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'Clash Of Clans' Game Maker Owes \$8.5M, Texas Jury Says

By [Katie Buehler](#)

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Law360 (September 18, 2020, 11:58 AM EDT) -- A Texas federal jury on Friday morning found the company behind the wildly popular "Clash of Clans" mobile game infringed at least one claim of five patents held by Japanese game maker [Gree Inc.](#) and awarded Gree a lump sum of \$8.5 million in damages, according to a jury verdict form.

After more than seven hours of deliberation that started late Thursday morning, the eight-person Eastern District of Texas jury found Supercell Oy — the creator of city-building and battle game "Clash of Clans," mobile card game "Clash Royale" and battle game "Brawl Stars" — had willfully infringed at least one patent claim held by Gree. While the jury decided in Gree's favor, it awarded a much smaller damages amount than the \$18.5 million to \$24.6 million the Japanese company [had asked for](#) during closing arguments Thursday.

The five patents-in-suit relate to the ability of "Clash of Clans" players to easily copy city templates; a formula for calculating available funds, or elixir, to pay for cards in "Clash Royale;" code to help players easily aim and shoot in "Brawl Stars" while playing on a mobile device; and systems that allow players to engage with one another.

The verdict form didn't ask the jury to review each asserted patent claim on the issue of infringement, but instead asked whether Supercell infringed any of the asserted claims of the five patents. The jury checked "yes" for that

The jury also denied Supercell's counterclaims of invalidity on four of the five asserted patents, according to the form. Supercell didn't challenge the validity of U.S. Patent No. [9,597,594](#), which relates to the ability for players to easily copy city templates.

Counsel for Gree and Supercell declined to comment on the verdict. Representatives for both companies didn't immediately respond to requests for comment Friday.

This was the second in-person trial Chief U.S. District Judge Rodeny Gilstrap has held in Marshall, Texas, since the COVID-19 pandemic shut down courtrooms in early March. Attendees sitting in the gallery were asked to wear face masks while jury members were given face shields, but not face masks, to wear.

The attorneys sitting at counsel tables, the judge and his courtroom staff didn't wear face masks during closing arguments Thursday.

Gree and Supercell had sought to postpone the trial due to COVID-19-related restrictions that wouldn't allow some witnesses to travel and that they said would create an unfair and unjust trial, according to court filings. Judge Gilstrap agreed to push the trial from its original start date of Aug. 3, but denied a second request from Supercell to postpone it further.

During the trial, which started Sept. 10, the jury heard five days of testimony and evidence, including detailed videos on how Supercell's games work and on its profits, which totaled \$450 million from the three games in 2019.

Gree's attorney Steven D. Moore of [Kilpatrick Townsend & Stockton LLP](#) delivered closing arguments for the company Thursday and urged the jury to compensate Gree for "doing the right thing."

"Gree played by the rules," he said. "When it came up with ideas, it got those patents. Supercell did not play by the rules."

Supercell argued Gree's patents were invalid because they involve technology used in previously developed games, such as "FarmVille" and mobile card game "Magic."

Sacksteder took shots at the value of Gree's patents during his closing arguments, saying if the patents were so valuable, Gree's games — such as its answer to "Clash of Clans," "Tenmega" — wouldn't have failed in the U.S.

"If these patents are so valuable to games, how come you didn't put them in games or the games they were put in flopped?" he said.

The companies have a long history of court battles, which includes Gree filing 32 preliminary injunction actions and six lawsuits alleging patent infringement against Supercell in 2017 and 2018. During that same time period, Supercell filed seven inter partes review petitions and 16 post-grant review petitions with the Patent Trial and Appeal Board.

There are seven pending cases in the Eastern District of Texas involving at least 10 additional patents that Gree claims Supercell has infringed with its "Clash of Clans," "Clash Royale" and other games, according to court records. The next set of claims is set for trial in March 2021.

The patents-in-suit are U.S. Patent Nos. 9,604,137; [9,956,481](#); [9,774,655](#); [9,795,873](#); and 9,597,594.

Gree is represented by Melissa R. Smith and Harry L. Gillam Jr. of [Gillam & Smith LLP](#) and Steven D. Moore, Rishi Gupta, Taylor J. Pflingst, Norris P. Booth, John C. Alemanni, Taylor Higgins Ludlam, Kasey E. Koballa, Michael T. Morlock, Alton L. Absher III and Andrew W. Rinehart of Kilpatrick Townsend & Stockton LLP.

--Additional reporting by Dave Simpson, Jack Queen and Tiffany Hu. Editing by Alyssa Miller.

Update: This story has been updated with more details from the trial.

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Case Information

Case Title

[GREE, INC v. SUPERCELL OY](#)

Case Number

[2:19-cv-00070](#)

Court

Texas Eastern

Nature of Suit

Patent

Judge

[Rodney Gilstrap](#)

Date Filed

February 27, 2019

PTAB Case Information

Case Title

[Supercell Oy v. GREE, Inc.](#)

Case Number

[PGR2018-00008](#)

Date Filed

November 07, 2017

Case Title

[Supercell Oy v. GREE, Inc.](#)

Case Number

[IPR2019-00754](#)

Date Filed

March 01, 2019

Case Title

[Supercell Oy v. GREE, Inc.](#)

Case Number

[IPR2019-00756](#)

Date Filed

March 01, 2019

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