

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

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PCT

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

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/IB2016/050325	International filing date (day/month/year) 22.01.2016	Priority date (day/month/year) 30.01.2015
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International Patent Classification (IPC) or both national classification and IPC
INV. A63F13/812

Applicant
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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.

<p>Name and mailing address of the ISA:</p>  <p>European Patent Office P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Fax: +31 70 340 - 3016</p>	<p>Date of completion of this opinion</p> <p>see form PCT/ISA/210</p>	<p>Authorized Officer</p> <p>Tito Martins, José</p> <p>Telephone No. +31 70 340-0</p> 
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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>3-224</u>
	No: Claims	<u>1, 2</u>
Inventive step (IS)	Yes: Claims	
	No: Claims	<u>1-224</u>
Industrial applicability (IA)	Yes: Claims	<u>1-224</u>
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

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Reference is made to the following documents:

- D1 PixelStorm: "Backspin Billiards", 2004, XP002756785,
Retrieved from the Internet:
URL:http://www.syix.com/elmer/Backspin_Billiards.htm
[retrieved on 2016-04-20]
- D2 WPBSA: "OFFICIAL RULES OF THE GAMES OF SNOOKER AND ENGLISH
BILLIARDS", November 2014 (2014-11), XP002756786,
Retrieved from the Internet:
URL:[http://www.wpbsa.com/sites/default/files/uploads/
official_rules_edited_05.11.14_web_version_1.pdf](http://www.wpbsa.com/sites/default/files/uploads/official_rules_edited_05.11.14_web_version_1.pdf)
[retrieved on 2016-04-20]

Independent Claims

1 CONCERNING GAMES OR SPORTS IN GENERAL

Claim 1 reads:

"A method of playing or conducting or organizing a game or sport, the method comprising:

using at least two balls simultaneously as part of the game or sport, on a playing field or a playing area, wherein scoring using one ball results in a different score than scoring using at least one other ball; and
the said at least two balls are simultaneously in motion for at least a fraction of the duration of the game or sport."

Claim 2 reads:

"A method of playing or conducting or organizing a game or sport, the method comprising:

using at least two balls which are simultaneously in motion for at least a fraction of the duration of the game or sport, on a playing field or a playing area, wherein scoring using one ball results in a different score than scoring using at least one other ball; and

passing, kicking, striking, handling, hitting, dribbling, carrying, batting, bowling, pitching, tackling, blocking, stopping, heading, throwing, shooting by at least one human hand or at least one human leg or human head or at least one racquet or at least one bat or at least one stick, resulting in advancing, retreating, gaining ground, losing ground of one ball results in a different advantage as compared to at least one other ball."

The subject-matter of claims 1 and 2 falls in the scope of non-patentable subject-matter considered under Article 17(2)(a)(i) and Rule 39.1(iii) PCT. Although no search is required by the PCT with respect to this subject-matter, document D2 (see in particular Section 3 - Billiards, point 4. Scoring) appears to disclose all the features claimed therein.

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1 and 2 is not new in the sense of Article 33(2) PCT.

Claim 8 reads:

"A system for playing a simulated game or sport that uses at least two simulated balls which are simultaneously in motion for at least a fraction of the duration of the simulated game or sport, on a simulated playing field or a simulated playing area, the system comprising:

an electronic device configured to:

host an operating system, host an executable computer program, host a software application, embed at least one sensor, ~~network with other peripheral devices, communicate with other hand-held devices~~, or combinations thereof; and

enable one or more users to experience playing the simulated visual game or sport that uses at least two simulated balls which are simultaneously in motion for at least a fraction of the duration of the simulated game or sport, on the simulated playing field or simulated playing area."

The subject-matter of claim 8 corresponds to the implementation of the conceptual subject-matter (the rules of the game) of claims 1 and 2 into a technical system for playing the game defined by said rules.

Claim 8 is recognized as having a technical character because it comprises technical features (marked in boldface on the text of the claim). The prior art search for the underlying subject-matter produced Documents D1 and D2 as the closest prior art.

Prior art document D1 (see pages 1-4) in particular discloses all the features of claim 8 except for those shown as struck-through text. The claim is therefore novel in the sense of Article 33(2).

inventive step of claim 8

- The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 8 does not involve an inventive step in the sense of Article 33(3) PCT.

The claim discloses a very low level of technical detail and mere mentions of two well known interfacing possibilities for a computer. These features are among those which the person skilled in the art would chose to include depending on circumstances, without resorting to an inventive step.

- A further objection to claim 8 with regard to inventive step is based on the fact that claim 8 amounts to a straightforward implementation (highlighted by the above mentioned very low level of technical detail disclosed) of subject-matter of a purely conceptual nature (that of corresponding claims 1 and 2). As neither the specific implementation or the underlying nature of the implemented subject-matter contribute to the presence of an inventive step, claim 8 is not inventive.

Claim 8 does not involve an inventive step in the sense of Article 33(3) PCT.

2 CONCERNING SPECIFIC GAMES OR SPORTS

2.1 As pointed out above, in connection with claims 1 and 2, **also the following claims fall in the scope of non-patentable subject-matter considered under Article 17(2)(a)(i) and Rule 39.1(iii) PCT:** Claims 11, 17, 23, 30, 37-39, 46, 52, 58-60, 73, 79, 85, 91, 97, 104, 118, 124, 131, 137, 144, 150, 160, 169, 175-177, 184, 10, 197, 204, 210 and 217.

2.2 The independent claims listed below, on the other hand, lack an inventive step for the reasons pointed out above for claim 8 which deals with the same subject-matter.

Claims 16, 22, 29, 36, 45, 51, 57, 72, 78, 84, 90, 96, 103, 109, 117, 123, 130, 136, 143, 149, 159, 168, 174, 183, 189, 196, 203, 209, 216 and 224 do not involve an inventive step in the sense of Article 33(3) PCT.

2.3 Finally, independent claims 15 and 56 are also seen as not involving an inventive step as also these claims amount to a straightforward implementation (again characterised by very low level of technical detail disclosed) of subject-matter of a purely conceptual nature.

Claims 15 and 56 do not involve an inventive step in the sense of Article 33(3) PCT.

3 Dependent claims

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

The dependent claims contribute with further specification for the rules (constraints) of the game and / or additional high-level functional / design specifications that cannot be seen as contributing to the presence of an inventive step.

None of the dependent claims involves an inventive step in the sense of Article 33(3) PCT.

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Although as many as 70 claims have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought and/or in respect of the terminology used for the features of that subject-matter. The claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT.