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February 10, 2021

VIA EMAIL

Steven D. Moore
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Re: *GREE, Inc. v. Supercell Oy*
ED Texas Case Nos. 2:19-cv-00200, -00237, -00310, -00310

Dear Steve:

I write regarding Supercell's proposal that the parties narrow asserted claims and prior art, and to reiterate Supercell's request that GREE make its final election of asserted claims prior to the pretrial conference. Trial is currently scheduled for March 1, 2021, and GREE is currently asserting 179 claims across 12 patents:

- 8 claims from the '385 patent
- 12 claims from the '683 patent
- 30 claims from the '675 patent
- 24 claims from the '676 patent
- 20 claims from the '677 patent
- 30 claims from the '347 patent
- 11 claims from the '346 patent
- 9 claims from the '689 patent
- 3 claims from the '708 patent
- 15 claims from the '832 patent
- 10 claims from the '107 patent
- 7 claims from the '439 patent

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On January 29, 2021, Supercell requested that GREE agree to a schedule for narrowing to the asserted claims and prior art that will be raised at trial. In particular, we proposed that GREE narrow its claims that it will assert at trial by February 8, 2021, and that Supercell narrow its prior art by February 12, 2021. We further proposed that consistent with the last trial, if GREE does not present any particular claim to the jury or if Supercell does not present any particular prior art to the jury, then the effect would be a reduction in the party's trial time. (070, 071 case, Pretrial Hearing Transcript at 8:22-9:11). In response to our email, your partner, Ms. Ludlam, proposed that GREE would provide its list of narrowed claims/patents by February 12, 2021 and Supercell would provide its narrowed prior art by February 17, 2021. We then proposed that particularly if GREE intended to narrow patents in addition to claims, we would need more than three (3) business days to narrow our prior art in response, and thus proposed that if GREE would agree to provide its list of narrowed claims by February 12, 2021, Supercell would provide its narrowed prior art by February 19, 2021.

I understand that during the meet and confer yesterday, you represented that GREE was only willing to agree to a *non-final* election of claims by February 12, 2021, and that it intends to further narrow its claims after that date. Given the breadth of claims that are currently asserted, please immediately confirm that GREE will make its final election of claims by February 12, 2021, as proposed by Ms. Ludlam, and that if GREE does not present to the jury any particular claim that is included in its February 12 disclosure, then the effect will be a reduction in the party's trial time. GREE's continued assertion of this many claims is abusive and harassing, and to the extent GREE ultimately prosecutes at trial a significantly reduced number of claims, we reserve the right to seek fees under § 285, in addition to any other remedy the Court deems appropriate.

Sincerely,

FENWICK & WEST LLP



Michael J. Sacksteder
Partner

MJS:rfp