

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SUPERCELL OY,  
Petitioner,

v.

GREE INC.,  
Patent Owner.

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Case PGR2018-00039 (Patent 9,669,308 B2)  
Case PGR2018-00036 (Patent 9,662,580 B2)

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Record of Oral Hearing  
Held June 20, 2019

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

Case PGR2018-00039 (Patent 9,669,308 B2)

Case PGR2018-00036 (Patent 9,662,580 B2)

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Case PGR2018-00039 (Patent 9,669,308 B2)

Case PGR2018-00036 (Patent 9,662,580 B2)

The above-entitled matter came on for hearing on Thursday, June 20, 2019, commencing at 9:02 a.m., at the United States Patent and Trademark Office, USPTO Madison Building, 600 Dulany Street, Alexandria, VA 22314.

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P R O C E E D I N G S

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JUDGE KIM: All right. Welcome. Today, we're going to have -- we'll be arguing two cases, PGR2018-00039 and - 00036. 39 will go first and then we will have a break and then do 36 afterwards.

6

So regarding 39 -- I'm Michael Kim. On the line with us, we have Judge Lynne Browne and Carl DeFranco.

8

And a few housekeeping things. One, again, they can't see the slides or not very well, so if you could just refer to any slides or exhibits by number and page, we'd greatly appreciate it. Also, for in and out, if we could please restrict that times when counsel changes, we'd appreciate it.

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So with that, we'll begin with appearances, starting with Petitioner.

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MS. BUSH: Good morning, Your Honor. Jennifer Bush, lead counsel for Petitioner, Supercell OY, and I have with me backup counsel, Michael Sacksteder and Geoff Miller.

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JUDGE KIM: All right. About how much time would you like to reserve for reply?

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MS. BUSH: I'd like to reserve 15 minutes for rebuttal.

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JUDGE KIM: And Patent Owner?

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MR. COLLIER: Your Honor, Jesse Collier, lead counsel for GREE, Patent Owner, and I'm with co-counsel Graham Nelson, and we'd also like to reserve 15 minutes for rebuttal.

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JUDGE KIM: Okay. Great. And then because there's a motion to amend the 00039 case, the way it's structured, even though technically

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1 Patent Owner presented motion to amend, Petitioner, if you want to address  
2 it in your opening remarks, you can at that time.

3 Great. I think we're all set. So unless anyone upholds anything else,  
4 Ms. Bush, you can begin.

5 MS. BUSH: Good morning, Your Honors.

6 So we're talking today about PGR2018-00039. This refers to  
7 Patent 9,669,308, which I'll be referring to as the '308  
8 Patent as we go along, and this case is about two different modes that can be  
9 used for video game battle and the claims described determining which of  
10 those modes to use, based on certain conditions being met including user  
11 input.

12 Slide 2, please? So we're starting out here with some language that  
13 was just in the decision granting institution, which is a statement by the  
14 Board that they were persuaded that Petitioner showed that the claims are  
15 directed to -- there is a typo here actually. It's determining a procedure for a  
16 video game battle based on user input, as what the claim is directed to and  
17 that that was an abstract idea.

18 And then, secondly, that the additional elements in Claims 1 through 8 do  
19 not transform the abstract idea into patent-eligible subject matter.

20 Slide 3. The claims are directed to the abstract idea of determining a  
21 procedure for a video game battle based on user input. And we have just  
22 here, Figure 13, which just is a flow-chart as you can see. And we're really  
23 talking about a -- sort of a decision tree aspect right around Step

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