

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

GREE, INC.,

Plaintiff,

v.

SUPERCELL OY,

Defendant.

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Case No. 2:19-cv-00200-JRG-RSP
2:19-cv-00237-JRG-RSP
2:19-cv-00310-JRG-RSP
2:19-cv-00311-JRG-RSP

JURY TRIAL DEMANDED

**UPDATED SECTION D, CONTENTIONS OF THE PARTIES, TO THE PARTIES
JOINT PRETRIAL ORDER**

Pursuant to the Court's Order, 2:19-cv-00200, Dkt. 243, the parties hereby submit an updated Section D, Contentions of the Parties, to reflect the narrowed asserted patents and claims.

D. CONTENTIONS OF THE PARTIES

1. GREE's Statement of its Contentions

By providing these contentions, GREE does not concede that all of these issues are appropriate for trial. In addition, GREE does not waive any of its motions *in limine*.

- a. GREE contends that Supercell infringes claim 7 of U.S. 10,335,683 (“the ’683 patent”) by making, using, selling, offering for sale in and/or importing into the United States its Clash of Clans game
- b. GREE contends that Supercell infringes claim 6 of U.S. 10,307,676 (“the ’676 patent”) by making, using, selling, offering for sale in and/or importing into the United States its Clash of Clans game.
- c. GREE contends that Supercell infringes claim 4 of U.S. 10,328,347 (“the ’347 patent”) by making, using, selling, offering for sale in and/or importing into the United States its Clash of Clans game.
- d. GREE contends that Supercell infringes claim 3 of U.S. 10,328,346 (“the ’346 patent”) by making, using, selling, offering for sale in and/or importing into the United States its Clash Royale game.
- e. GREE contends that Supercell infringes claim 8 of U.S. 10,335,689 (“the ’689 patent”) by making, using, selling, offering for sale in and/or importing into the United States its Clash of Clans game.

- f. GREE contends that Supercell infringes claim 1 of U.S. 10,076,708 (“the ’708 patent”) by making, using, selling, offering for sale in and/or importing into the United States its Clash Royale game.
- g. GREE contends that Supercell infringes claim 2 and 3 of U.S. 10,413,832 (“the ’832 patent”) by making, using, selling, offering for sale in and/or importing into the United States its Clash Royale game.
- h. GREE contends that Supercell infringes claims 1 and 6 of U.S. 9,079,107 (“the ’107 patent”) by making, using, selling, offering for sale in and/or importing into the United States its Clash of Clans, Clash Royale and Hay Day games.
- i. GREE contends that Supercell infringes claims 1 and 5 of U.S. 9,561,439 (“the ’439 patent”) by making, using, selling, offering for sale in and/or importing into the United States its Clash of Clans, Clash Royale and Hay Day games.
- j. GREE is the owner by assignment of all right, title, and interest in and to the ’683 patent, which duly and legally issued on July 2, 2019 and claims priority to Japanese Patent Application Nos. 2013-202721 and 2014-080554.
- k. GREE is the owner by assignment of all right, title, and interest in and to the ’676 patent, which duly and legally issued on June 4, 2019 and claims priority to Japanese Patent Application Nos. 2013-202721 and 2014-080554.
- l. GREE is the owner by assignment of all right, title, and interest in and to the ’347 patent, which duly and legally issued on June 25, 2019 and claims priority to Japanese Patent Application Nos. 2013-202721 and 2014-080554.
- m. GREE is the owner by assignment of all right, title, and interest in the ’346 patent, which duly and legally issued on June 25, 2019 and claims priority to U.S. Patent Application No. 15/391,123 (now U.S. 9,770,659), which claims

priority to U.S. Patent Application No. 15/253,964 (now U.S. 9,636,583), which claims priority to Application No. 14/291,358 (now 9,457,273), which claims priority to Japanese Patent Application Nos. 2013-116039, 2013-268385, and 2014- 042491.

- n. GREE is the owner by assignment of all right, title, and interest in the '689 patent, which duly and legally issued on July 2, 2019 and claims priority to Japanese Patent Application No. 2013-273252.
- o. GREE is the owner by assignment of all right, title, and interest in the '708 patent, which duly and legally issued on September 18, 2018 and claims priority to Japanese Patent Application No. 2012-140213.
- p. GREE is the owner by assignment of all right, title, and interest in the '832 patent, which duly and legally issued on September 17, 2019 and claims priority to Japanese Patent Applications No. 2012-140213.
- q. GREE is the owner by assignment of all right, title, and interest in the '107 patent, which duly and legally issued on July 14, 2015 and claims priority to Japanese Patent Applications Nos. 2013-049388, 2013-202682, and 2013-262855.
- r. GREE is the owner by assignment of all right, title, and interest in the '439 patent, which duly and legally issued on February 7, 2017 and claims priority to Japanese Patent Applications Nos. 2013-049388, 2013-202682, and 2013-262855.
- s. GREE contends that it has been damaged by Supercell's infringement and seeks damages to compensate it for the infringement by Supercell, including in no

event less than a reasonable royalty, together with pre-judgment and post-judgment interest and costs fixed by the Court.

- t. GREE contends that it is further entitled to provisional damages for Supercell's infringement of the '676 patent from the date Supercell had actual notice of the published application that resulted in the '676 patent.
- u. GREE contends that it is entitled to injunctive relief.
- v. GREE contends that Supercell's infringement is and has been willful and thus GREE should be awarded enhanced damages pursuant to 35 U.S.C. § 284, as well as supplemental damages for any continuing post-verdict infringement and accounting for damages, if necessary, and both pre-judgment and post-judgment interest.
- w. GREE contends that this case is exceptional and that GREE is entitled to reasonable attorneys' fees and costs pursuant to 35 U.S.C. § 285.

2. Supercell's Statement of its Contentions

Supercell does not infringe any asserted claim of the Patents-in-Suit and each asserted claim is invalid. GREE is not entitled to any relief it seeks. By providing these contentions, Supercell does not concede that all of these issues are appropriate for trial; nor do the contentions below include every detail underlying each contention. In particular, Supercell does not waive any of its pending or future filed motions, which, if granted, would render some or all of these issues moot.

- a. Supercell denies that it directly or indirectly infringes any claim of the '683 patent.
- b. Supercell denies that it directly or indirectly infringes any claim of the '676 patent.

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