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 PGR2018-00066
Patent 9,873,044 B2

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Before MICHAEL W. KIM, LYNNE H. BROWNE, and
AMANDA F. WIEKER, *Administrative Patent Judges*.

WIEKER, *Administrative Patent Judge*.

DECISION
Denying Institution of Post-Grant Review
35 U.S.C. § 324(a)

I. INTRODUCTION

A. Background

Supercell Oy ("Petitioner") filed a Petition for post-grant review of claims 1–10 ("challenged claims") of U.S. Patent No. 9,873,044 B2 (Ex. 1001, "the '044 patent") pursuant to 35 U.S.C. §§ 321–329. Paper 1 ("Pet."). GREE Inc. ("Patent Owner") filed a Preliminary Response. Paper 6 ("Prelim. Resp."). We have jurisdiction under 35 U.S.C. § 324, which provides that a post-grant review may be instituted only if "the information presented in the petition . . . demonstrate[s] that it is more likely than not that at least 1 of the claims challenged in the petition is unpatentable."

Petitioner challenges the patentability of claims 1–10 of the '044 patent under 35 U.S.C. §§ 101, 112(a), and 112(b). After considering the Petition and the Preliminary Response, as well as all supporting evidence, we conclude that the information presented in the Petition does not demonstrate that it is more likely than not that at least one of the challenged claims is unpatentable. Accordingly, we do not institute a post-grant review of the challenged claims.

B. Related Matters

The parties state that there are no related litigation matters. Pet. 1; Paper 3, 1 (identifying PGR2018-00037, challenging U.S. Patent No. 9,662,573 ("the '573 patent"), to which the '044 patent claims priority as a continuation).

C. The '044 Patent

The '044 patent is entitled "Method For Controlling Server Device, Server Device, Server Device, Computer-Readable Recording Medium and

Game System." Ex. 1001, (54). The '044 patent aims to "enhance motivation of a player to invite another player to a social game." *Id.* at (57).

The '044 patent identifies the popularity of social games that are "provided from a server device via a communication network to mobile terminals." *Id.* at 1:20–21. Players may participate in such games by accessing the gaming platform directly, or by invitation from another player who already participates in the game. *Id.* at 1:64–67. By way of background, the '044 patent describes scenarios in which an existing player who invites another to the game may "get a predetermined incentive," for example, "a coin or precious item[] such as a rare item that can be used in the social game," when the invited user participates in the game. *Id.* at 2:1–8. However, according to the '044 patent, because the first player receives an incentive only when the invited user actually "participates in (registers)" with the game, the value of the incentive is "small relative to the effort of transmitting the invitation mail, [so] they will stop transmitting invitation mail." *Id.* at 2:20–31. Thus, "it is difficult to increase the number of players who participate in the social game." *Id.* at 2:35–40.

Accordingly, the '044 patent seeks to enhance the motivation of players to invite others to a social game. *Id.* at 2:41–46. Embodiments of the invention include a server device, connected to a network, which communicates with terminal devices, e.g., client computers or mobile terminals. *Id.* at 4:37–, 15:9–34, Figs. 1–2. The '044 patent explains that "management range T1 refers to the range of information and processing that the provider can manage *in the platform*, e.g., including information on registered members, information on provided games (applications), and the processing relating to messages and e-mail among the members, for

example." *Id.* at 10:1–6 (emphasis added). "External service S1 is a service that is provided *outside of* the management range T1," and which "manages messages and e-mail exchanged between information processing terminals including the terminal devices . . . [and may] work with the message processing in the management range T1, whereby messages and e-mail can be exchanged in and out of the management range T1." *Id.* at 10:12–20 (emphasis added).

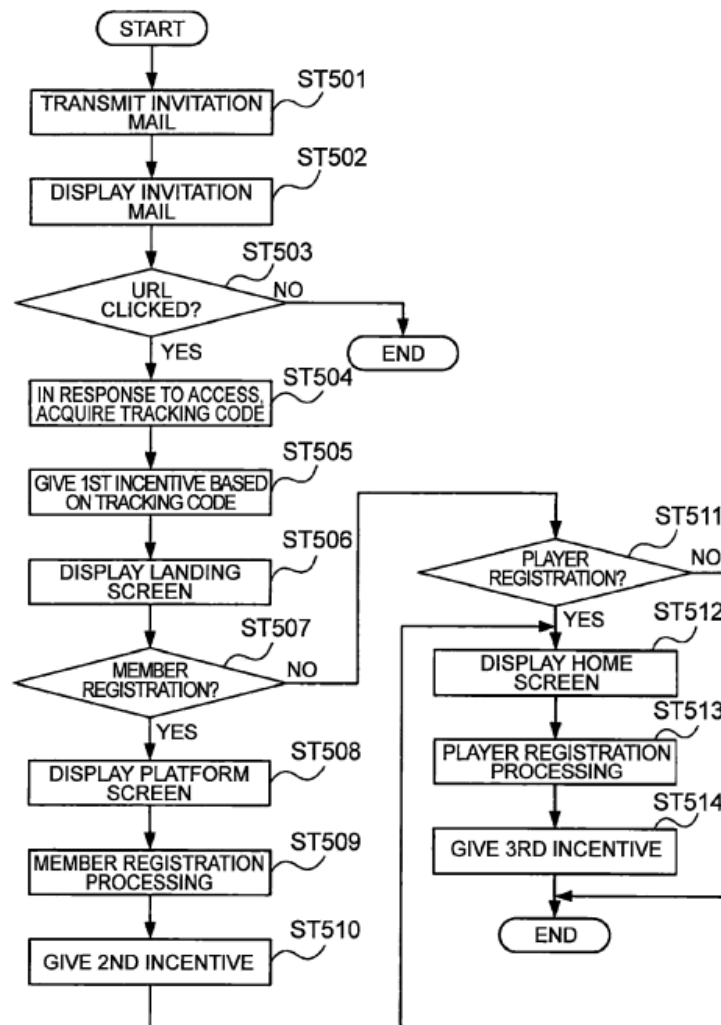Figure 7 of the '044 patent is reproduced below.

FIG. 7

Figure 7 depicts a flowchart illustrating an exemplary process for giving incentives to a first player. *Id.* at 4:9–11.

As depicted in Figure 7, a first player, operating a first terminal device, transmits an invitation message to a second user of a second terminal device, via external service S1 (step ST501). *Id.* at 11:26–30. The invitation message includes a URL that specifies a landing screen and contains a tracking code that identifies the first player from whom the invitation originated. *Id.* at 9:37–46. Next, the second user views the invitation (ST502), and determines whether to access the landing screen by clicking the URL (ST503). *Id.* at 11:31–34, 46–48, 56–57. If the second user accesses the landing screen from the URL, "the server device 100 can obtain the tracking code" to identify the first player (ST504). *Id.* at 9:51–57, 11:57–63, 11:63–12:1 (or, terminating process if URL is not clicked), 11:66–12:4. In response, the server "gives a *first* incentive to the [first] player who is identified with the tracking code (ST505)" and displays the landing screen to the second, invited user (ST506). *Id.* at 12:14–23 (emphasis added).

After the landing screen is displayed, the invited second user determines whether to register as a member with the game provider (ST507). *Id.* at 12:23–35. If the second user elects to register, the server displays the appropriate platform screen to allow member registration (ST508–509). *Id.* at 12:36–46; *see also id.* at 12:57–67 (or, declining to register). In such a circumstance, the server gives a *second* incentive to the first player, who sent the invitation message (ST510). *Id.* at 12:46–51.

A home screen is then displayed to the second user (ST512), through which the second user may also elect to register as a player in the game

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