

PATENT COOPERATION TREATY

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PCT

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)**

To:

see form PCT/ISA/220

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/GB2019/053325

International filing date (day/month/year)
26.11.2019

Priority date (day/month/year)
26.11.2018

International Patent Classification (IPC) or both national classification and IPC
INV. G07F17/32

Applicant
INSPIRED GAMING (UK) LIMITED

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application


2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

Name and mailing address of the ISA:



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Date of completion of this opinion

see form
PCT/ISA/210

Authorized Officer

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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:
 - the international application in the language in which it was filed.
 - a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing:
 - a. forming part of the international application as filed:
 - in the form of an Annex C/ST.25 text file.
 - on paper or in the form of an image file.
 - b. furnished together with the international application under PCT Rule 13ter.1(a) for the purposes of international search only in the form of an Annex C/ST.25 text file.
 - c. furnished subsequent to the international filing date for the purposes of international search only:
 - in the form of an Annex C/ST.25 text file (Rule 13ter.1(a)).
 - on paper or in the form of an image file (Rule 13ter.1(b) and Administrative Instructions, Section 713).
4. In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that forming part of the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	<u>1-14</u>
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	<u>1-14</u>
Industrial applicability (IA)	Yes: Claims	<u>1-14</u>
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1 Reference is made to the following documents:

D1 US 9 327 186 B1 (PECECNIK JOZE [SI]) 3 May 2016 (2016-05-03)

D2 US 2016/155296 A1 (BARON GABRIEL A [US] ET AL) 2 June 2016 (2016-06-02)

D3 GB 2 454 581 A (XTALE LTD [GB]) 13 May 2009 (2009-05-13)

2 The present application does not meet the criteria of Article 33(3) PCT, because the subject-matter of claims 1 - 14 does not involve an inventive step.

Independent claims

2.1 The subject-matter of independent claim 1 relates to a gaming system for placing wagers on randomised events using tokens on a playing surface, such as e.g. the game of roulette, and thus consists of a mix of technical and non-technical subject-matter. In case of claims comprising technical and non-technical aspects, the skilled person will be an expert in a technical field (see also the EPO-PCT Guidelines G-VII, 3). As the skilled person has no competence in "non-technological" arts, a prerequisite step is necessary to determine the technical content of the claimed invention. An appropriate way for doing this is by first identifying the non-technical aspects of the claimed invention (see EPO-PCT Guidelines G-VII, 5.4).

2.2 In the present case, the following features are considered to pertain to rules for playing a game underlying the claimed invention:

A gaming system comprising:

~~a playing surface having:~~

~~a game wager placement area having markings thereon for identification and placement of wagers entered by a player, the game wager placement area defining a plurality of locations, each such location indicating one of a set of standard available wagers associated with an outcome of the game outcome generator;~~

a game outcome area ~~including a game outcome generator~~ configured to determine and show one of a plurality of chance game outcomes;

a plurality of ~~[bets] tokens~~ each having a nominal value, each such ~~[bet] token~~ being placeable onto a selected location ~~on the game wager placement area~~, thereby to constitute placement one of the set of standard available wagers; whereby wagers may be placed according to a set of predefined wagering rules associated with the said plurality of locations;
~~a feature entry outcome generator configured to~~ determine, for each game event having a pre-determined wagered amount, a choice between at least a first outcome with a feature entry probability and a second outcome, wherein: in the event of the first outcome ~~the game outcome generator is caused to~~ determine and show one of the plurality of chance game outcomes and wagers placed by a player are settled based on the nominal value of each placed token in accordance with the set of predefined wagering rules;
in the event of the second outcome the pre-determined wagered amount is lost; the feature entry probability is determined by a calculation that takes account of the ratio of the pre-determined wagered amount to the total nominal value of each placed ~~[bet] token~~.

- 2.3 The above text merely defines rules that govern the playing of a wagering game, where bets are placed on a playing area and a random outcome is used to determine the return on each bet. As such, this concept is void of any technical considerations as it simply constitutes a casino game being played between a player and a game provider who would need no further technical means other than potentially a pen and paper in order to play this game. Moreover, this subject-matter falls in the categories excluded from patentability cf. Rule 39(1)(iii) PCT and PCT Guidelines A9.07.
- 2.4 The claimed invention also addresses technical aspects, because use is made of a playing surface, tokens and an outcome generator (i.e. a physical/virtual roulette wheel). When read in light of the description, these entities entail a standard casino roulette game, either in 'physical' or 'virtual' form. No further technical subject-matter going beyond a standard (computer-controlled) casino roulette game is apparent.
- 2.5 According to the EPO-PCT Guidelines (cf. G-VII, 5.4 (ii)), the closest technical prior art is selected on the basis of the technical aspects of the claimed subject-matter and the related description. In the present case, this is considered to be a generic roulette game. Such hardware is considered so notoriously known at the time of priority, that documentary evidence would not be necessary to prove

- their existence. Nevertheless, reference is also made to documents D1 - D3, purely as an example of such roulette games both in physical (table) and virtual form.
- 2.6 The difference between the subject matter of independent claim 1 and the notoriously known roulette game consists in that the known technical means are adapted to carry out the gaming rules indicated above in section 2.2. As the non-technical aspects define an aim to be achieved in a non-technical field and thus do not contribute to the technical character of the invention, this aim may legitimately appear in the formulation of the objective technical problem in the form of a "requirements specification" provided to the person skilled in the art as part of the framework of the technical problem to be solved (See the EPO-PCT Guidelines G-VII, 5.4.1)
- 2.7 The person skilled in the art, in the case of the virtual game being an expert in the field of computer programming, is posed with the objective problem of how to implement the "requirements specification" onto the notoriously known roulette game (e.g. that of D1 - D3). In the case of the physical table, the person skilled in the art is even considered to be a layman with any grasp of the rules of wagering games.
- 2.8 However, the mere implementation of such a requirements specification (as a software application running) on the known roulette game, even if considered as technical, is a matter of common practice for the skilled person who only needs to avail himself of conventional hardware (and programming methods) without having to overcome any technical difficulties in an inventive manner. The implementation follows directly from the requirements specification, which dictates how the different rules govern the playing of the game and the use and displaying of the game data/rules. No technical effects beyond the automation itself are apparent and any originality the invention might possess appears to reside solely in its non-technical aspects.
- 2.9 The solution proposed in claim 1 of the present application can therefore not be regarded as involving an inventive step in the sense of Article 33(3) PCT.
- 2.10 The same reasoning as above is also applicable to the corresponding independent claims 10, 11 and 14, mutatis mutandis. These claims therefore also lack an inventive step in the sense of Article 33(3) PCT.

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Dependent claims

- 2.11 Dependent claims 2 - 9, 12 and 13 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (Art. 33(3) PCT). The technical subject-matter disclosed in these claims forms part of the notoriously known roulette game (e.g. those of the documents D1 - D3), or they deal with further non-technical gaming rules that can not contribute to inventive activity, for the same reasoning as presented above in paragraphs 2.1 - 2.10.