

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SUPERCELL OY,
Petitioner,

v.

GREE, INC.,
Patent Owner.

Case PGR2018-00036
Patent 9,662,580 B2

Before MICHAEL W. KIM, LYNNE H. BROWNE, and
CARL M. DEFRANCO, *Administrative Patent Judges*.

DEFRANCO, *Administrative Patent Judge*.

FINAL WRITTEN DECISION
35 U.S.C. § 328(a) and 37 C.F.R. § 42.73

GREE, Inc. (“GREE”) is the owner of U.S. Patent No. 9,662,580 B2 (“the ’580 patent”). Supercell Oy (“Supercell”) filed a petition for post-grant review of claims 1–10 of the ’580 patent. Paper 1 (“Pet.”). We instituted post-grant review of all the claims as challenged in the petition. Paper 7 (“Inst. Dec.”). GREE filed a response. Paper 9 (“PO Resp.”). Supercell replied. Paper 17 (“Pet. Reply”). And GREE had the last word in

a sur-reply. Paper 19 (“PO Sur-Reply”). In addition, GREE moved to exclude certain of Supercell’s evidence, namely, Exhibits 1010–1012. Paper 21 (“PO Mot. Exclude”).

We have jurisdiction under 35 U.S.C. § 6. An oral hearing was conducted on June 20, 2019. Paper 30 (“Tr.”). After considering the parties’ arguments and supporting evidence, we determine that Supercell has proven, by a preponderance of the evidence, that claims 1–10 of the ’580 patent are unpatentable. 35 U.S.C. § 326(e). We also deny GREE’s motion to exclude as moot.

I. BACKGROUND

A. *The ’580 Patent*

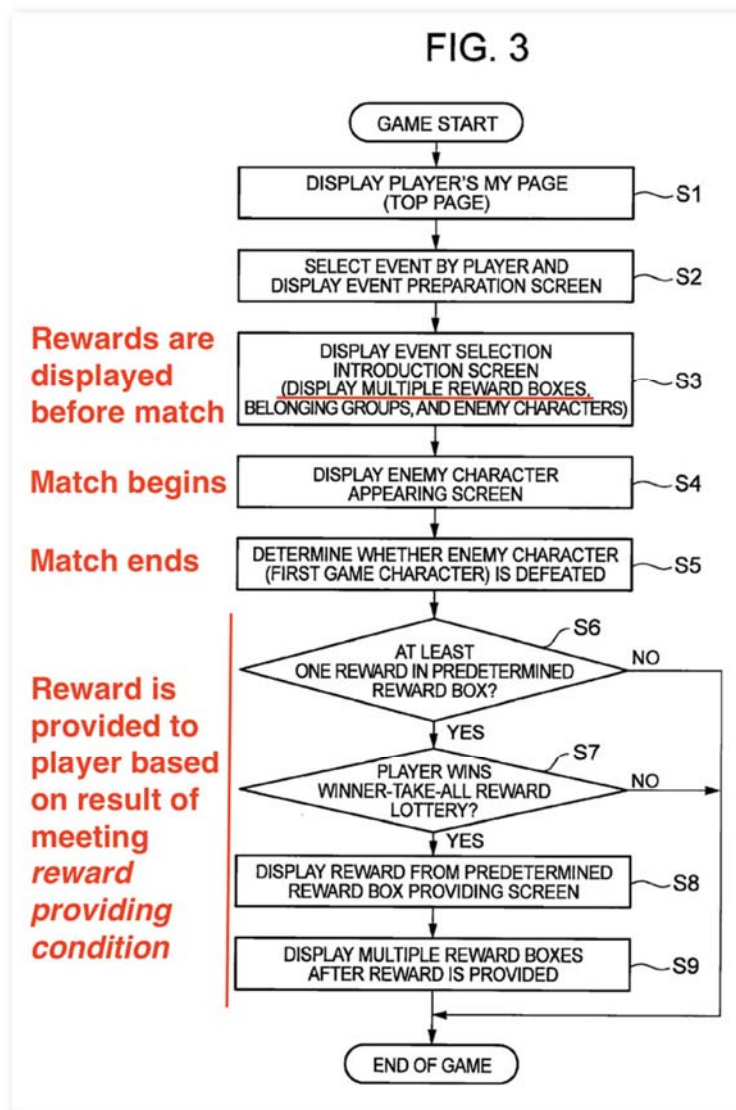
The ’580 patent, titled “Video Game in Which Groups of Players Earn Reward Boxes,” issued May 30, 2017, and claims priority to a foreign application filed August 21, 2013.¹ Ex. 1001, cover [30]. The ’580 patent begins by describing a conventional “social game” in which players operate player characters and attack one or more enemy characters. *Id.* at 1:9–27. Notably, in these conventional games, each player is “a member of a specific group.” *Id.* at 1:27–28. If a player within the group defeats the enemy characters, “various rewards such as points or items . . . can be given to each individual player or the group to which these players belong.” *Id.* at 1:28–31. According to the ’580 patent, however, the rewards available in these

¹ Because Supercell’s petition was filed within nine months of the ’580 patent’s issue date and the earliest possible priority date for the ’580 patent is after March 16, 2013 (the effective date for the first inventor to file provisions of the Leahy-Smith America Invents Act), the ’580 patent is eligible for post-grant review. *See* 35 U.S.C. § 321. GREE does not contest that the ’580 patent qualifies for post-grant review.

conventional social games “are fixed to some extent.” *Id.* at 1:35–37. These fixed rewards, the ’580 patent reports, “cause a reduction in the player’s motivation to participate in the game or continue the game,” such as “in come-from-behind victory in relation to the other players.” *Id.* at 1:38–44.

To address this problem, the ’580 patent provides a method and system of “*improving unexpectedness, dramatic impact, and taste* when medals, game items, or the like as a reward are provided to a player.” *Id.* at 1:45–53 (emphasis added). As described, this purported improvement is achieved by an “information storage unit” that stores information relating to “a reward providing condition, rewards, and [a] reward box” and a control unit that accesses the stored information and “*allocates* at least one reward” to a “reward box.” *Id.* at 1:62–66 (emphasis added). As part of allocating the reward, the reward box is “displayed on the terminal device . . . to let the player know that the reward can be acquired by defeating [an] enemy character.” *Id.* at 7:21–26, Fig. 5. The control unit then “*determines* whether the reward providing condition is met based on match-up situations or match-up results between the players and first game characters [i.e., enemy game characters] in the game.” *Id.* at 1:65–2:2 (emphasis added); *see also id.* at Fig. 3. If the condition is met, then the allocated reward is provided to the player. *Id.* at 2:2–5.

GREE’s expert illustrates Figure 3 of the ’580 patent, reproduced below, to illustrate the operation of the game. Ex. 2001 ¶¶ 63–64.



As explained by GREE's expert in annotated Figure 3 above, the reward is "displayed" in allocating step S3 "before match . . . begins," and then reward is "provided to player" in determining steps S6–S9 as a result of the player "meeting reward providing condition." *Id.*

B. The Challenged Claims

Of the challenged claims, five are independent—claims 1 and 7–10. Claim 1 is directed to a "control method," claim 7 is directed to a "non-transitory computer-readable recording medium recording process," claims 8

and 10 are directed to a “control apparatus,” and claim 9 is directed to a “game system.” Common across these claims are the following steps for execution by a computer:

“storing” game information that defines “a plurality of groups to which . . . players belong,” “rewards,” “a reward providing condition,” and a “reward box . . . associated exclusively with a respective one of said groups,”

“allocating” a reward into a reward box,

“determining” if a reward providing condition is met based on match-ups between players and game characters,

“displaying” the reward in the reward box, and

“providing” the reward from the reward box to a player who meets the reward providing condition.

See Ex. 1001, claims 1, 7, 8, 9, 10.

Supercell asserts that claim 1 is “representative” of the independent claims. Pet. 19. Although GREE disputes that assertion (PO Resp. 13–14), it nonetheless limits its arguments to claim 1 without arguing the other independent claims separately (*id.* at 18–61).² Given the significant overlap in the steps recited by the independent claims, we agree with Petitioner that claim 1 is representative. Claim 1 recites:

1. A control method for a computer network, comprising:

storing, by a memory for *storing information related to a game* in which a plurality of players can participate, *information defining a plurality of groups to which said players belong, a reward providing condition, rewards, and reward box information* for a plurality of reward boxes each associated exclusively with a respective one of said groups, as part of the information related to the game; and

² GREE does argue the dependent claims separately. *See* Pet. 50–53; PO Resp. 22–23, 61–65.

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