

**Internal distribution code:**

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

**D E C I S I O N**  
**of 4 July 2001**

**Case Number:** T 0045/97 - 3.4.1

**Application Number:** 90913208.6

**Publication Number:** 0486611

**IPC:** G07F 17/34

**Language of the proceedings:** EN

**Title of invention:**

Gaming and amusement machines and reels for them

**Patentee:**

Bell-Fruit Manufacturing Company Limited

**Opponent:**

NSM Aktiengesellschaft

**Headword:**

Gaming and amusement machines and reels for them/BELL-FRUIT  
MANUFACTURING COMPANY LTD

**Relevant legal provisions:**

EPC Art. 54(1)(2), 56

**Keyword:**

"Novelty (yes)"  
"Inventive step (yes)"

**Decisions cited:**

-

**Catchword:**

-



Case Number: T 0045/97 - 3.4.1

**D E C I S I O N**  
**of the Technical Board of Appeal 3.4.1**  
**of 4 July 2001**

**Appellant:** NSM Aktiengesellschaft  
(Opponent) Saarlandstrasse 240  
D-55411 Bingen/Rhein (DE)

**Representative:** Becker, Bernd, Dipl.-Ing.  
Patentanwälte  
Becker & Aue  
Saarlandstrasse 66  
D-55411 Bingen (DE)

**Respondent:** Bell-Fruit Manufacturing Company Limited  
(Proprietor of the patent) Leen Gate  
Lenton  
Nottingham NG7 2LX (GB)

**Representative:** Lawrence, John  
Barker Brettell  
138 Hagley Road  
Edgbaston  
Birmingham B16 9PW (GB)

**Decision under appeal:** Decision of the Opposition Division of the  
European Patent Office posted 6 November 1996  
rejecting the opposition filed against European  
patent No. 0 486 611 pursuant to Article 102(2)  
EPC.

**Composition of the Board:**

**Chairman:** G. Davies  
**Members:** H. K. Wolfrum  
M. G. L. Rognoni

## Summary of Facts and Submissions

- I. The appellant (opponent) lodged an appeal against the decision of the Opposition Division, dispatched on 6 November 1996 rejecting the opposition against European patent No. 0 486 611. The notice of appeal was received on 3 January 1997, the prescribed fee being paid on the same day. The statement setting out the grounds of appeal was received on 4 March 1997.
- II. Appeal and opposition have been based on the grounds of Article 100(a) and substantiated on the grounds of lack of novelty and inventive step (Articles 52(1), 54(1) and (2) and 56 EPC).
- III. In a communication dated 24 January 2001 and annexed to a summons to attend oral proceedings, the Board expressed its preliminary opinion on these issues.
- IV. Oral proceedings were held on 4 July 2001 at which the respondent (patentee) was not represented, although duly summoned. In an unsigned telefax dated 2 July 2001, the respondent's representative had announced that the patent proprietor did not wish to attend the oral proceedings.
- V. The appellant requested that the decision under appeal be set aside and that the patent be revoked. Reference was made to the following documents:

D1: Book "Alte Münzautomaten" Struckmeier/Metz,  
München 1988, page 163;

D2: GB-A-2 183 883;

D7: US-A-4 765 078;

D9: DE-A-34 42 656; and

D10: DE-A-31 12 184.

VI. The respondent (patentee) in fact did not make any valid formal request in the appeal procedure; an unsigned fax containing the respondent's requests was received on 2 July 2001 but was invalid for lack of a signature. Although the Board drew the attention of the respondent to the problem, a signed copy did not reach the Board in time for the oral proceedings.

VII. Independent claim 1 of the patent as granted reads as follows :

*"1. A reel strip for a gaming or amusement machine having a first surface (25) adjacent a sunken region (26) provided below the level of the first surface, and a symbol (2), or fruit, displayed at the sunken region."*

Further independent claims are directed to a reel holding a reel strip as claimed (claim 13) and to a gaming machine incorporating a reel strip (claim 15) or a reel (claim 16) as claimed.

VIII. The appellant questioned the novelty of the subject-matter of patent claim 1 with respect to the prior art according to documents D1, D9 and D10. As regards D1, disc- and drum-shaped reels should be considered to constitute equivalent means. Moreover, it had been overlooked in the contested decision that D1 also disclosed gaming machines with symbol-carrying reel

drums, as evidenced by the drawings relating to machines of the type "Mint". As regards D9, symbols, which, according to a disclosed alternative, were etched into the reel strip, should be considered to constitute sunken regions adjacent a (raised) first surface within the meaning of patent claim 1. As regards D10, Figure 1 thereof showed reel drums with symbols displayed at sunken regions adjacent raised circumferential rings.

Furthermore the claimed subject-matter was considered to lack inventive step in view of the teaching given by document D7, taken either alone or in combination with that of documents D1, D2 and/or D10. Starting in particular from a reel strip/ reel drum structure as shown by Figure 1 of D7 and wishing to increase the mechanical strength of the reel strip, it would have been obvious for the skilled person to integrate into the reel strip the ring-like structures 11 and 18, formed at the circumference of the reel and raised above the remaining surface of the reel strip.

IX. The respondent did not file any observations during the appeal.

### **Reasons for the Decision**

1. The appeal complies with Articles 106 to 108 and Rule 64 EPC and is therefore admissible.
2. *Novelty and inventive step*
  - 2.1 Subject-matter of claim 1

The wording of claim 1 refers to three distinguished structural entities of the reel strip, a "first surface" at a given level, a "sunken region" adjacent thereto, and a "symbol" displayed at the sunken region.

In the Board's opinion, it has to be concluded from the expression "displayed at the sunken region" that the symbol and the sunken region are different structural features. Therefore, only reel strips showing a sunken region independent and different from the displayed symbol can fall within the terms of claim 1 as granted. As is explained in the patent description (cf. column 2, lines 46 to 47 and column 3, lines 7 to 16), the sunken region gives the strip a three-dimensional profile and thus increases its strength, imparting to the strip an accurately-defined shape, irrespective of the symbol itself.

## 2.2 Prior art

Document D1 refers to gaming machines which have the symbols either displayed within a ring zone on the front of a stationary disc (type "Roulomint") or protruding from the circumferential surface of a reel drum (type "Mint"). However, there is no evidence in D1 for the provision of a symbol-carrying strip which would be attached to the disc or drum.

Document D2 (cf. in particular Figures 2 and 3) shows a reel strip of a gaming machine with symbols protruding from the flat surface of the strip.

Document D7 (cf. in particular Figures 1 and 2) shows a flat reel strip comprising an annular series of spaced symbols printed or otherwise provided on its outer

surface. The strip is held on a reel drum *inter alia* by annular holding rings 11 and 18, extending above the level of the strip and laterally guiding the strip.

Document D9 shows a reel strip which may have the symbols etched into its surface. Thus, as far as such a strip would possess "sunken" regions, these would always be formed by and thus be identical to the symbols.

Finally, Figure 1 of document D10 shows symbols displayed on the circumferential surface of reel drums. There is no evidence for the provision of reel strips.

- 2.3 Hence it is apparent that, in fact, none of the available prior art documents shows a reel strip having a sunken region within the meaning of the above interpretation of patent claim 1. Therefore, the subject-matter of claim 1 as granted has to be considered to be new.

Moreover, in the absence of any indication in the prior art as to problems concerning the mechanical strength of a reel strip and as to the idea of improving the latter by providing a three-dimensional structure consisting of a raised first surface and a sunken region independent from the provision of a symbol, it would not have been obvious to a skilled person in the field of gaming machines starting from a reel strip known from D2, D7 or D9 to arrive at the subject-matter of claim 1. In particular, the skilled person would not have had any reason to contemplate a modification of the flat unstructured reel strip disclosed by document D7 so as to integrate raised ring portions present on the reel drum, as suggested by the appellant, because

such ring portions had the function of holding the strip laterally. For these reasons, the subject-matter of claim 1 as granted has to be considered as involving an inventive step.

The same considerations apply, *mutatis mutandis*, to independent claims 13, 15 and 16 relating to a reel or to gaming machines incorporating the novel and inventive reel strip.

3. Consequently, the Board is satisfied that the patent as granted complies with the requirements of Articles 52(1), 54(1) and (2) and 56 EPC.

## **Order**

### **For these reasons it is decided that:**

The appeal is dismissed.

The Registrar:

The Chairman:

R. Schumacher

G. Davies