

IPR2020-00513

Petitioner's Reply to Patent Owner's Preliminary Response

Filed on behalf of Supercell Oy

By:

BRIAN M. HOFFMAN, Reg. No. 39,713

CHRISTOPHER L. LARSON, Reg. No. 68,243

CHRISTINE KO, Reg. No. 72,994

FENWICK & WEST LLP

555 California Street, 12th Floor

San Francisco, CA 94104

Telephone: 415.875.2300

Facsimile: 415.281.1350

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SUPERCELL OY,
Petitioner

v.

GREE, INC.,
Patent Owner.

Inter Partes Review Case No. 2020-00513

Patent 9,774,655

**PETITIONER'S REPLY TO PATENT OWNER'S
PRELIMINARY RESPONSE
PURSUANT TO 37 C.F.R. §42.108(c)**

TABLE OF CONTENTS

	Page
I. A BALANCED ASSESSMENT FAVORS INSTITUTION.....	1
II. FARMVILLE FOR DUMMIES IS A PRINTED PUBLICATION.....	6
III. GREE'S CLAIM CONSTRUCTION ARGUMENTS ARE IMMATERIAL.....	7

TABLE OF AUTHORITIES

	Page(s)
CASES	
<i>Apple v. Fintiv</i> , IPR2020-00019, Paper 11	<i>passim</i>
<i>Caterpillar Inc. v. Wirtgen Am., Inc.</i> , IPR2017-02186, Paper 10 (P.T.A.B. May 1, 2019)	7-8
<i>Cuozzo Speed Techs. v. Lee</i> , 136 S. Ct. 2131 (2016).....	1, 2, 5
<i>Gree v. Supercell</i> , No. 2:19-cv-00070 (E.D. Tex. Dec. 18, 2019)	4
<i>Hulu, LLC v. Sound View Innovations, LLC</i> , IPR2018-01039, Paper 29 (P.T.A.B. Dec. 20, 2019)	6
<i>In re Hall</i> , 781 F.2d 897 (Fed. Cir. 1986)	7
<i>Medtronic, Inc. v. Barry</i> , 891 F.3d 1368 (Fed. Cir. 2018)	6
<i>Orthopediatrics Corp. v. K2M, Inc.</i> , IPR2018-01546, Paper 10 (P.T.A.B. Feb. 14, 2019).....	8
<i>Precision Instrument Mfg. Co. v. Automotive Maintenance Mach. Co.</i> , 324 U. S. 806 (1945).....	2
<i>Precision Planting, LLC v. Deere & Co.</i> , IPR2019-01044, Paper 17 (P.T.A.B. Dec. 2, 2019)	5
<i>Saint Lawrence Commc'ns LLC v. ZTE Corp.</i> , No. 2:15-CV-349-JRG, 2016 WL 7338600 (E.D. Tex. July 15, 2016).....	3
<i>Western Digital Corp. v. SPEX Techs., Inc.</i> , IPR2018-00084, Paper No. 14 (P.T.A.B. April 25, 2018)	7

TABLE OF AUTHORITIES
(Continued)

	Page(s)
STATUTES AND RULES	
35 U.S.C. § 102	6
35 U.S.C. § 112 ¶ 6	8
35 U.S.C. § 314(a)	1, 3
35 U.S.C. § 316(e)	2

EXHIBIT LIST (37 CFR § 42.63(e))

Exhibit	Description
1001	U.S. Patent No. 9,774,655
1002	File History of U.S. Patent No. 9,774,655
1003	Declaration of Jose P. Zagal, Ph.D.
1004	Curriculum Vitae of Jose P. Zagal, Ph.D.
1005	U.S. Patent No. 8,727,887 to Mahajan <i>et al.</i> ("Mahajan")
1006	FarmVille for Dummies, Wiley Publishing, Inc. ("FarmVille"), Angela Morales and Kyle Orland (2011)
1007	U.S. Patent Application No. 2017/0300987 to Williams <i>et al.</i> ("Williams")
1008	U.S. Patent Application No. 2008/0034061 to Beares ("Beares")
1009	Mia Consalvo, Using Your Friends: Social Mechanics in Social Games, Association for Computing Machinery (ACM) ("Consalvo")
1010	Claim Construction Memorandum Opinion and Order for <i>GREE, Inc. v. Supercell Oy</i> , Case Nos. 19-cv-00070 and 19-cv-00172 (E.D. Tex.)
1011	PACER Dockets for <i>GREE, Inc. v. Supercell Oy</i> (E.D. Tex.) and Selected Complaints
1012	P.T.A.B. Record of Supercell's Post Grant Proceedings Against GREE
1013	GREE's Amended Infringement Contentions, <i>Gree v. Supercell</i> , No. 2:19-cv-00070 (E.D. Tex. Dec. 18, 2019)
1014	File History of U.S. Patent Application No. 16/418,728 to Takeuchi
1015	File History of U.S. Patent Application No. 15/638,730 to Takeuchi
1016	Declaration of Steven V. Potter on Authentication of Publication

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.