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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte MARWAN ANSARI

Appeal 2014-007805
Application 12/742,068¹
Technology Center 3700

Before JOHN C. KERINS, FREDERICK C. LANEY, and
ARTHUR M. PESLAK, *Administrative Patent Judges*.

LANEY, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Marwan Ansari (Appellant) appeals under 35 U.S.C. § 134(a) from the Examiner's Final decision rejecting claims 1–5, 8–10, 12–18, 20–22, 25, and 26. We have jurisdiction over this appeal under 35 U.S.C. § 6(b).

SUMMARY OF DECISION

We AFFIRM-IN-PART.

¹ According to Appellants, the real party in interest is WMS Gaming Incorporated. Appeal Br. 3 (filed February 27, 2014).

INVENTION

Appellant's invention relates "generally to wagering game machines and more particularly to providing a real three dimensional display of graphical objects in response to wagering game events." Spec. 1:14–16.

Claims 1, 4, and 17 are independent claims. Claim 4 is representative of the claimed invention and reads as follows:

4. A method of conducting a wagering game on a gaming machine, the gaming machine including one or more processors and a three-dimensional display device, the method comprising:

presenting, by at least one of the one or more processors, a wagering game upon which monetary value may be wagered, the wagering game including one or more graphical objects, *wherein prior to a transition event, at least one of the one or more graphical objects is displayed in a flat three-dimensional mode on a single two-dimensional display screen of the three-dimensional display device, wherein the three-dimensional display device includes the flat three-dimensional mode and a real three-dimensional mode, the flat three-dimensional mode outputting a two-dimensional rendering of graphical objects from the two-dimensional display screen, and the real three-dimensional mode outputting an autostereoscopic three-dimensional display from the two-dimensional display screen;*

determining that the transition event has occurred; and

in response to the occurrence of the transition event, causing the at least one of the one or more of the graphical objects to be rendered as a real three-dimensional object in the real three-dimensional mode on the three-dimensional display device, the real three-dimensional object being perceived to occupy physical space in front of or behind the two-dimensional display screen of the three-dimensional display device when in the real three-dimensional mode.

Appeal Br. 24 (Claims App.)(emphasis added).

REJECTIONS

- I. The Examiner rejected claim 2 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.
- II. The Examiner rejected claims 1, 3–5, 8, 9, 12–18, 22, and 26 under 35 U.S.C. § 103(a) as unpatentable over Schlottmann (US 2004/0077404 A1, pub. Apr. 22, 2004) and WOWvx (J-A Bouley, Display: Philips WOWvx 3D Displays: Casinos First To Use, Aug. 15, 2006).
- III. The Examiner rejected claim 2 under 35 U.S.C. § 103(a) as unpatentable over Schlottmann, WOWvx, and Ohmori (US 2005/0128204 A1, pub. June 16, 2005).
- IV. The Examiner rejected claims 10, 21, and 25 under 35 U.S.C. § 103(a) as unpatentable over Schlottmann, WOWvx, and Pacey (US 2006/0058100 A1, pub. Mar. 16, 2006).
- V. The Examiner rejected claim 20 under 35 U.S.C. § 103(a) as unpatentable over Schlottmann, WOWvx, and Seigneret (US 2004/0061698 A1, pub. Apr. 1, 2004).

ANALYSIS

Rejection I

Appellant does not present an argument with respect to Rejection I. *See* Appeal Br. 8–22. Therefore, we summarily affirm Rejection I.

Rejections II–V

Each of Appellant’s independent claims require, *inter alia*, a machine (claim 1), or a process (claims 4 and 17), that has two three-dimensional modes (i.e., a flat mode and a real mode) of presenting graphical objects on a single two-dimensional display screen of the three-dimensional display device, a determination as to whether a transition event has occurred, and, in response to detecting a transition event, a change of the display mode from a first flat three-dimensional mode to a second real three-dimensional mode. *See* Appeal Br. 23, 24, 26 (Claims App.). The Examiner finds Schlottmann discloses the above requirements. Final Act. 4–7 and 15–16. Appellant argues persuasively that the Examiner reached those findings by misapprehending the teachings of Schlottmann. *See* Appeal Br. 11–18.

The Examiner finds,

Schlottmann teaches . . . the three-dimensional display device capable of presenting game images in a flat-three dimensional mode and in a three-dimensional mode . . . wherein at least one of the one or more processors is further operable . . . to determine a transition event during the wagering game, and, in response to the transition event, to cause the one or more graphical objects to be rendered as three-dimensional objects in the three-dimensional display device adapted to be perceived in a 3-dimensional space.

Final Act. 4–5 (citing Schlottmann ¶¶ 121, 122, 125, 127, 128, Figs. 19A, 19B, 20, 21, 24). The Examiner further clarifies that Schlottmann is relied upon,

to teach a transition event where an object is rendered in flat 3D mode in paragraph [0121] of Schlottmann before rendering an object in apparent 3D mode in paragraphs [0127]–[0129] in regards to a the payline having 3D aspects determined and sent to be rendered after a wagering game event has occurred in the play of the game at paragraph [0125]. To go into further detail examiner first looks to paragraph [0121] which describes a set of reels which are mapped to a flat surface with the appearance of spinning being provided which examiner interprets as a flat 3D since a 3 dimensional object, the reels, is displayed in a flat appearance but with apparent 3 dimensional properties since the object is still able to spin and display images found on the other faces of the reel. Examiner looks to paragraph [0125] to teach the transition event where after the reels stop spinning the wagering game machine will display a payline if any winning paylines are detected. As for the 3D object being rendered examiner cites back to paragraphs [0127]–[0129] which describes setting properties for the payline which include means to give the payline 3 dimensional appearance by setting the payline to appear to have curves, transparency, thickness, ect. so as to make the object appear more 3D than the previously rendered flat reels. It is therefore believed by examiner that a first flat 3D appearance is taught by Schlottmann with a transition event which causes the gaming machine to render a game object in a more 3D appearance than the previously rendered game object.

Ans. 5–6.

According to the Examiner, Schlottmann is used primarily to teach a transition event between two graphics modes. *Id.* at 6. Specifically,

before a transition event, in paragraph [0121], a reel is rendered in a flat 3D mode during a start of a wagering game and will be displayed in such a way as to mimic the spinning of a 3 dimensional object on a flat face. After the spinning has stopped,

in paragraph [0121], if any winning paylines are detected the gaming machine will render the paylines in a more 3D appearance, in paragraphs [0127]–[0129], which include features which are designed to show transparency, thickness, depth, etc. which are used to make the object appear more 3D when rendered in paragraph [0129].

Ans. 7. “Therefore examiner does argue that a transition event occurs which causes different graphical objects to be displayed in different modes with a first mode before the transition even and a more 3D mode after the transition event.” *Id.*

After considering the Schlottmann figures and paragraphs cited by the Examiner, we agree with Appellant that Schlottmann does not disclose different display modes, or a transition event that triggers changing from one display mode to another *different* display mode. *See* Appeal Br. 11–18. Schlottmann paragraph 125 teaches a trigger for adding a three-dimensional payline to the displayed reels, but it does not suggest using the trigger to also change the mode of display, as the Examiner finds. Rather than describing “a more 3D” mode, Schlottmann paragraphs 127–129 simply describe exemplary properties and attributes for generating a three-dimensional payline. These paragraphs do not suggest a *display mode* for displaying the three-dimensional payline that is different from the three-dimensional mode used to display the reels before the payline triggering event. Put another way, although Schlottmann discloses an event that triggers *what* graphical objects will be displayed (i.e., a payline with selected attributes), the Examiner does not show persuasively Schlottmann discloses an event that triggers a change in *how* (i.e., changing from one display mode to another display mode) graphical objects are displayed. As a result, a preponderance of the evidence fails to support the Examiner’s finding Schlottmann

discloses displaying graphical objects in different three-dimensional display modes and using a trigger to change between the different three-dimensional display modes. The Examiner's use of the teachings of Philips, Ohmori, Pacey, and Seigneret, respectively, does not cure this deficiency. *See* Final Act. 5–23.

Therefore, because Rejections II–V each depend on the Examiner's unsupported finding Schlottmann discloses different three-dimensional display modes and/or using a trigger to change between the modes, we do not sustain the rejection of claims 1–5, 8–10, 12–18, 20–22, 25, and 26 as unpatentable.

DECISION

The Examiner's decision to reject claim 2, under 35 U.S.C. § 112, first paragraph, is affirmed.

The Examiner's rejection of claims 1–5, 8–10, 12–18, 20–22, 25, and 26 as unpatentable is reversed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFRIMED-IN-PART