Appeal decision

Appeal No. 2020-4398

Appellant   Sammy Corporation

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The case of appeal against the examiner's decision of refusal of Japanese Patent Application No. 2016-236292, entitled "Slot machine", [the application published on June 14, 2018: Japanese Unexamined Patent Application Publication No. 2018-89190] has resulted in the following appeal decision:

Conclusion
        The appeal of the case was groundless.

Reason
1 History of the procedures
        The present application is an application filed on December 5, 2016, an amendment was made as of December 2, 2019 in response to a notice of reasons for refusal issued on September 26 of the same year, a decision of refusal was issued as of February 13, 2020, and, against this, an appeal against the examiner's decision of refusal was requested on April 2 of the same year.

2 The Invention
        It is recognized that the invention according to Claim 1 of the present application (hereinafter, referred to as "the Invention") is one that is specified by the matters recited in Claim 1 of the scope of claims amended by the written amendment as of December 2, 2019, as follows (the symbols A-H are added by the body for describing separately).

"[Claim 1]
H   A game machine, comprising:
A   a predetermined display means;
B   a first storage means capable of storing a value corresponding to a total giving number of game media; and

C   a second storage means capable of storing a value corresponding to a total giving number of game media during a special game, wherein

D   when the value stored in the first storage means has reached a predetermined upper limit value, even if a game medium is given during the special game, the values stored in the first storage means and the second storage means are not updated, wherein

E   using the value stored in the first storage means and the value stored in the second storage means, a special accessory rate is enabled to be calculated, wherein

F   type information related to a game history is enabled to be displayed by two high-order digits of the predetermined display means, and rate information related to the game history is enabled to be displayed by two low-order digits, and wherein,

G   given that a horizontal width and a vertical width of the predetermined display means are m and n, respectively,

$$m \times n \div 4 \geq 36 \text{ (square millimeters)}$$

is satisfied (where "4" is the number of digits of the predetermined display means)."

3 Reasons for refusal stated in the examiner's decision

Reason 2 described in the written notice of reasons for refusal as of September 26, 2019 that is the reason of the decision of refusal is roughly as follows.

The Invention is the same as the invention described in the description, the scope of claims, or drawings originally attached to the application of the following patent application that is a patent application made before the application date of the Invention, for which a gazette containing the patent was issued or for which laid-open publication was made after the application of the Invention, and, furthermore, the inventor of the Invention is not identical with the person who made the above invention concerning the above patent application before the application of the Invention, and, yet further, at the time of the application, the applicant of the patent application of the Invention was not identical with the applicant of the other patent application, and thus the applicant of the patent application of the Invention should not be granted a patent for that under the provisions of Article 29-2 of the Patent Act.

Note

1. Japanese Patent Application No. 2016-150020 (Japanese Unexamined Patent Application Publication No. 2018-15414)

2. Japanese Patent Application No. 2016-186881 (Japanese Unexamined Patent Application Publication No. 2018-50663)

4 Described matters of the description, etc. of Prior Application

In the description, the scope of claims, or the drawings originally attached to the application of Japanese Patent Application No. 2016-186881 (Japanese Unexamined Patent Application Publication No. 2018-50663; the patent application is hereinafter referred to as "Prior Application") which was cited in the reasons for refusal stated in the examiner's decision, which is another patent application before the application date of the present application, and which was laid-open published after the application of the present application (hereinafter, the description, the scope of claims, or the drawings in question are referred to as "Description, etc. of Prior Application"), there are described the following matters (underlines were added by the body).

(1) "[Claim 2]

A game machine that rotates a plurality of reels having an outer peripheral surface, on which a plurality of types of pattern are arranged, based on game start operation, performs an internal lottery to determine win or loss of a hand, stops the reels during rotation in a form according to a result of the internal lottery in a manner triggered by stop operation, determines win or loss of the hand based on a stopped state of the reels, and puts out game media along with winning of a small hand, the game machine comprising:

a putout number counter to count a putout number that is a number of game media put out by the game machine in a cumulative manner, and to store a total putout number that is a total number of game media put out by the game machine;

a continuous accessory putout number counter to count a continuous accessory putout number that is a number of game media put out by the game machine during operation of a first kind special accessory in a cumulative manner, and to store a total continuous accessory putout number that is a total number of game media put out by the game machine during operation of the first kind special accessory;

a ratio calculating means for calculating a continuous accessory ratio based on the total putout number and the total continuous accessory putout number; and

a display control means for performing control to display on a display device a numerical value of the continuous accessory ratio calculated by the ratio calculating means, wherein

the putout number counter is updated in a range from a lower limit value to an upper limit value, and wherein

when a storage value of the putout number counter has reached the upper limit value, count of the putout number by the putout number counter is stopped, and, in the game, count of the continuous accessory putout number by the continuous accessory

putout number counter is also stopped."

(2) "[Background Art]
[0002]

Conventionally, game machines (reel-type game machines, slot machines) having a plurality of reels in which patterns are arranged on the outer peripheral surface are known.   This type of game machine is one in which a certain game value is given to game media such as medals and pachinko balls, and games to acquire such game media are performed.   In addition, this kind of game machine performs control to conduct an internal lottery and start rotation of a plurality of reels, triggered by a player's rotation start operation; and to stop the plurality of reels in a manner corresponding to a result of the internal lottery, triggered by the player's stop operation.   A result of the game is judged by a combination of patterns displayed on the winning judgment line in the state where the plurality of reels are stopped, and putout of medals etc. is performed according to the result of the game.
[0003]

Incidentally, as a control method for this type of game machine, there is known a method in which, whether a bonus, which is a hand to be a transition trigger to a bonus game, is won or not is decided, and, in the bonus game to which the transition has been made as a result of the bonus winning, a winning probability of a small hand is raised so as to make the game more advantageous than a normal game ....   That is, in the bonus game, it is easier for the player to acquire a game medium than in a usual game.
[0004]

If the acquisition performance of a game medium is biased toward such bonus game, the speculative property will be excessively increased, so that it is socially requested to suppress an accessory ratio that is a ratio of the number of game media put out by the game machine during operation of accessories to the number of game media put out by the game machine, and a continuous accessory ratio that is a ratio of the number of game media put out by the game machine during operation of a first kind special accessory to the number of game media put out by the game machine within certain ranges. Here, the accessories are special devices for facilitating the winning, and as the accessories, the first kind special accessory (regular bonus (RB)), a second kind special accessory (challenge bonus (CB)), an ordinary accessory (single bonus (SB)), and the like exist.
.....
[Problem to be solved by the invention]

[0006]

In recent years, <u>in order to be able to check whether or not an accessory ratio falls within a certain range from the viewpoint of prevention of fraudulent activity</u>, it is desired to be able to acquire actual figures such as the accessory ratio.

[0007]

The present invention has been made in view of the above circumstances, and an object thereof is to provide a game machine capable of obtaining predetermined game information."

(3) "[0012]

In the present invention, since the total putout number, which is the total number of game media put out by the game machine, and the total continuous accessory putout number, which is the total number of game media put out by the game machine during the operation of the first kind special accessory, are stored to calculate a continuous accessory ratio, and the numerical value of the calculated continuous accessory ratio is displayed on the display device, it is possible to obtain the actual numerical value of the continuous accessory ratio, and it becomes possible to check whether or not the continuous accessory ratio is within a certain range.

[0013]

Further, in the present invention, a putout number counter for counting the number of putouts is updated within the range from a lower limit value to an upper limit value, and, in the case where the storage value of the putout number counter reaches the upper limit value and counting of the putout number stops, if counting of the continuous accessory putout number counter for counting continuous accessory putout number is continued, it will result in a wrong numerical value that is different from the actual numerical value being calculated as a continuous accessory ratio. However, according to the present invention, when the storage value of the putout number counter reaches the upper limit value, counting of the number of putouts by the putout number counter and counting of the continuous accessory putout number by the continuous accessory putout number counter are stopped in the game, and, therefore, it is possible to prevent calculation of a wrong numerical value which is different from the numerical value of the actual continuous accessory ratio."

(4)"[0036]

FIG. 2 is a functional block diagram of the game machine of this embodiment.

[0037]

The game machine of this embodiment is controlled by a game control means (control board) 100.   The game control means 100 receives input signals from an input means such as a medal feeding switch 210, a bet switch 220, a start switch 230, a stop switch 240, a setting key switch 250, a setting change switch 260, a door sensor 270, etc., performs calculation for conducting the game, and based on a calculation result, performs operation control of an output means such as a reel unit 310, a hopper unit 320, a ratio display device 327 (an example of the display device), a rendition display device 330, an audio device 340, etc. ..."

(5) "[0144]

Then, in the present embodiment, as shown in FIG. 17, the storage means 190 includes: a 400-time cumulative storage means 198 for storing a cumulative amount of each of the putout number, the continuous accessory putout number, and the accessory putout number in 400 times of games (an example of the reference counting period cumulative storage means); a 15-set individual storage means 199 for individually storing data, regarding each of the putout number, the continuous accessory putout number, and the accessory putout number, of 15 sets for each set, given that one set is 400 times of games (an example of the reference counting period cumulative individual storage means); a 15-set cumulative storage means 200 for storing, regarding each of the putout number, the continuous accessory putout number, and the accessory putout number, a cumulative amount of 15 sets (an example of the predetermined counting cumulative storage means); and a total cumulative storage means 201 for storing, regarding each of the putout number, the continuous accessory putout number, and the accessory putout number, a total cumulative amount.
.....
[0146]

Then, when medals are put out, the ratio calculating means 178 performs processing to add a value corresponding to the number of the put out medals to the storage value of the 400-time cumulative amount first counter 198a (for example, the value '1' that corresponds to the putout number of one medal).   In the present embodiment, when a medal is put out, a process of updating the storage value of the 400-time cumulative amount first counter 198a is performed irrespective of the game section, gaming state, rendering state, and RT state.   On the other hand, with respect to the 400-time cumulative amount second counter 198b, when medals are put out only in such a case that the game state is RBB state, processing to add a value corresponding to the number of put out medals to the storage value of the 400-time cumulative amount second counter 198b (for

example, the value '1' that corresponds to the putout number of one medal) is performed, and, with respect to the 400-time cumulative amount third counter 198c, when medals are put out only in such a case that the game state is RBB state or CBB state, processing to add a value corresponding to the number of put out medals to the storage value of the 400-time cumulative amount third counter 198c (for example, the value '1' that corresponds to the putout number of one medal) is performed.

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[0152]

Further, when the latest data are stored in the 15-set individual storage means 199, the ratio calculating means 178 performs processing to add the storage value of the 400-time cumulative amount first counter 198a to the storage value of the total cumulative amount first counter 201a of the total cumulative storage means 201, to add the storage value of the 400-time cumulative amount second counter 198b to the storage value of the total cumulative amount second counter 201b, and to add the storage value of the 400-time cumulative amount third counter 198c to the storage value of the total cumulative amount third counter 201c. In this way, in the total cumulative storage means 201, by counting each of the putout number, the continuous accessory putout number, and the accessory putout number in a cumulative manner, the total cumulative amounts (the total putout number, the total continuous accessory putout number, and the total accessory putout number) are stored, and the total cumulative amounts are updated every 400 times of games having been performed. In the present embodiment, without being limited to the case of updating the total cumulative amounts every 400 times of games having been performed, the total cumulative amounts may be updated every time a medal putout occurs, and in this case, with respect to the total cumulative amount first counter 201a, it may be updated certainly every time a medal is put out, and, with respect to the total cumulative amount second counter 201b, it may be updated every time medal putout occurs only in such a case that a game state is RBB state, and, further, relating to the total cumulative amount third counter 201c, it may be updated every time medal putout occurs only in such a case that the game state is RBB state or CBB state.

.....

[0154]

Based on the total cumulative amount C1 of the putout number stored in the total cumulative amount first counter 201a and the total cumulative amount C2 of the continuous accessory putout number stored in the total cumulative amount second counter 201b, the ratio calculating means 178 performs processing to calculate a continuous accessory ratio (%) in the total number of games by performing arithmetical operation of

'(C2 × 100)/C1', and, based on the total cumulative amount C1 of the putout number stored in the total cumulative amount first counter 201a and the total cumulative amount C3 of the accessory putout number stored in the total cumulative amount third counter 201c, processing to calculate an accessory ratio (%) in the total number of games by performing operation to calculate '(C3 × 100)/C1', and, further, makes the calculated continuous accessory ratio and the calculated accessory ratio be stored in a predetermined memory area of the ratio storage means 202 in an overwriting manner.

.....

[0157]

         ... In addition, the three types of counters (the total cumulative amount first counter 201a, the total cumulative amount second counter 201b, and the total cumulative amount third counter 201c) of the total cumulative storage means 201, and the total game number counter 203 and the advantageous section game number counter 204 are constituted by 3 B (bytes), respectively, and count can be made in a range of 0 (an example of the lower limit value) to 16777215 (an example of the upper limit value). For this reason, although there can occur a situation in which the storage value of the total cumulative amount first counter 201a, the total cumulative amount second counter 201b, or the total cumulative amount third counter 201c of the total cumulative storage means 201, the total game number counter 203, or the advantageous section game number counter 204 reaches its upper limit value, when the storage value of a predetermined counter among these counters has reached its upper limit value, count is stopped. Specifically, since a counter that reaches the upper limit value first, among the three types of counters of the total cumulative storage means 201, is the total cumulative amount first counter 201a that counts the putout number, when the storage value of the total cumulative amount first counter 201a has reached the upper limit value, update of the total cumulative amount first counter 201a is stopped, and, together with this, in the game in question (the game during which the storage value of the total cumulative amount first counter 201a has reached the upper limit value), update of the total cumulative amount second counter 201b and the total cumulative amount third counter 201c is also stopped. In this way, in the present embodiment, when the storage value of the total cumulative amount first counter 201a reaches the upper limit value, count of the putout number by the total cumulative amount first counter 201a is stopped, and, together with this, in the game, count of the continuous accessory putout number by the total cumulative amount second counter 201b and the accessory putout number by the total cumulative amount third counter 201c are also stopped."

(6) "[0161]

Then, as shown in FIG. 19, the substrate case 350 sealed after the main substrate 10 has been stored therein is installed, in the upper portion of the reel unit within the housing so as to make the display of the ratio display device 327 arranged on the main substrate 10 be visible from the front in a state the upper front face door UD being open. For this reason, in the present embodiment, it is possible to visually recognize the display of the ratio display device 327 by opening the upper front face door UD....
[0162]

Further, in the present embodiment, <u>the ratio display device 327</u> is constituted of a segment driver that is a circuit to drive segments of a 7-segment display, and, as shown in FIG. 20 (A), <u>7-segment displays capable of displaying numerals of four digits</u>. As shown in FIG. 20 (B), a display unit of each digit of the 7-segment displays constituting the ratio display device 327 includes seven segments A-G arranged in a shape of the numeral '8', and a segment H in a dot shape arranged in the lower right of the segments A-G, and it is possible to perform various kinds of display such as numerals and symbols by the display control means 179 controlling turning on and off of each of the eight segments A-H by 8-bit data....
[0163]

Then, <u>the display control means 179 performs control to display the advantageous section staying ratio (%)</u>, the continuous accessory ratio (%) and the accessory ratio (%) in 6000 times of games, <u>and the continuous accessory ratio (%)</u> and the accessory ratio (%) <u>in the total number of games on the ratio display device 327</u>. Specifically, when the power is applied, based on the data of the ratio storage means 202, the numerical values of the advantageous section staying ratio, the continuous accessory ratio, and the accessory ratio in the 6000 times of games, and the numerical values of the continuous accessory ratio and the accessory ratio in the total number of games calculated by the ratio calculating means 178 are displayed in series on the ratio display device 327.
[0164]

Further, in the present embodiment, as shown in FIG. 21, '7U' is being set in advance as the identification symbol indicating the advantageous section staying ratio, and, similarly, '6y' as the identification symbol indicating the continuous accessory ratio in the 6000 times of games, '7y' as the identification symbol indicating the accessory ratio in 6000 times of games, '6A' as the identification symbol indicating the continuous accessory ratio in the total number of games, and '7A' as the identification symbol indicating the accessory ratio in the total number of games.
[0165]

Then, in the present embodiment, among the display units capable of displaying four-digit numerals of the ratio display device 327, by making the display units of the two high-order digits be a display area for displaying an identification symbol such as the advantageous section staying ratio, and the display units of the two low-order digits be a display area for displaying a numerical value such as the advantageous section staying ratio, and by displaying the identification symbol that corresponds to the display of the display units of the two low-order digits on the display units of the two high-order digits of the ratio display device 327, it is made clear that the display of the display units of the two low-order digits is any of: the advantageous section staying ratio; the continuous accessory ratio and the accessory ratio in the 6000 times of games; and the continuous accessory ratio and the accessory ratio in the total number of games...."

(7) [FIG. 19]
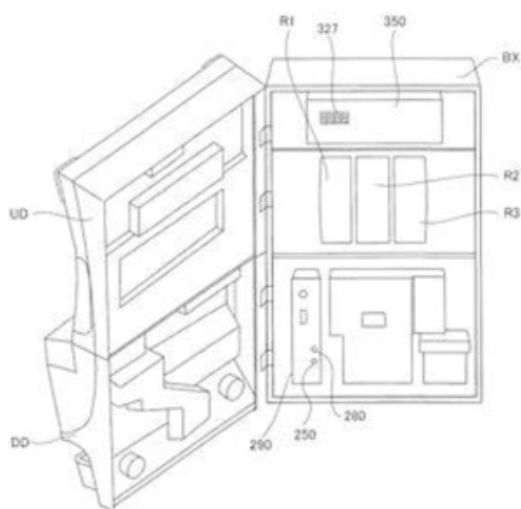
(8) [FIG. 20] (A)

(9) "[0189]

As has been described above, in the present embodiment, the ratio display device 327 is provided on the main substrate 10, the main substrate 10 including the ratio display device 327 is stored in the substrate case 350, the substrate case 350 is installed

within the housing so as to make the display of the ratio display device 327 provided on the main substrate 10 be visible from the front in a state the upper front face door UD being open, and the ratio display device 327 is made to display predetermined game information such as the advantageous section staying ratio, the accessory ratio, and the continuous accessory ratio etc., and, by this, it is possible for a sales person and the like of a game shop to obtain the predetermined game information by opening the upper front face door UD.

[0190]

　　　... Here, it is desired to suppress the continuous accessory ratio and the accessory ratio within a certain range, and since, according to the present embodiment, it is possible to obtain actual numerical values of the continuous accessory ratio and the accessory ratio, it is possible to check whether the continuous accessory ratio and the accessory ratio fall within the certain range.　In particular, in the present embodiment, since the continuous accessory ratio is designed so as to be or lower than a predetermined upper limit value (for example, 60%), and also the accessory ratio is designed so as to be or lower than a predetermined upper limit value (for example, 70%), it is possible to check whether or not an actual numerical value of the continuous accessory ratio in 6000 times of games or in the total number of games is not more than the predetermined upper limit value (for example, 60%), and also it is possible to check whether or not an actual numerical value of the accessory ratio in 6000 times of games or in the total number of games is not more than the predetermined upper limit value (for example, 70%)."

　　　When the above-mentioned the described matters (1)-(9) are integrated, it is acknowledged that, in the Description, etc. of Prior application, there is described the following invention (hereinafter, referred to as "Prior invention") (the symbols a-h were added corresponding to the symbols A-H of the Invention).

"h　A game machine comprising: ([Claim 2])

a　a display device (the ratio display device 327); ([Claim 2], [0037])

b　a putout number counter to count a putout number that is a number of game media put out by the game machine in a cumulative manner, and to store a total putout number that is a total number of game media put out by the game machine; ([Claim 2])

c　a continuous accessory putout number counter to count a continuous accessory putout number that is a number of game media put out by the game machine during operation of a first kind special accessory (regular bonus (RB)) in a cumulative manner, and to store a total continuous accessory putout number that is a total number of game media put out by

the game machine during operation of the first kind special accessory (regular bonus (RB)), ([Claim 2], [0004])

wherein

d   the putout number counter is updated in a range from a lower limit value to an upper limit value, and when a storage value of the putout number counter has reached the upper limit value, count of the putout number by the putout number counter is stopped, and, in the game, count of the continuous accessory putout number by the continuous accessory putout number counter is also stopped, wherein ([Claim 2])

e   the game machine further comprises a ratio calculating means for calculating a continuous accessory ratio based on the total putout number and the total continuous accessory putout number, wherein ([Claim 2])

f   among the display units capable of displaying four-digit numerals of the ratio display device 327, by making the display units of the two high-order digits be a display area for displaying an identification symbol such as a continuous accessory ratio in a total number of games, and the display units of the two low-order digits be a display area for displaying a numerical value such as a continuous accessory ratio in a total number of games, the identification symbol that corresponds to the display of the display units of the two low-order digits is displayed on the display units of the two high-order digits of the ratio display device 327, and wherein ([0165], [0163])

g   the ratio display device 327 has 7-segment displays capable of displaying a four-digit numeral ([0162])."

5 Comparison

The Invention and Prior Invention will be compared (at the time of comparison, regarding constitutions A-H of the Invention and constitutions a-h of Prior Invention, headers (a)-(h) are added, respectively).

(a) "A display device (the ratio display device 327)" of Prior Invention corresponds to "a predetermined display means" of the Invention.

(b) "A total putout number that is a total number of game media put out by the game machine" of Prior Invention corresponds to "a total giving number of game media" of the Invention.

Then, "a putout number counter to count a putout number that is a number of game media put out by the game machine in a cumulative manner, and to store a total putout number that is a total number of game media put out by the game machine" of

Prior Invention corresponds to "a first storage means capable of storing a value corresponding to a total giving number of game media" of the Invention.

(c) Since "during operation of a first kind special accessory (regular bonus (RB))" of Prior Invention corresponds to "during a special game" of the Invention, "a total continuous accessory putout number that is a total number of game media put out by the game machine during operation of the first kind special accessory (regular bonus (RB))" of Prior Invention corresponds to "a total giving number of game media during a special game" of the Invention.

Then, "a continuous accessory putout number counter to count a continuous accessory putout number that is a number of game media put out by the game machine during operation of a first kind special accessory (regular bonus (RB)) in a cumulative manner, and to store a total continuous accessory putout number that is a total number of game media put out by the game machine during operation of the first kind special accessory (regular bonus (RB))" of Prior Invention corresponds to

"a second storage means capable of storing a value corresponding to a total giving number of game media during a special game" of the Invention.

(d) As examined in the above (b), since "the putout number counter" of Prior Invention corresponds to "the first storage means" of the Invention, "when a storage value of the putout number counter has reached the upper limit value" of Prior Invention corresponds to "when the value stored in the first storage means has reached a predetermined upper limit value" of the Invention.

In addition, "total putout number" of Prior Invention is a number that is stored in the putout number counter (constitution b), and "total continuous accessory putout number" of Prior Invention is a number that is stored in the continuous accessory putout number counter (constitution c), and, as examined in the above (b) and (c), "the putout number counter" and "the continuous accessory putout number counter" of Prior Invention correspond respectively to "the first storage means" and "the second storage means" of the Invention, and, therefore, "the total putout number" and "the total continuous accessory putout number" of Prior Invention respectively correspond to "the value stored in the first storage means" and "the value stored in the second storage means" of the Invention. Then, the matter of "count of the putout number by the putout number counter is stopped" and the matter of "count of the continuous accessory putout number by the continuous accessory putout number counter is also stopped" of Prior Invention correspond to "the values stored in the first storage means and the second storage means

are not updated" of the Invention.

Further, since "the putout number counter" of Prior Invention is one that counts the putout number that is the number of game media put out by the game machine in a cumulative manner (constitution b), and "the continuous accessory putout number counter" of Prior Invention is one that counts the continuous accessory putout number that is the number of game media put out by the game machine during operation of the first kind special accessory (regular bonus (RB)) in a cumulative manner (constitution c), it is obvious that constitution d of Prior Invention is that, when a storage value of the putout number counter has reached the upper limit value, count of the putout number by the putout number counter, and count of the continuous accessory putout number by the continuous accessory putout number counter are stopped even if the game machine puts out game media during operation of the first kind special accessory (regular bonus (RB)) (this corresponds to "during a special game" of the Invention).

Therefore, "the putout number counter is updated in a range from a lower limit value to an upper limit value, and when a storage value of the putout number counter has reached the upper limit value, count of the putout number by the putout number counter is stopped, and, in the game, count of the continuous accessory putout number by the continuous accessory putout number counter is also stopped" of Prior Invention corresponds to

"when the value stored in the first storage means has reached a predetermined upper limit value, even if a game medium is given during the special game, the values stored in the first storage means and the second storage means are not updated" of the Invention.

(e) As examined in the above (d), "the total putout number" and "the total continuous accessory putout number" of Prior Invention respectively correspond to "the value stored in the first storage means" and "the value stored in the second storage means" of the Invention.

In addition, "continuous accessory ratio" of Prior Invention is a ratio that is calculated "based on the total putout number and the total continuous accessory putout number", and the total continuous accessory putout number is the total number of game media put out by the game machine during the first kind special accessory (regular bonus (RB)) (constitution c); therefore, "continuous accessory ratio" of Prior Invention corresponds to "special accessory rate" of the Invention.

Then, "the game machine further comprises a ratio calculating means for calculating a continuous accessory ratio based on the total putout number and the total continuous accessory putout number" of Prior Invention corresponds to "using the value

stored in the first storage means and the value stored in the second storage means, a special accessory rate is enabled to be calculated" of the Invention.

(f) As examined in the above (a), "the ratio display device 327" of Prior Invention corresponds to "the predetermined display means" of the Invention.

In addition, since it can be said that "such as a continuous accessory ratio in a total number of games" of Prior Invention relates to past games and indicates a game history, "an identification symbol such as a continuous accessory ratio in a total number of games" and "a numerical value such as a continuous accessory ratio in a total number of games" of Prior Invention respectively correspond to "type information related to a game history" and "rate information related to the game history" of the Invention.

Then, "among the display units capable of displaying four-digit numerals of the ratio display device 327, by making the display units of the two high-order digits be a display area for displaying an identification symbol such as a continuous accessory ratio in a total number of games, and the display units of the two low-order digits be a display area for displaying a numerical value such as a continuous accessory ratio in a total number of games, the identification symbol that corresponds to the display of the display units of the two low-order digits is displayed on the display units of the two high-order digits of the ratio display device 327" of Prior Invention corresponds to

"type information related to a game history is enabled to be displayed by two high-order digits of the predetermined display means, and rate information related to the game history is enabled to be displayed by two low-order digits" of the Invention.

(g) As examined in the above (a), "the ratio display device 327" of Prior Invention corresponds to "the predetermined display means" of the Invention.

In addition, since "the ratio display device 327" of Prior Invention is one that "has 7-segment displays capable of displaying a four-digit numeral", it can be said that it is one having a horizontal width m and a vertical width n (a rectangle).

Then, "the ratio display device 327 has 7-segment displays capable of displaying a four-digit numeral" of Prior Invention and

"given that a horizontal width and a vertical width of the predetermined display means are m and n, respectively, $m \times n \div 4 \geq 36$ (square millimeters) is satisfied (where '4' is the number of digits of the predetermined display means)" of the Invention are common in a point that

"the predetermined display means has a horizontal width m and a vertical width n, and has '4' digits".

(h) "A game machine" of Prior Invention corresponds to "a game machine" of the Invention.

According to the above-mentioned (a)-(h), the Invention and Prior Invention are identical in a point of

(Corresponding Feature)
"H   A game machine, comprising:
A   a predetermined display means;
B   a first storage means capable of storing a value corresponding to a total giving number of game media; and
C   a second storage means capable of storing a value corresponding to a total giving number of game media during a special game, wherein
D   when the value stored in the first storage means has reached a predetermined upper limit value, even if a game medium is given during the special game, the values stored in the first storage means and the second storage means are not updated, wherein
E   using the value stored in the first storage means and the value stored in the second storage means, a special accessory rate is enabled to be calculated, wherein
F   type information related to a game history is enabled to be displayed by two high-order digits of the predetermined display means, and rate information related to the game history is enabled to be displayed by two low-order digits, and wherein,
G'   the predetermined display means has a horizontal width m and a vertical width n, and has '4' digits."

, and are prima facie different in the following point related to constitution G, although not quite satisfactorily.

(Different Feature)
The Invention is an invention in which "given that a horizontal width and a vertical width of the predetermined display means are m and n, respectively, $m \times n \div 4 \geq 36$ (square millimeters) is satisfied (where '4' is the number of digits of the predetermined display means)", whereas, in Prior Invention, it is not clear whether such condition is satisfied or not.

6 Judgment

When examination is made on the aforementioned Different Feature, it is acknowledged that "given that a horizontal width and a vertical width of the predetermined display means are m and n, respectively, $m \times n \div 4 \geq 36$ (square millimeters) is satisfied (where '4' is the number of digits of the predetermined display means)" in constitution G of the Invention concerning the aforementioned different feature is a matter which specifies that, on the premise that the predetermined display means is a rectangle and has four digits (this point is common with Prior Invention), the area of the relevant display means per digit is 36 square millimeters or more.

Then, the lower limit value of 36 square millimeters is a size that corresponds to, for example, 6 mm × 6 mm or 4 mm × 9 mm, and thus it can be said that it is not a large area for visual recognition in any way. Furthermore, in the technical field of a game machine, a display means having an area of 36 square millimeters or more per digit itself was a well-known art before the filing of the present application as described in, for example, Japanese Unexamined Patent Application Publication No. 2016-192995 ([0154]), Japanese Unexamined Patent Application Publication No. S62-233182 (page 4, the upper left column), Registered Utility Model No. 3028747 ([0017]).

However, Prior Invention has a purpose such as "in order to be able to check whether or not an accessory ratio falls within a certain range from the viewpoint of prevention of fraudulent activity" (Described matter (2), [0006]), and, in the description of Prior Application, it is described that "the ratio display device 327 is provided on the main substrate 10, the main substrate 10 including the ratio display device 327 is stored in the substrate case 350, the substrate case 350 is installed within the housing so as to make the display of the ratio display device 327 provided on the main substrate 10 be visible from the front in a state of the upper front face door UD being open, and the ratio display device 327 is made to display predetermined game information such as the advantageous section staying ratio, the accessory ratio, and the continuous accessory ratio, etc., and, by this, it is possible for a sales person and the like of a game shop to obtain the predetermined game information by opening the upper front face door UD" (Described matter (9), [0189]). Then, it is normal that many game machines are installed in a game shop, and, therefore, it can be said that, in Prior Invention, a usage pattern in which a staff member or the like of a game shop checks, regarding many game machines in series, the display of the ratio display device 327 installed within the housing from outside the housing by opening the upper front face door UD, for example, is assumed.

Then, in Prior Invention, it is natural that the area of a display means (the ratio display device 327) per digit is made to be a size so as not cause hindrance in visual contact even in the above usage pattern, and, thus, also considering the size of the housing

and the sizes of the substrate case for the main substrate and the like in a general game machine, it can be concluded that it is a matter that should be worked as a matter of course by a person skilled in the art to make the display means be a well-known one having an area not smaller than 36 square millimeters that is not a large area for visual recognition in any way, unless the circumstances are exceptional.

Furthermore, even in view of the description, the scope of claims, and the drawings attached to the application of the present application, it cannot be acknowledged that there is a critical significance in the value of 36 square millimeters that is the lower limit value of the area of a display means per digit, and, therefore, it is nothing but a design matter that can be determined appropriately by a person skilled in the art without causing hindrance in visual contact how to specify the lower limit value of a numerical value range according to a usage pattern and the like such as, from what kind of position the display means is being observed by an observer.

Therefore, it cannot be said that the aforementioned Different Feature is a substantial different feature.

Incidentally, the Appellant alleges, in the written request for appeal, that "to make a game machine have 7-segment displays of four digits, and to make the size thereof be 'given that a horizontal width and a vertical width of the predetermined display means are m and n, respectively, $m \times n \div 4 \geq 36$ (square millimeters)' was not thought to be a well-known art at the time of application." (page 3, lines 9-11).

However, as has been described above, in the technical field of a game machine, a display means having an area per digit of 36 square millimeters or more itself was a well-known art before the filing of the application of the present application, and since, in Prior Invention, it is a matter that should be worked by a person skilled in the art as a matter of course to make the area of a display means per digit be 36 square millimeters or more, it cannot be said that the aforementioned Different Feature is a substantial different feature on the ground of the above Appellant's allegation.

Therefore, the Invention is identical with the Prior Invention, and, furthermore, the inventor of the present application is not identical with the inventor of Prior Application, and, at the time of the application of the present application, the applicant thereof is not identical with the applicant of Prior Application; therefore, the Invention is one for which the Appellant should not be granted a patent in accordance with the provisions of Article 29-2 of the Patent Act.

7 Closing

As above, the Invention is one for which the Appellant should not be granted a patent in accordance with the provisions of Article 29-2 of the Patent Act.

Accordingly, without examining the remaining claims, the present application should be rejected.

Therefore, the appeal decision shall be made as described in the conclusion.

June 16, 2020

Chief administrative judge: YOSHIKAWA, Yasushi
Administrative judge: KOJIMA, Hiroshi
Administrative judge: TAKAHASHI, Yusuke