive live game;
receiving from one or more of the players' devices a plurality of bets for a next predefined number of rounds of the interactive game; and
transmitting to the plurality of players' devices the modified game events, thereby facilitating the players' devices to synchronize between the a-synchronously received modified game events and the obtained live game video stream, based on the sync data in the modified game events and the video timestamps in the obtained video, and to

create the composited synchronous video.

113. According to the proprietor, allowing a player to place bets for next rounds in advance was advantageous when multiple players were sharing the same RNG based game because it enabled the game server to execute fast consecutive rounds without any delay in waiting for players to place a bet before the next round (see statement grounds of appeal, point (316)).

114. The board considers, however, that allowing players to place a bet for several next rounds in advance is an element of the rules for playing the game and as such not a technical feature (Article 52(2)(c) EPC; see also impugned decision, Reasons, point 87). Even if a technical effect is achieved, such as faster execution of the game, this is achieved by modifying the rules of the game and not by any technical means. According to established case law and practice, this amounts to a circumvention of the technical problem rather than to its solution by technical means. Hence, this feature cannot be considered to provide a basis for an inventive step.

115. Regarding the features of granted claim 2 added in the claim, as mentioned before, it is common ground that D5 discloses a multi-player game.

116. The conclusion is that the subject-matter of claim 1 of auxiliary request 65 does not involve an inventive step.

Auxiliary request 66

117. Claim 1 of this auxiliary request combines the amendments carried out in claims 1, 2, 4, 16 and 65.

118. Since none of these amendments is considered inventive and no synergistic effect has been identified, the board's conclusion is that the subject-matter of claim 1 of auxiliary request 66 is not inventive, either.

Auxiliary request 67

119. Compared to claim 1 of auxiliary request 65, in claim 1 of this auxiliary request the features of granted claim 7 have been added. They are worded as follows:

[$F2.5_{67}$] *wherein the composited synchronous video further includes an online chat, the online chat displaying chat inputs received from the plurality of players, the method further comprising:*
receiving from the player's device chat input to be included in the online chat;
generating game events corresponding to the received chat input;
associating each of the corresponding game events with sync data, giving rise to corresponding modified game events; and
transmitting to the player's device the corresponding modified game events.

120. It is common ground that D5 discloses a multi-player game (feature $F2.4_{65}$). It is also common ground that D5 discloses that the input interface where the game user places bets also allows the user to send messages to other users (see page 11, lines 12 to 24). D5 does not disclose that the server generates game events based on

these messages input by the player.

121. The proprietor argued that the technical effect of feature $F2.5_{67}$ lay in how the chat function was implemented. D5 disclosed merely the possibility of players sending messages to each other, but not any chat function. Should the skilled person wish to implement a chat function in D5, the obvious way would be to integrate it in the casino operator's content added by the audio/video stream providing center (40). It would be expected that the casino operator would not wish that the players playing at its casino could chat with players playing at other casinos. It would have been a "big leap" for the skilled person to implement the chat function via the data integration center (30).

122. According to the proprietor, this implementation would also be useful in case a synchronisation of the chat messages was desired in the system of D5. D5 did not mention anything about synchronising the players' messages with the audio/video data stream of the game. In contrast to that, in the claimed method the chat messages were treated as actions generating events and the corresponding (chat) events were treated as the game events by associating sync data and transmitting them to the player's device where they could be synchronised with the live game video stream. If the skilled person wished to synchronise the players' messages in D5, the straightforward solution would be to transmit them to the audio/video data streaming provider (40) to be integrated in the audio/video data stream of the game and to insert corresponding cuepoints. This was not the solution proposed in claim 1 of auxiliary request 67, which was therefore inventive.

123. The board does not find the proprietors arguments persuasive. D5 describes that players use the same input interface of the server for entering bets and for sending messages to other players (page 11, lines 18 to 24). The messages are therefore sent to the data integration center (30), where the game server also generates gaming events based on player's actions (e.g. placing bets) (see page 8, lines 3 to 33).

124. In the board's opinion, if in D5 the skilled person wished to synchronise the players' messages with the audio/video data stream of the game, the obvious thing to do would be to treat these messages as game events. Since the players' messages are entered by the players using the same interface for placing bets, they are received by the data integration center (30), where also the game events are generated by the game server. The data integration center (30) transmits the game events to the player's device where they are synchronised with audio/video data stream of the game. Therefore, the necessary technical means for synchronising the players' messages with the audio/video data stream are already available. The skilled person would only need to include the received player's messages to the stream of the game events transmitted to the player's device. At the player's device they could then be synchronized with the audio/video data stream of the game. This is considered the obvious and straightforward solution the skilled person would opt for.

125. The proprietor's argument that the skilled person would rather integrate the players' messages in the audio/video data stream of the game at the audio/video data stream provider (40) relates to a more complicated solution which would entail more modifications to the

system of D5. The messages received by the data integration center (30) would have to be transmitted to the audio/video stream provider center (40), integrated into the operator's content and combined with the audio/video data stream of the game, including the corresponding cuepoints. As explained earlier (see point 43. above) the board considers such a solution to be beyond what would be obvious to the skilled person in the present context since it would necessitate further, significant modifications to the system of D5.

126. The board's conclusion is therefore that the subject-matter of claim 1 of auxiliary request 67 does not involve an inventive step, either.

Auxiliary request 68

127. Claim 1 of auxiliary request 68 contains the combined amendments of claim 1 of auxiliary requests 1, 2, 4, 16 and 67.

128. Since none of these amendments is inventive and no synergistic effect has been identified, the subject-matter of claim 1 of auxiliary request 68 is not inventive, either.

Auxiliary requests 63A to 68A

129. Compared to auxiliary requests 63 to 68, granted claims 16, 17 and 21 have been deleted in auxiliary requests 63A to 68A. Claim 1 of each of auxiliary requests 63A to 68A is identical with claim 1 of the respective auxiliary request 63 to 68.

130. The opposition division did not admit these auxiliary requests into the proceedings because it held that they

were found *prima facie* not allowable (see impugned decision, Grounds, points 94 to 96). The opponent requested that auxiliary requests not be admitted into the appeal procedure under Article 12(6) RPBA.

131. Since claim 1 of each of auxiliary requests 63A to 68A has the same wording as claim 1 of the respective auxiliary request 63 to 68, the board's conclusions on auxiliary requests 63 to 68 also apply to auxiliary requests 63A to 68A. Consequently, the subject-matter of claim 1 of each of auxiliary requests 63A to 68A is found not to involve an inventive step.

132. In view of this conclusion, the question of admittance of auxiliary requests 63A to 68A can be left open.

Conclusion

133. Since none of the requests on file is allowable, the appeal cannot succeed.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chairman:

S. Sánchez Chiquero T. Häusser

Decision electronically authenticated