

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

GREE, INC.,	§ Case No.:2:19-cv-00310
	§
Plaintiff,	§
	§
v.	§
	§
SUPERCELL OY,	§
	§
Defendant.	§
	§

COMPLAINT

Plaintiff GREE, Inc. (“GREE”) files this Complaint against Supercell Oy (“Supercell”).

In this Complaint, GREE asserts U.S. Patent Nos. 10,076,708 (“the ’708 Patent”) and 10,413,832 (“the ’832 patent”) against at least Supercell’s “Boom Beach” and “Clash Royale” games.

GREE alleges as follows:

PARTIES

1. GREE is a corporation organized under the laws of Japan with a principal place of business at 6-10-1, Roppongi, Roppongi Hills Mori Tower Minato-Ku, Tokyo, Japan.
2. Supercell is a corporation organized under the laws of Finland, with a principal place of business at Itämerenkatu 11-13, Helsinki, Uusimaa, 00180, Finland.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. Accordingly, this Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over Supercell because it has, directly or

through agents and/or intermediaries, committed acts within Texas, including within this District, giving rise to this action and/or has established minimum contacts with Texas and this District such that the exercise of jurisdiction would not offend traditional notions of fair play and substantial justice.

5. Supercell regularly conducts business in Texas, including this District, and purposefully avails itself of the privileges of conducting business in Texas. In particular, Supercell, directly and/or through its agents and/or intermediaries, makes, uses, imports, offers for sale, sells, and/or advertises its products and affiliated services in Texas, including this District. Supercell has placed, and continues to place, infringing products into the stream of commerce, via an established distribution channel, with the knowledge and/or understanding that such products are sold in the United States including in Texas and specifically including this District.

6. Alternatively, and/or in addition, this Court has jurisdiction over Supercell under Federal Rule of Civil Procedure 4(k)(2). This action arises from actions of Supercell directed toward the United States, including (1) committing at least a portion of the infringing acts alleged herein and (2) regularly transacting business, soliciting business, and deriving revenue from the sale of goods and services, including infringing goods and services, to individuals in the United States. Therefore, Supercell has purposefully availed itself of the benefits of the United States, including the Eastern District of Texas, and the exercise of jurisdiction over Supercell would not offend traditional notions of fair play and substantial justice.

7. Venue is proper in this District pursuant to 28 U.S.C. § 1331(c), as Supercell is not a resident of the United States.

GREE AND THE ASSERTED PATENTS

8. GREE is a global social media company that provides mobile content and

services, including games, entertainment, media, and advertising.

9. Originally founded in 2004, GREE has long sought to develop and create innovative solutions in gaming and social networking. GREE has sought to protect its investments in innovation by obtaining patent protection. GREE currently holds patents covering various improvements in digital and gaming technology in countries throughout the world, including the United States.

10. GREE is the owner by assignment of all right, title, and interest in and to the '708 patent entitled "Game Control Method, Game Server, and Program," which duly and legally issued on September 18, 2018. A true and correct copy of the '708 patent is attached to this Complaint as Exhibit A.

11. GREE is the owner by assignment of all right, title, and interest in and to the '832 patent entitled "Game Control Method, Game Server, and Program," which duly and legally issued at 12:00 a.m. Eastern Daylight Time on September 17, 2019.

12. The '708 patent and the '832 patent (collectively, "the Patents-in-Suit") share a common specification.

13. During Prosecution of the Application that led to the '708 Patent the Patent Office "agreed that these additional features [added via amendment filed on April 26, 2018], in combination with the remaining limitations of the independent claims, represent 'significantly more' than the abstract idea of inventory management." Response Filed April 26, 2018. Thus, the Examiner agreed that the independent claims "are directed to patent-eligible subject matter under 35 U.S.C. § 101." *Id.*

14. The claims of the Patents-in-Suit cannot be performed without a computer and are not directed toward fundamental economic practices, methods of organizing human activities, an

idea itself, or mathematical formulas.

15. The Patents-in-Suit describe and claim innovative communication systems and methods for controlling computer-implemented battle games. '708 patent at col. 1:40-53. The claims of the Patents-in-Suit are directed to methods carried out by a game control device that communicates with a plurality of communication terminals for providing a game to the communication terminals and to systems for carrying out that method. The claims all recite elements that are tied to a special purpose device, e.g., a game control device for the specific application of controlling a game.

16. The invention of the Patents-in-Suit addresses the shortcomings of prior approaches for playing computer-based games, such as how it is relatively “difficult to acquire a battle card or the like with a high rarity value.” *Id.* at 1:43-44. This problem leads the user to “end[] up with the impression that such an item cannot be acquired at all.” *Id.* at 1:44-45. Thus, the user “suffers a drastic loss of interest in the game.” *Id.* at 1:45-46. The claims of the Patents-in-Suit solve these problems.

17. In particular, the claims of the Patents-in-Suit “provide[] a game control method, a game server, and a program that can increase the variations on methods for acquiring battle cards and the like.” *Id.* at 1:48-50. The solution of the claims of the Patents-in-Suit “increase[s] the predictability of the acquisition of a card or the like with a high rarity value or the like.” *Id.* at 1:51-52. Thus, the claims solve the aforementioned problems and “heighten [the user’s] interest in the game.” *Id.* at 1:52-53.

18. The claims of the Patents-in-Suit are directed to a narrow area of application and thus do not pre-empt others from using the general concept of games or sharing activities using a computer implemented method.

19. The claims of the Patents-in-Suit recite more than generic computer functionality and recite steps that are not purely conventional.

20. The claims of the '708 patent recite at least the following elements which, either alone or as an ordered combination, are unconventional and unique, and are not well-known, routine, or conventional: "displaying, during the virtual game, a plurality of cells and acquirable item information that is received from a server over a communication line, the plurality of cells being displayed in the same size, wherein each of a plurality of items extracted from an item information table pertaining to a user is associated with each of the plurality of cells, the plurality of items being selected randomly only from items in the item information table, and at least one of the cells including a character which indicates a rarity value of an item associated with the at least one of the cells."

21. The claims of the '832 patent recite at least the following elements which, either alone or as an ordered combination, are unconventional and unique, and are not well-known, routine, or conventional: "sending information to a user terminal for displaying, in a virtual game, a sheet comprising the plurality of cells and obtainable item information, the obtainable item information comprising at least one of (i) a total number of items for each item type, (ii) a number of obtained items and (iii) a number of un-obtained items," "receiving, in the virtual game, a selection request from the user terminal to select one cell among the plurality of cells," "sending information for differentiating, in the virtual game, a display of the one cell from another cell of the plurality of cells in the sheet, wherein the differentiating of the display of the one cell is done in response to the selection request to select the one cell," and "sending information for differentiating, in the virtual game, a display of the one cell from another cell of the plurality of cells in the sheet, wherein the differentiating of the display of the one cell is done

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