

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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PGR2019-00018  
Patent 9,891,799 B2

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

BROWNE, *Administrative Patent Judge*.

JUDGMENT  
Final Written Decision  
Determining All Claims Unpatentable  
35 U.S.C. § 328(a)

## I. INTRODUCTION

Supercell Oy (“Petitioner”) filed a Petition (“Pet.”) for post-grant review of claims 1–20 of U.S. Patent No. 9,891,799 B2 (“the ’799 patent”) (Ex. 1001) pursuant to 35 U.S.C. §§ 321–329. Paper 1. GREE, Inc. (“Patent Owner”) filed a Preliminary Response. Paper 7.

On June 3, 2019, we issued a Decision pursuant to 35 U.S.C. § 324 instituting a post-grant review for claims 1–20 of the ’799 patent with respect to all grounds set forth in the Petition. Paper 8, 26 (“Dec.”). After institution, Patent Owner filed a Patent Owner Response (Paper 12, “PO Resp.”). Thereafter, Petitioner filed a Reply to Patent Owner’s Response (Paper 15, “Pet. Reply”). Patent Owner then filed a Sur-Reply (Paper 16, “PO Sur-Reply”). Patent Owner and Petitioner presented oral arguments on March 3, 2020.

The Board has jurisdiction under 35 U.S.C. § 6. In this Final Written Decision, after reviewing all relevant evidence and assertions, we determine that Petitioner has met its burden of showing, by a preponderance of the evidence, that claims 1–20 of the ’799 patent are patent ineligible.

### *A. Related Matters*

Petitioner indicates that there are no related matters involving the ’799 patent. Pet. 1. Patent Owner does not contest this assertion.

### *B. The ’799 Patent*

The ’799 patent “provides a game program with enhanced strategic gameplay in which a plurality of characters are operated with simple operation, a computer control method, and an information processing apparatus.” Ex. 1001, 1:38–42. The ’799 patent describes “a game program that processes progress of a game for moving a plurality of objects arranged

on a game field.” *Id.* at 1:44–46. The game program includes functions such as “an accepting function that accepts operation information regarding a touch operation performed by a user,” “an associating function that associates the plurality of objects as a group,” and “a moving function that may move . . . the plurality of associated objects as a group.” *Id.* at 1:47–54. The moving function moves the associated objects in a direction indicated by a direction operation, and this movement is displayed by a display processing function. *Id.* at 52–56. The game program allows a user to perform “a specifying operation that specifies a first object that is any of the plurality of objects.” *Id.* at 62–63. Upon such specification, “the moving function may move the remaining objects, excluding the first object from the plurality of objects, as a group in the direction indicated by the direction operation.” *Id.* at 64–67.

This game program is performed with information processing apparatus 100 shown in Figure 1, reproduced below:

FIG. 1

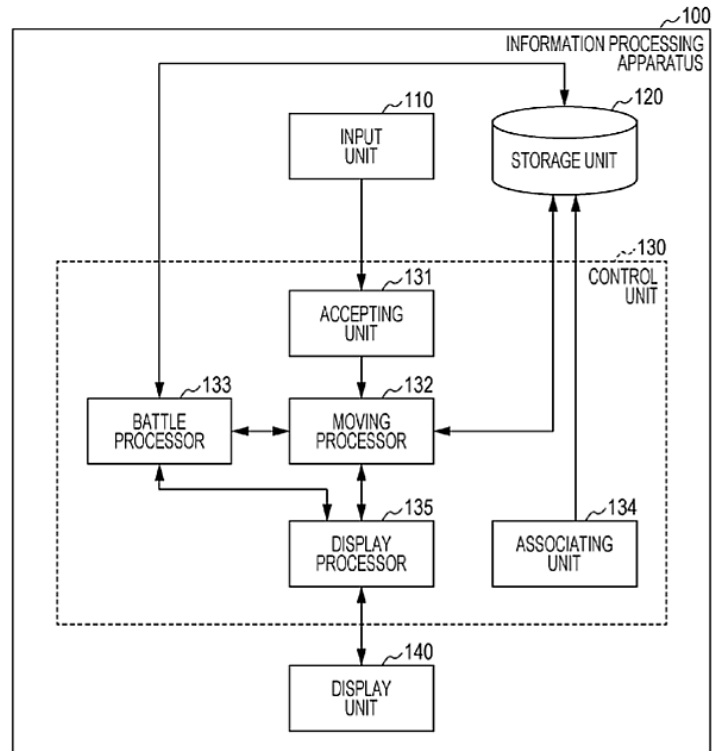


Figure 1 is “a functional block diagram of . . . an information processing apparatus.” Ex. 1001, 2:62–64. Information processing apparatus 100 includes “an input unit 110, a storage unit 120, a control unit 130, and a display unit 140.” *Id.* at 6:66–67. Input unit 110 is a touch pad. *Id.* at 7:5–6. Storage unit 120 “retain[s] map information 200” and “stores parameters of each of user units and each of enemy units used in the game.” *Id.* at 7:40, 53–54. Control unit 130 is a processor that executes progress of the game. *Id.* at 7:59–60. Control unit 130 includes accepting unit 131, moving processor 132, battle processor 133, associating unit 134, and display processor 135. *Id.* at 8:3–5.

*C. Illustrative Claim*

The '799 patent includes twenty claims, of which claims 1, 8, and 15 are independent. All three independent claims recite essentially identical limitations and vary only as to type, where claim 1 is directed to a “computer-implemented method,” claim 8 to a “computer program product,” and claim 15 to a “system.” Ex. 1001, 24:30, 25:36, 26:41. Common across the independent claims are eight functional steps as set forth in representative claim 1 reproduced below:

1. A computer-implemented method for operating a computer game, the method comprising:
  - storing, in a storage module, a plurality of virtual objects and the arrangements of those virtual objects on a game field;
  - accepting, via an input face configured to detect a touch operation, operation information regarding a touch operation performed by a user,
  - associating, using a processor, a plurality of virtual objects as a group;
  - determining, using a processor, whether the operation information comprises a direction operation;
  - upon determining that the operation information comprises a direction operation, moving, using a moving processor, one or more of the plurality of associated objects as a group in the direction indicated by the direction operation;
  - storing, in a storage module, the new arrangements on the game field of the one or more of the plurality of associated objects moved with the moving processor;
  - displaying, on a computer screen, the game field and the plurality of virtual objects arranged on the game field; and
  - displaying, on a computer screen, the new arrangement on the game field of the one or more of the plurality of

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