

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

GREE, INC.,	§	
	§	
Plaintiff,	§	Case No. 2:19-cv-00311-JRG-RSP
	§	
v.	§	JURY TRIAL DEMANDED
	§	
SUPERCELL OY,	§	
	§	
Defendant.	§	

**GREE, INC.’S AMENDED DISCLOSURE OF ASSERTED CLAIMS
AND INFRINGEMENT CONTENTIONS**

Pursuant to Paragraph 3(a)(i) of the Discovery Order in this case (Dkt. 30), Plaintiff GREE, Inc. (“GREE”) submits this amended disclosure of asserted claims and infringement contentions to Defendant Supercell Oy (“Supercell”).

GREE’s investigation of the extent of infringement is ongoing, and the following disclosures are based solely on the information currently available to GREE. GREE reserves the right to supplement or modify these disclosures as new information, including any additional source code, becomes available, whether through discovery or otherwise.

I. P.R. 3-1 Disclosure of Asserted Claims and Infringement Contentions

- a. Supercell literally infringes the following claims, directly and indirectly:
 - i. Claims 1-7, and 9-11 of U.S. Pat. No. 9,079,107; and
 - ii. Claims 1-7 of U.S. Pat. No. 9,561,439.

Supercell’s infringement is further detailed in the claim charts attached as Exhibits A-F. GREE reserves the right to augment or supplement its contentions to identify additional claims

infringed by Supercell after discovery, including upon reviewing additional source code, or as otherwise permitted under the Patent Rules.

b. Supercell's infringement pertains to the Accused Products identified in Exhibits A-F. GREE expects that this disclosure may be subject to amendment or supplementation to identify and accuse additional products or product features released, developed, or made available by Supercell after the date on which these contentions are served, or of which GREE was not aware at the time of these contentions.

c. Charts identifying where each element or step of the asserted claims is found within, or performed by, each Accused Product are attached as Exhibits A-F. The charts are based on publicly-available information and information produced by Supercell that is currently accessible to GREE. GREE reserves the right to offer additional evidence to prove Supercell's infringement in its expert reports, and in motions and at trial.

d. Based on its current understanding of the claim language and available information pertaining to the Accused Products, and without notice of any non-infringement position from Supercell, GREE asserts that Supercell literally infringes each element or step of the asserted claims. However, any claim element or step not literally present in or performed by the Accused Products is satisfied under the doctrine of equivalents because any such differences between such claim element or step and the accused element or step are insubstantial. In other words, the accused element or step performs substantially the same function, in substantially the same way, to achieve substantially the same result.

As discovery has not yet been completed, the parties have only recently exchanged disputed claim terms and constructions, and the Court has not yet construed certain claim terms, it is not yet clear whether and to what extent GREE will rely on the doctrine of equivalents.

Accordingly, GREE reserves the right, in response to further discovery, further source code review, review of Supercell's contentions, issuance of a claim construction order, or as otherwise permitted under the Patent Rules, to amend its infringement contentions as necessary.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been delivered to all counsel of record with a copy of this document via electronic mail on August 3, 2020.

/s/ Norris P. Boothe
Norris P. Boothe
Kilpatrick Townsend & Stockton LLP