

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SUPERCELL OY,
Petitioner,

v.

GREE, INC.,
Patent Owner.

PGR2018-00050 (Patent 9,675,886 B2)
PGR2018-00060 (Patent 9,694,287 B2)

Record of Oral Hearing
Held: Wednesday, June 26, 2019

Before LYNNE H. BROWNE, HYUN J. JUNG, and
CARL M. DEFRANCO, *Administrative Patent Judges*.

PGR2018-00050 (Patent 9,675,886 B2)

PGR2018-00060 (Patent 9,694,287 B2)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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The above-entitled matter came on for hearing on Wednesday, June 26, 2019, commencing at 1:00 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

1 PROCEEDINGS

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3 JUDGE JUNG: All right, this is the oral hearing for Cases
4 PGR2018-00050 and PGR2018-00060, between Petitioner
5 Supercell and Patent Owner GREE.

6 In these cases, Petitioner challenges all claims of U.S.
7 Patent Nos. 9,675,886 and 9,694,287.

8 Starting with Counsel for Petitioner, followed by counsel
9 for Patent Owner, please state your names for the record.

10 MS. BUSH: Good morning, Your Honors. I am Jennifer
11 Bush, lead counsel for Petitioner Supercell Oy, and I am joined
12 by my back-up counsel, Geoffrey Miller and Michael Sacksteder.

13 If the Judges would give us some guidance today, we had
14 intended to talk about 60 first and then go to 50, but we would
15 love some guidance from how you would like us to address this.

16 JUDGE JUNG: Well, you are free to use your time in any
17 way you wish. If you want to present 60 first, that's fine with
18 us; we are ready to talk about both cases.

19 Is there any objection from the Patent Owner's side with
20 starting with 60? Okay, that sounds great then.

21 MR. STANFORD: Good afternoon. My name is Matthew
22 Stanford, I am back-up counsel for GREE, the Patent Owner, and
23 here with me for the 50 will be Graham Nelson, and then lead
24 counsel, Jesse Collier.

1 JUDGE JUNG: Welcome. As stated in the trial hearing
2 order, each party has 75 minutes of total time to present its
3 arguments for both of these cases. Petitioner will proceed first,
4 followed by Patent Owner. Each side may reserve time for
5 rebuttal.

6 To ensure that the transcript is clear, please refer to
7 demonstratives by slide number. And, one last reminder, if one
8 party believes something being argued or shown is improper,
9 please raise the issue at the end of the presentation rather than
10 interrupting the presentation to object.

11 And I believe I did not see any objections to any of the
12 demonstratives in either of these cases; is that correct, Ms.
13 Bush?

14 MS. BUSH: That's correct.

15 JUDGE JUNG: Is that correct, Mr. Stanford?

16 MR. STANFORD: That's correct.

17 JUDGE JUNG: Okay. Ms. Bush, you may start when you
18 are ready.

19 MS. BUSH: Thank you, Your Honors. Again, Jennifer
20 Bush for Petitioner Supercell. I am going to begin talking about
21 the case that ends in 60 for U.S. Patent 9,694,287 first, and then
22 my co-counsel Geoff --

23 JUDGE JUNG: Ms. Bush, I'm sorry to interrupt, but how
24 much time would you like to reserve for rebuttal?

1 MS. BUSH: So I would like to spend 35 minutes on 60,
2 have Mr. Miller spend 25 minutes on 50, and then 15 minutes
3 combined for rebuttal, if that works.

4 JUDGE JUNG: Thank you.

5 MS. BUSH: Okay. So can we just skip directly to slide 4,
6 please? Okay.

7 So in this case the claims are directed to the abstract idea
8 of sending notifications about an item in a game, and this is just
9 a pictorial representation of Figure 4 from the patent.

10 Slide 5, please.

11 Looking at the claim itself, this is Claim 17, which is the
12 method claim, it recites a game control method, and what I've
13 highlighted here in red are the aspects of the claim that are
14 related to that notification. So there is an actual notification
15 step, which is actually only one of two affirmatively recited
16 actions we have we have --

17 JUDGE JUNG: Ms. Bush, Judge Browne is having a little
18 difficulty hearing you --

19 MS. BUSH: Oh --

20 JUDGE JUNG: -- if you can just --

21 MS. BUSH: -- I can step a bit closer. Is that helpful?

22 JUDGE JUNG: Thank you.

23 MS. BUSH: There's only two affirmatively recited steps
24 here, we have an item-providing step and a notification step.

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