

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

GREE, INC.,	§	Case No.:
	§	
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. 9,079,107 (the “Oono ’107 patent”) and 9,561,439 (the “Oono ’439 patent”) against at least Supercell’s “Clash of Clans,” “Clash Royale,” and “Hay Day” 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. § 1391(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 hold 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 Oono '107 patent entitled Game Control Method, Game Control Device, and Recording Medium. A true and correct copy of the Oono '107 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 Oono '439 patent entitled Game Control Method, Game Control Device, and Recording Medium. A true and correct copy of the Oono '439 patent is attached to this Complaint as Exhibit B.

12. The Oono '107 patent and Oono '439 patent (collectively, "the Patents-in-Suit") share a common specification.

13. 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.

14. The Patents-in-Suit describe and claim innovative communication systems and methods for controlling computer-implemented "social game in which it is possible to constitute

a group referred to as a guild by a plurality of users (players) who play the game.” Oono ’107 patent at col. 1:57-59. The claims of the Patents-in-Suit are directed to methods carried out by a game control device that communicates with the 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 social game.

15. The invention of the Patents-in-Suit addresses the shortcomings of prior approaches for playing computer based games, such as lack of motivation of users at a low level or the inability of a user to play in cooperation with a plurality of users regardless of that user’s level. *Id.* at col. 2:12-22. The invention provides “a new mechanism that enables a user to play in cooperation with a plurality of users (guild) regardless of the [user’s] level, etc.” *Id.* at col. 2:23-25.

16. The claims of the Oono ’107 patent are specific to a narrow area of application, a game control method carried out by a game control device, in which information and game rewards are shared among players in the same groups (e.g., in the same guild). The claims of the Oono ’107 patent therefore do not pre-empt others from using the general concept of games or sharing activities, using a computer implemented method.

17. The claims of the Oono ’439 patent are specific to a narrow area of application, a team-based and computer network-based game, in which correspondence between the plurality of users and the one or more groups and a parameter value for each of the plurality of users, which increases as a respective user makes progress in the group event, are stored, a group event is monitored and the parameter values for each of the team members is updated in accordance with the monitored progress of the team in the group event. The claims of the Oono ’439 patent

therefore do not pre-empt others from using the general concept of games or sharing activities, using a computer implemented method.

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

19. The claims of the Oono '107 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: “storing skill level information indicative of skill levels of each of the plurality of users of the game, in the storage unit;” “providing one or more of a plurality of game pieces to a first plurality of users in a first group of said one or more groups, based on the skill level information, while the first plurality of users are at certain events in the game;” and “allocating in a memory, the game item to the first group or at least one of the first plurality of users, when it is determined that all the required game pieces have been provided.” The Examiner confirmed that these claim elements are not well-known, routine, or conventional by allowing the application after submission of arguments by the Applicant in a Response addressing a rejection under 35 U.S.C. § 101. The Response was dated March 4, 2015.

20. The claims of the Oono '439 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: “grouping the plurality of users into one or more groups;” “storing a correspondence between the plurality of users and the one or more groups in the storage unit;” and “transmitting information over the communication network to initiate a group event in which a first plurality of users forming a first group cooperatively participate in the game.” The Examiner confirmed that these claim elements are not well-known, routine, or conventional by allowing the application after arguments presented by the Applicant during

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