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Patent Agent, Expert Witness and
Consulting Services for companies
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Patenting Games – Part 1

Physical Games

IP Protection for Games

- Patents
 - cannot patent rules (abstract idea)
 - only physical attributes (and not printed matter)
 - “computer-implemented methods”
- TMs – names, logos, slogans
 - benefit – they don’t expire
 - drawback – they don’t cover everything
- Copyrights – visual designs for gameboard, cards, artwork, text (dialogue, rulebooks, etc.)

Patents, TMs and © can all be effective tools to stop copiers

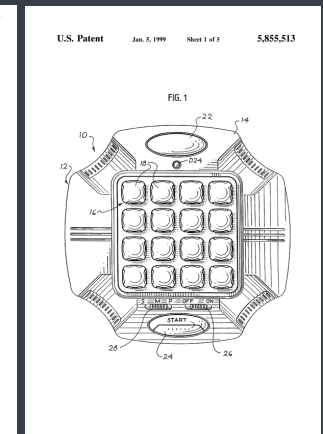
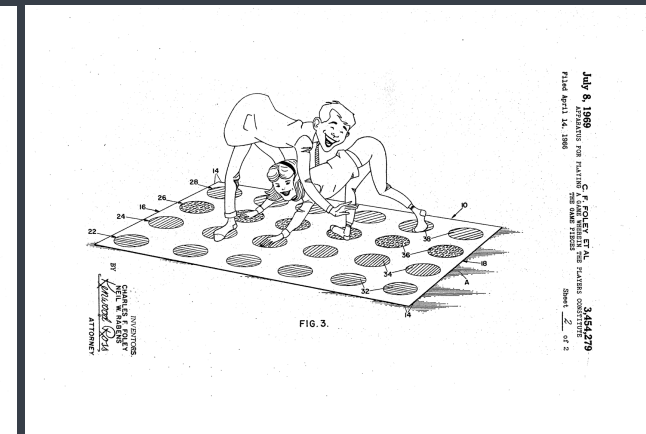
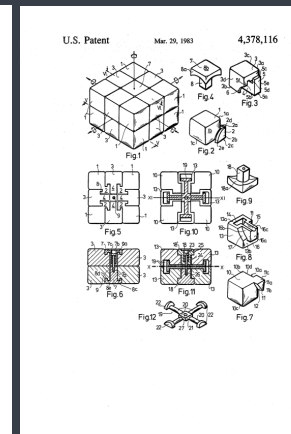
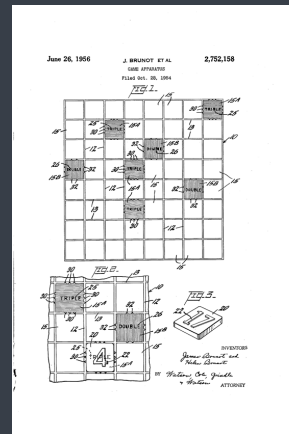
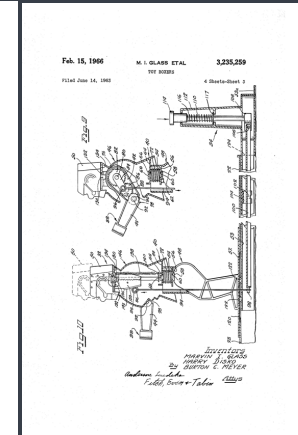
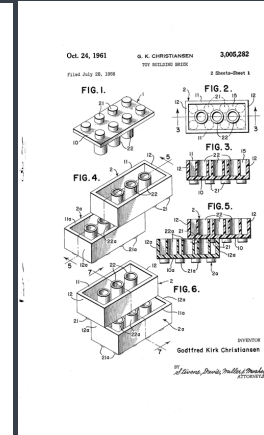
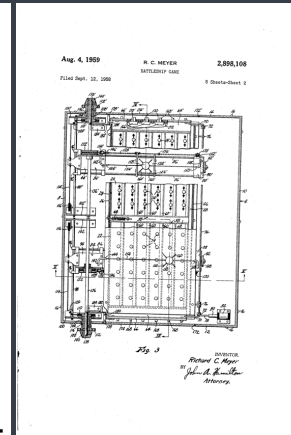
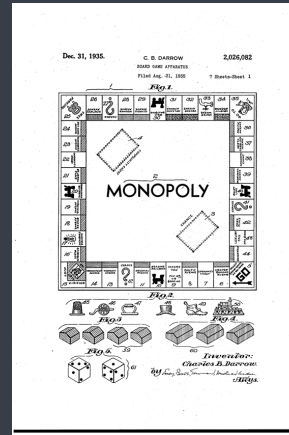
Subject Matter Eligibility

- 35 U.S.C. §101
 - Machines, articles of manufacture, processes, and compositions of matter (including new chemical compounds) are patentable inventions.
 - Laws of nature, natural phenomena, and **abstract ideas** are not.
 - **Abstract Ideas** can be grouped: Mathematical Concepts, Mental Processes, & Organizing Human Activity
- Examples
 - Planet Bingo v. VKGS (Fed. Cir. 2014) – computer-aided bingo games → rejected
 - “directed to the abstract idea of solving a tampering problem and... other security risks during bingo ticket purchases”
 - Similar to abstract ideas in ‘Bilski’ and ‘Alice’, and no inventive concept sufficient to transform
 - In re Smith (Fed. Cir. 2016) – method of playing a wagering card game → rejected
 - Similar to the method of mitigating financial settlement risks in ‘Bilski’ and ‘Alice’
 - In re Marco Guldenaar (Fed. Cir. 2018) – a wagering dice game → rejected
 - Three dice with different faces marked, and wagering on an outcome
 - Method of playing fell within “organizing human activity” and was an abstract idea
 - Dice claims – printed matter doctrine. PTAB affirmed the PTO’s rejections.”

Examples

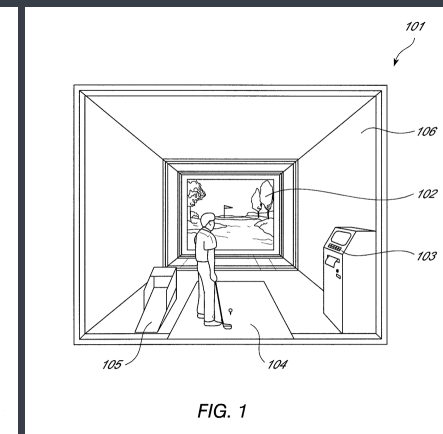
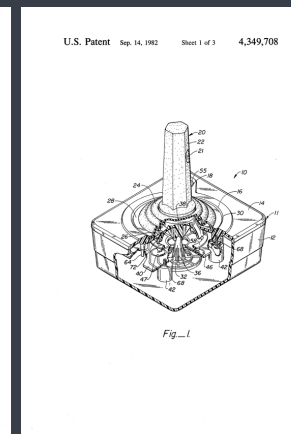
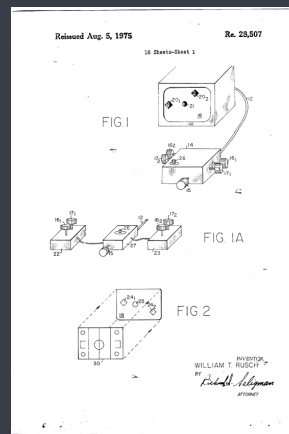
Board games / physical games

- Monopoly — Patent issued in 1935
- Battleship — Patented in 1935 under the title "Game Board"
- Scrabble — Patented in 1956
- Legos — Patented in 1961
- Rock'em Sock'em Robots — Patented in 1966
- Twister — Patented in 1969
- Simon — Patented in 1979
- Rubik's Cube — Patent granted in 1983
- Horse racing game -- 1993
- Construction board game -- 1994



Video Games

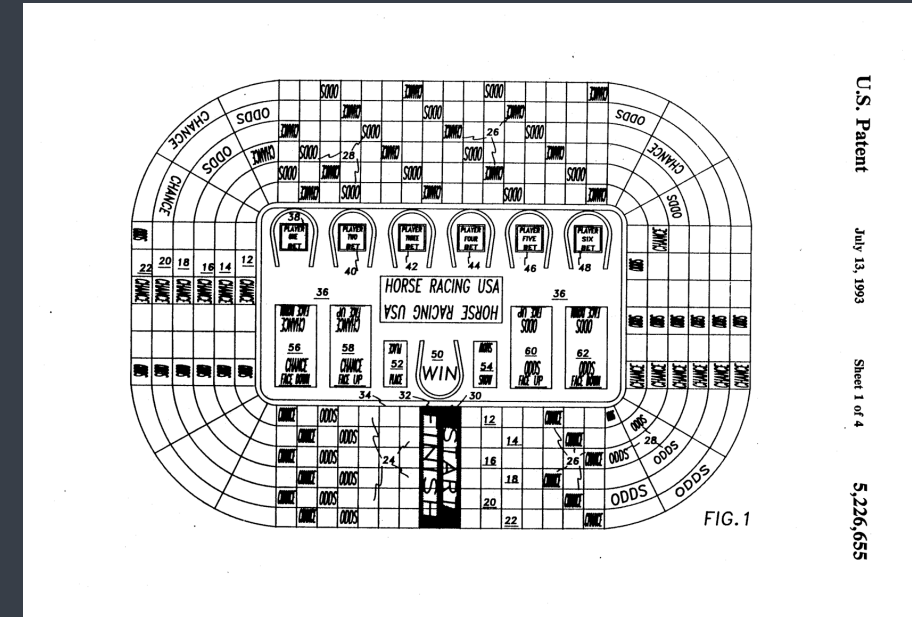
- Magnavox Odyssey (early game console) -- 1968
- Atari 2600 joystick -- 1980
- First-person-shooter (FPS) (id Software) -- 1993
- Kinect sensor for Xbox 360 (PrimeSense) -- 2011
- Nemesis game mechanic (Warner Bros) -- 2021



Apparatus and method of playing a board game simulating horse racing and wagering



1. A **board game** simulating horse racing and betting thereon, said board game including:
 - a **game board** having a race course and infield portion thereon;
 - said race course comprising a plurality of concentric tracks and including a start/finish line thereacross;
 - said concentric tracks each including equal numbers of playing positions, chance positions, and odds positions;
 - said infield portion including win, place and show positions, a plurality of betting spaces equal in number to said plurality of concentric tracks, and chance card and odds card positions;
 - a plurality of **player position markers** equal in number to said plurality of concentric tracks and marked accordingly;
 - a plurality of **betting chips** of different values;
 - simulated currency comprising a plurality of bills of different denominations;
 - a plurality of betting tickets corresponding to said win, place and show positions and said plurality of player position markers;
 - a plurality of **chance cards** and a plurality of odds cards; and
 - chance determination means, whereby
- bets are placed by the players of said board game using said chips, tickets and simulated currency and each of said player position markers is advanced along a corresponding one of said concentric tracks according to said chance determination means to establish win, place and show positions to determine winning players.



U.S. Patent July 13, 1993 Sheet 1 of 4 5,226,655

FIG. 1

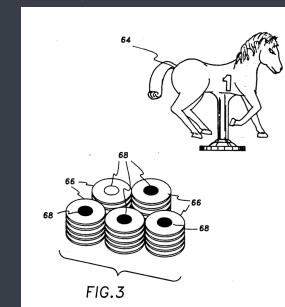


FIG. 3

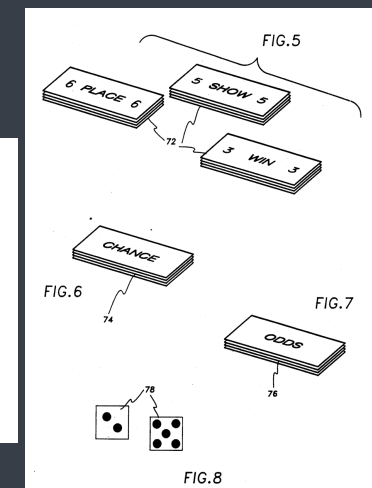


FIG. 8

Apparatus and method of playing a board game simulating horse racing and wagering



8. A method of playing a board game simulating horse racing and betting thereon, said method comprising the following steps:

providing a game apparatus including a game board having a race course comprising a plurality of concentric tracks with the concentric tracks each including an equal number of playing positions, chance positions, odds positions, and a start/finish line thereacross, an infield portion, a plurality of betting positions, win, place, and show positions, and chance and odds card positions thereon, a plurality of **player position markers** corresponding in number to the plurality of concentric tracks and marked accordingly, a plurality of betting chips of different values, simulated currency comprising a plurality of bills of different denominations, a plurality of **betting tickets** corresponding to the win, place and show positions of the board and the plurality of player position markers, a plurality of **chance cards**, a plurality of odds cards and chance determination means;

determining the order of play by the players of the game, selecting a person to act as banker and distributing the simulated currency to the players;

placing the player position markers on their corresponding tracks at the start/finish line and the chance cards and odds cards on the appropriate chance card position and odds card position;

turning a topmost odds card face up and thereby determining the initial odds for the bets of the game;

placing bets on the player position markers corresponding to the tracks to win, place or show, placing chips corresponding to those bets in the corresponding betting positions on the board and holding tickets corresponding to the bets placed;

tossing the dice and advancing a player position marker along a first of the plurality of tracks in accordance with the advance indicated by the dice, and proceeding according to one of the three following steps;

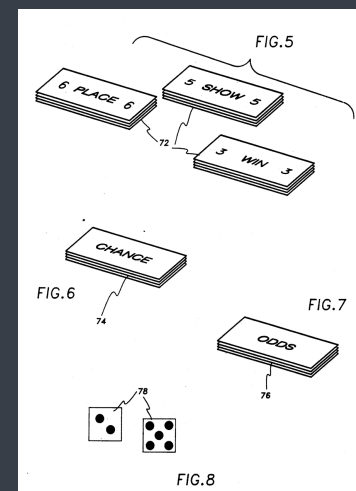
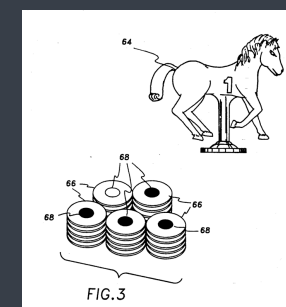
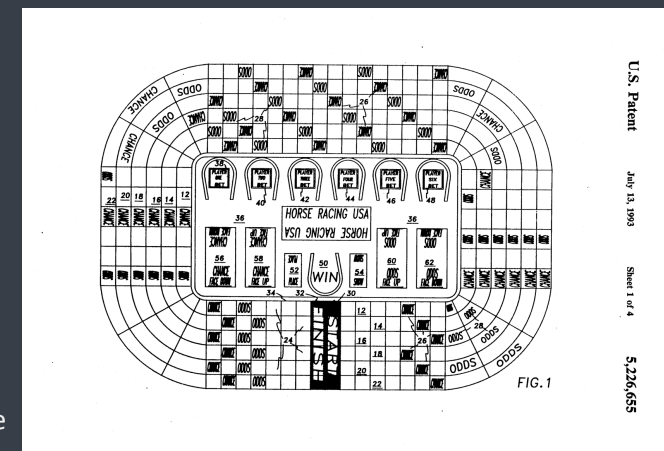
landing upon a chance position, drawing a chance card, turning the chance card face up on the board and acting according to the instructions on the chance card;

landing upon an odds position, drawing an odds card, turning the odds card face up on the board and adjusting the odds affecting the bets of the game accordingly;

landing upon a playing position and allowing a subsequent player position marker to be played;

continuing in accordance with the above steps for subsequent players until three player position markers have crossed the start/finish line, thereby determining win, place and show positions for a single race; and

collecting the tickets from the players and paying each player with the simulated currency in accordance with winning tickets of the players, the final odds of the game, and the amount bet by each player.



Construction board game with chance device

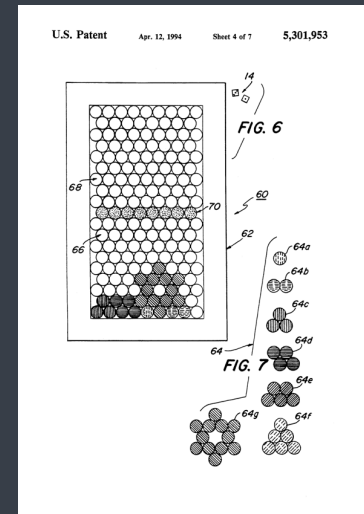
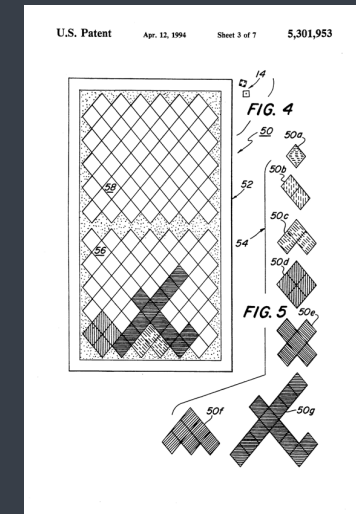
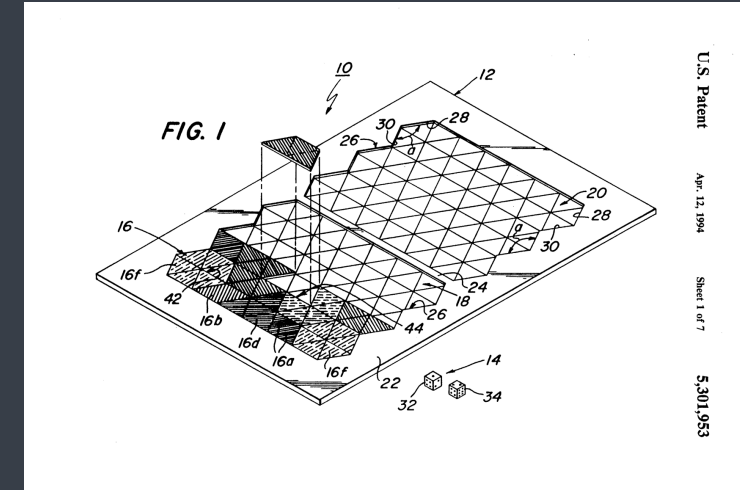


1. A **board game** to be played by more than one person, the winner of said game being the first person to fill an identified playing area on a board with a plurality of playing pieces, said board game comprising:

(a) a **board** having a playing surface with said identified playing area thereon, said playing area being sub-divided into a plurality of identical units, each unit being of a basic geometric shape;

(b) a plurality of **playing pieces** of different geometric configurations, each of said geometric configurations being formed of a whole number multiple of said basic geometric shape and at least some of said different configurations being formed of different whole number multiples of said basic geometric shape, at least some of said plurality of playing pieces being receivable on the playing surface for filling said playing area, each playing piece received on the playing surface overlying a number of the identical units equal to the whole number multiple of the basic geometric shape associated with the geometric configuration of said each playing piece; and

(c) at least one **die** including a plurality of surfaces, each surface of each die including indicia for identifying a geometric configuration of a playing piece to be placed on the playing area, said indicia being a whole number multiple of said basic geometric shape to thereby identify a geometric configuration, the indicia on each surface of each die identifying a geometric configuration which is different from the geometric configuration identified by the indicia on every other surface of the same die.



Construction board game with chance device



40. A **method** of playing a board game by at least two players, the object of which is to be the first player to completely fill a playing area on a board with a plurality of playing pieces, including the steps of:

(a) **providing a board** having a playing area for each player, each of said playing areas being adapted to be filled by a plurality of playing pieces;

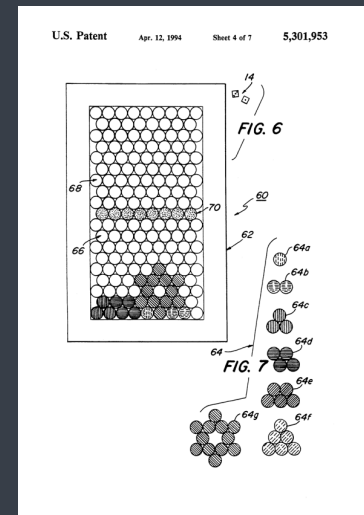
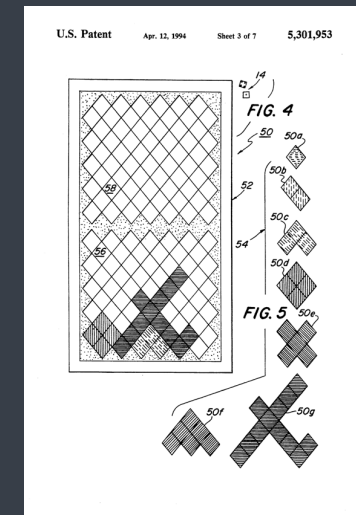
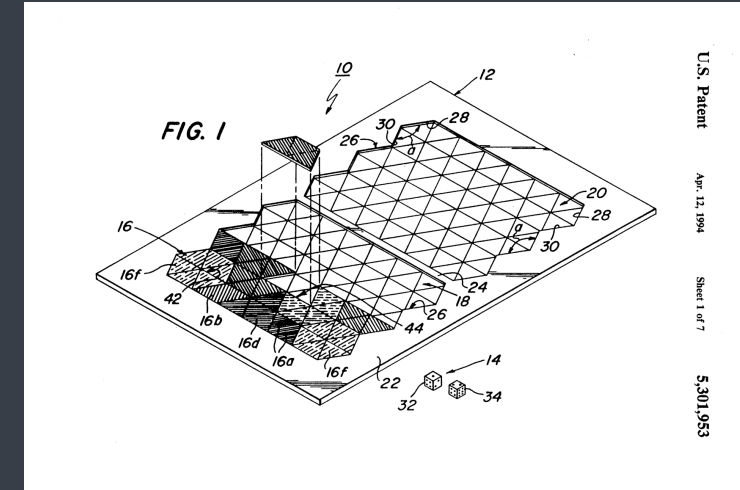
(b) **providing a plurality of playing pieces** of different geometric configurations, each of said configurations being a whole number multiple of a basic geometric shape and at least some of said different configurations being formed of different whole number multiples of said basic geometric shape. [sic]

(c) **providing at least one indicating means** including indicia for identifying each of said different geometric configurations and being actuatable for randomly identifying at least one geometric configuration;

the game being played by each player:

actuating said indicating means for randomly identifying one or more geometric configurations in the form of a specific whole number multiple of said basic geometric shape; and

placing playing pieces having randomly identified geometric configurations on the player's playing area until said player's playing area is filled by playing pieces.



Magnavox Odyssey, Atari, & Intellivision (Mattel)



1. In combination with a standard television receiver, apparatus for generating signals representing a symbol to be displayed on the screen of said television receiver, comprising:

means for generating sync signals;

means for generating a first sawtooth wave;

means for generating a second sawtooth wave;

means coupled to said first sawtooth wave generating means for generating first current pulses proportional to a predetermined slice of said first sawtooth wave;

including a first slicer having first and second diodes connected back-to-back with one junction thereof coupled to said first sawtooth wave generating means, a capacitor coupled from the other junction to ground and means for receiving a control signal at said other junction, and first means for differentiating the output from said first slicer;

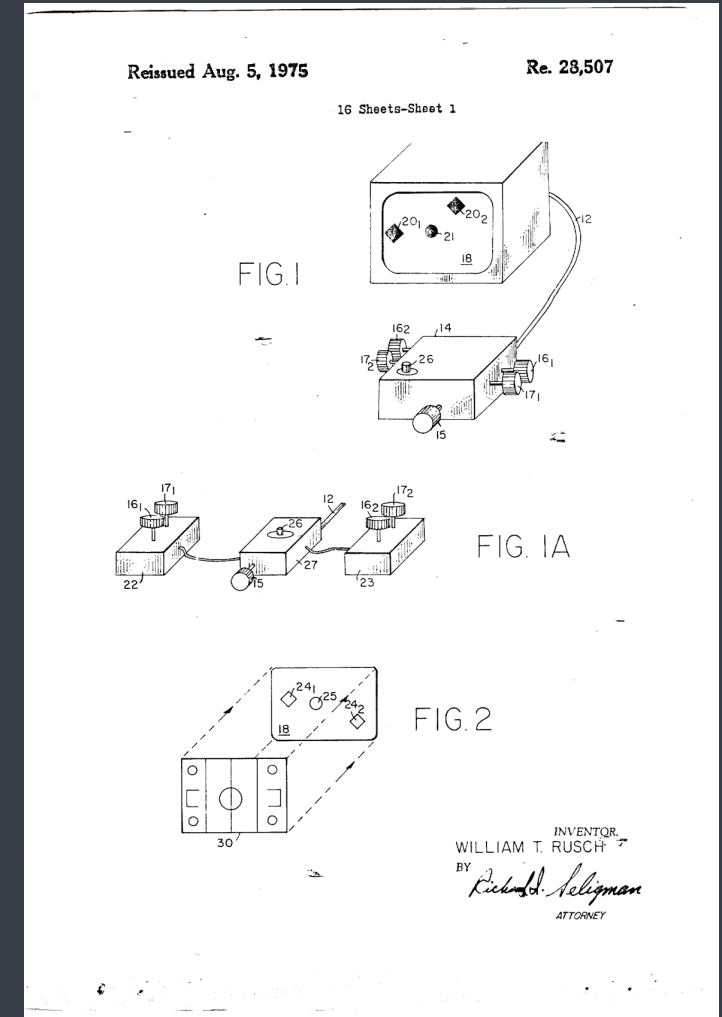
means coupled to said second sawtooth wave generating means for generating second current pulses proportional to a predetermined slice of said second sawtooth wave;

including a second slicer having third and fourth diodes connected back-to-back with one junction thereof coupled to said second sawtooth wave generating means, a capacitor coupled from the other junction to ground and means for receiving a control signal at said other junction, and second means for differentiating the output from said second slicer;

a coincidence gate coupled to said first and second current pulse generating means; means for summing the output from said coincidence gate and said sync signals;

an RF oscillator;

means for modulating the output of said RF oscillator with said summed signal; and means for applying said modulated signal to said receiver.



Two pictures are worth a thousand words.



*Atari vs. Intellivision?
Nothing I could say would be more
persuasive than what your own
two eyes will tell you. But I can't
resist telling you more.
— George Plimpton —*

It's obvious how much more realistic Intellivision graphics are. But take a closer look. Notice the Intellivision players. They've got arms and legs like real players do. Look at the field. It actually looks more like a real baseball field. If you compare the two games, I think you'll find that Intellivision looks a lot more like the real thing.



Atari Casino™ No dealer.



Intellivision Las Vegas Poker & Blackjack. You play cards with a shifty-eyed dealer.

More about action

You can see how much more realistic Intellivision looks. What we can't show you here is how much more realistically it moves. If you could compare the two, I think you'd see that Intellivision has smoother and more life-like movement than Atari.



Atari Pong's Championship Soccer™ players
Intellivision NASL Soccer™ players

More about control

If you've ever played a video game, you know how important control is. And if you held these two control units in your hand, you'd know Intellivision gives you more. The Atari hand controller offers only 8 positions and one button. The Intellivision hand controller has 16 positions and 4 buttons. So Intellivision allows



you to maneuver players and objects in more directions with greater precision and accuracy. And the Intellivision controller is compatible with the entire library. With Atari, some games require the purchase of additional control units.

More about challenge

You can't see it here, but I have found that in many of the Atari programs, the game play is rather simplistic. With Intellivision, the game play is more sophisticated. And that makes Intellivision more challenging. With Intellivision PGA Golf for instance, you get nine different clubs to choose from. With Atari Golf, you have to make do with just one club. Greater attention to detail is a quality I have found in all of the Intellivision games. Making them more realistic. And more challenging.



Atari Golf



Intellivision PGA Golf™

More about libraries

Both Intellivision and Atari have large libraries. But there really isn't any way you can tell which library is better, until you play with both. Once you compare the two systems for challenge, sophistication and continued interest, I'm confident you'll choose Intellivision. But don't just take my word for it. Visit your local dealer and decide for yourself.



MATTEL ELECTRONICS®
Intellivision™
Intelligent Television

For your nearest dealer call 1 (800) 323-1715
In Illinois 1 (800) 942-8861
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Patenting Games – Part 2

Video Games

Video Games:

- are **electronic** games that require **interaction** with a **display device** or **user interface**
- often combine hardware and software innovation
- sometimes function in an **undetectable manner**

Video Games: Patentable Concepts



Hardware

- Controllers
- Viewing devices/headsets
- Video generation devices/set top box/consoles
- Proximity sensors, sensors
- Optics/Computer vision

Design

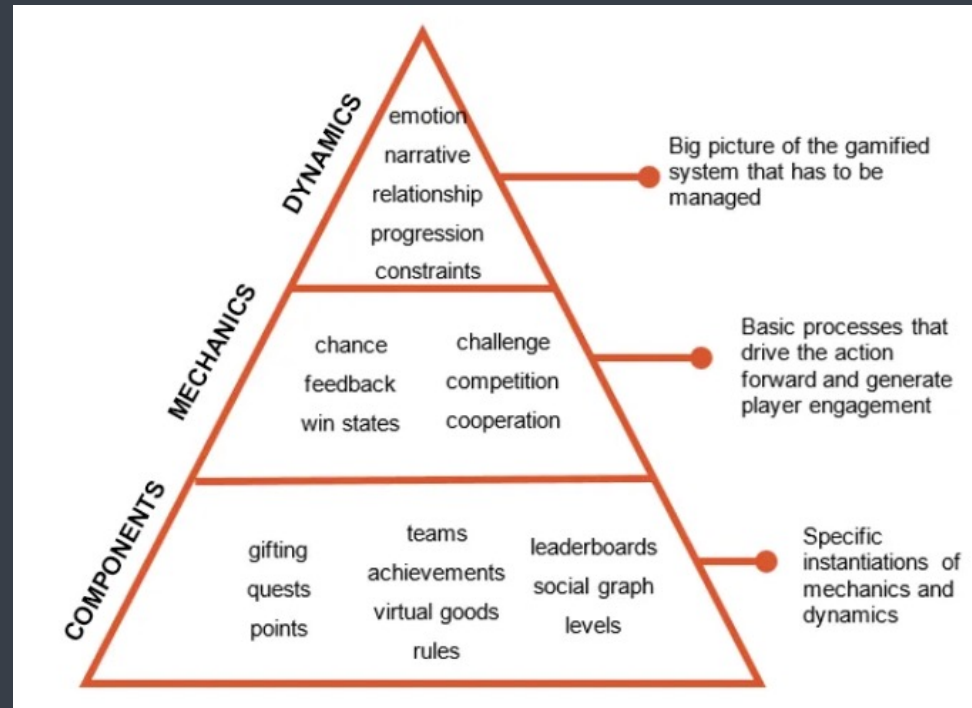
- UI/UX
- Animation stills/transitions

and...Interactions amongst devices and software

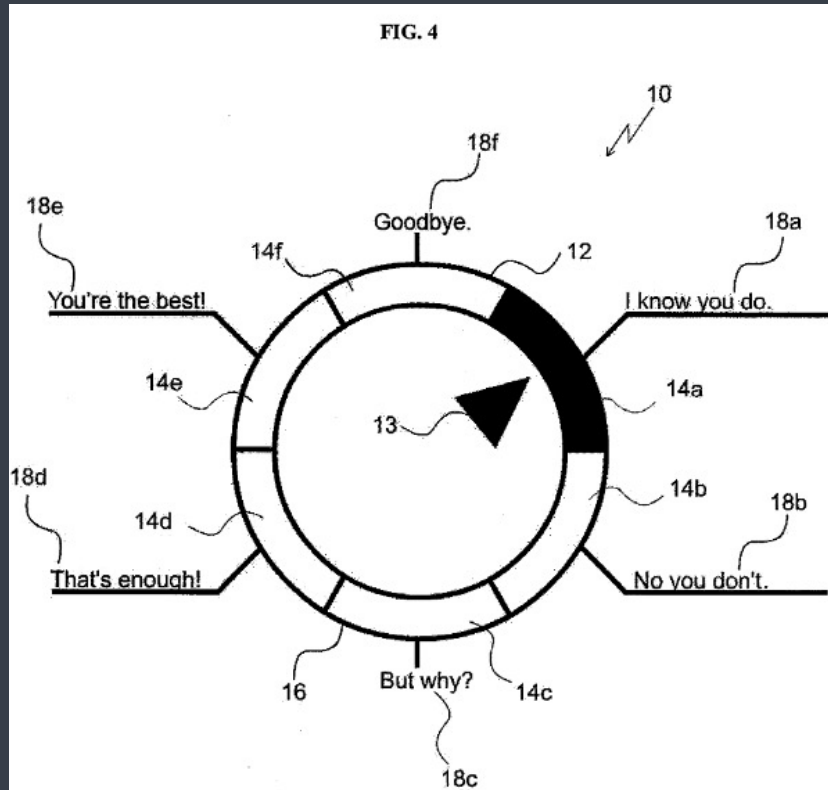
Software

- (Video)**game mechanics**
- Interactive elements/**Gameplay elements**
- Multi-player interactions/views
- Graphics/animations
- Methods/Directional aspects
- VR/AR/XR/MR
- Compression Techniques
- Streaming/Broadcasting Architectures
- Hosting Architectures
- Techniques to use game to improve X

Hierarchy of Game Elements:

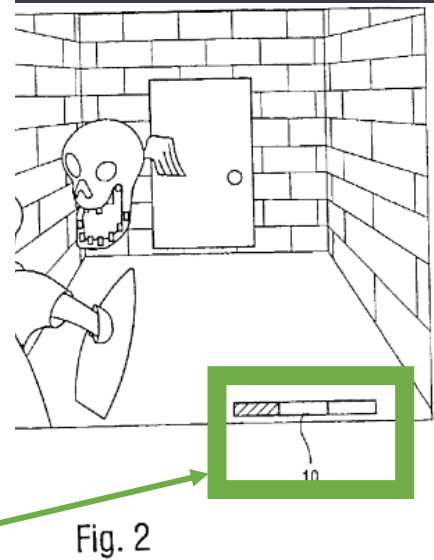
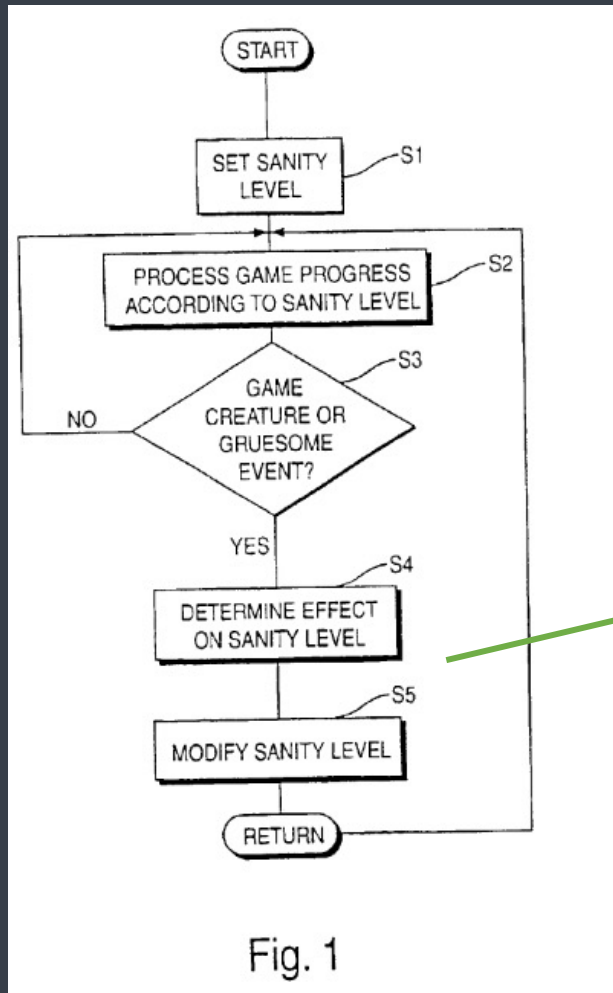


Example Game Element: Dialog Wheel



1. A graphical interface displayed during operation of a program, enabling a program user to participate in a simulated conversation with the program, the graphical interface comprising:
 - a choice indicator;
 - the choice indicator having a plurality of selectable slots, each of the slots providing a class of dialog choice when selected;
 - wherein the graphical interface is consistent as to the position of dialog classes throughout at least a segment of the program.
2. The graphical interface of claim 1 comprising a radial choice indicator.

Example Game Element: **Sanity Meter**



1. A method of operating a video game including a game character controlled by a player, the method comprising:
 - (a) setting a sanity level of the game character;
 - (b) modifying the sanity level of the game, character during game play according to occurrences in the game, wherein a modifying amount of is determined based on a character reaction and an amount of character preparation; and
 - (c) controlling game play according to the sanity level of the game character, game play being controlled at least by varying game effects according to the game character sanity level.

Example Game Element: Wireless Controller w/ Sleep function



1. A wireless control unit for converting a video game system having a console with game controller ports...comprising:

- a game controller having a plurality of user operable switches for producing a plurality of game information signals...and a sleep function for powering down said game controller in response to detected inactivity of said plurality of user operable switches for a period of time; and

- a console interface connected to the game console via at least one of the game controller ports and having wireless receiver circuitry for receiving the encoded bit stream representing the game information...



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Thank You