

IPR2020-01633

Petitioner's Reply to Patent Owner's Preliminary Response

Filed on behalf of Supercell Oy

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SUPERCCELL OY,
Petitioner

v.

GREE, INC.,
Patent Owner.

Case No. IPR2020-01633
Patent 9,079,107 B2

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

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Snap, Inc. v. SRK Technology LLC,
IPR2020-00820, Paper 15 (P.T.A.B. Oct. 21, 2020).....1, 2, 5

Sotera Wireless, Inc. v. Masimo Corp.,
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Uniloc United States v. Avaya Inc.,
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STATUTES AND RULES

35 U.S.C. § 314 1

EXHIBIT LIST (37 CFR § 42.63(E))

Exhibit	Description
1001	U.S. Patent No. 9,079,107 to Oono
1002	Prosecution History of U.S. Patent No 9,079,107
1003	Declaration of Dr. Emmet J. Whitehead, Jr.
1004	U.S. Patent Application Publication No. 2011/0300926 A1 to Englman et al.
1005	U.S. Patent Application Publication No. 2013/0190094 A1 to Ronen et al.
1006	U.S. Patent No. 8,376,838 B2 to Schulhof et al.
1007	U.S. Patent No. 7,824,253 B2 to Thompson et al.
1008	World of Warcraft, <i>Guild Advancement and You</i> , (Jan. 21, 2011), https://worldofwarcraft.com/en-us/news/2113741/guild-advancement-and-you
1009	Arc Games, <i>Forsaken World – Overview – Guild Contribution</i> , (Mar. 29, 2011), https://www.arcgames.com/en/games/forsaken-world/news/detail/1077620-forsaken-world-___-free-mmorpg-___-overview-_-guild-contribution
1010	MMORPG, <i>Divina – Unique Guild System</i> , (May 12, 2012), https://www.mmorpg.com/divina/developer-journals/unique-guild-domain-system-2000093507
1011	U.S. Patent Application Publication No. 2014/0024462 A1 to Qiang et al.
1012	U.S. Patent Application Publication No. 2012/0157212 A1 to Kane et al.
1013	Curriculum Vitae for Dr. Emmet J. Whitehead, Jr.
1014	Scott McKeown, <i>District Court Trial Dates Tend to Slip After PTAB Discretionary Denials</i> , Patents Post-Grant (July 24, 2020), https://www.patentspostgrant.com/district-court-trial-dates-tend-to-slip-after-ptab-discretionary-denials/

Exhibit	Description
1015	Scott McKeown, <i>Congress Urged to Investigate PTAB Discretionary Denials</i> , Patents Post-Grant (June 30, 2020), https://www.patentspostgrant.com/congress-urged-to-investigate-ptab-discretionary-denials/
1016	Order (Granting Continuance of In-Person Jury Trials) (Dkt. 261), entered on November 20, 2020, <i>Infernal Technology, LLC, et al. v. Sony Interactive Entertainment LLC</i> , Case. No. 19-cv-00248 (E.D. Texas)
1017	Katie Buehler, <i>COVID-19 Outbreak Leads to Mistrial in EDTX</i> , Law360 (Nov. 17, 2020), https://www.law360.com/articles/1329617/covid-19-outbreak-leads-to-mistrial-in-edtx
1018	Sixth Amended Docket Control Order [Dkt 94], entered on October 23, 2020, Case No. 19-cv-00311 (E.D. Texas)
1019	GREE, Inc.'s Amended Disclosure of Asserted Claims and Infringement Contentions, served on August 3, 2020, Case No. 19-cv-00311 (E.D. Texas)
1020	Minute Order re Markman Hearing [Dkt 73], entered on September 1, 2020, Case No. 19-cv-00311 (E.D. Texas) (resulting in Claim Construction Memorandum Opinion and Order [Dkt 86], entered on October 13, 2020)

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