

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 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*.

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

## I. INTRODUCTION

GREE, Inc. (“GREE”) is the owner of U.S. Patent No. 9,891,799 B2 (“the ’799 patent”). Supercell Oy (“Supercell”) filed a petition requesting post-grant review of claims 1–20 of the ’799 patent. Paper 1 (“Pet.”). GREE, in turn, filed a preliminary response. Paper 7 (“Prelim. Resp.”). After considering the petition and the preliminary response, as well as all supporting evidence, we determine the petition demonstrates that it is more likely than not that at least one of the challenged claims of the ’799 patent is unpatentable. 35 U.S.C. § 324(a). Thus, we institute post-grant review of claims 1–20 of the ’799 patent on all grounds.

### A. *Related Proceedings*

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 is directed to “a game program that processes progress of a game for moving a plurality of objects arranged on a game field.” Ex. 1001, 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

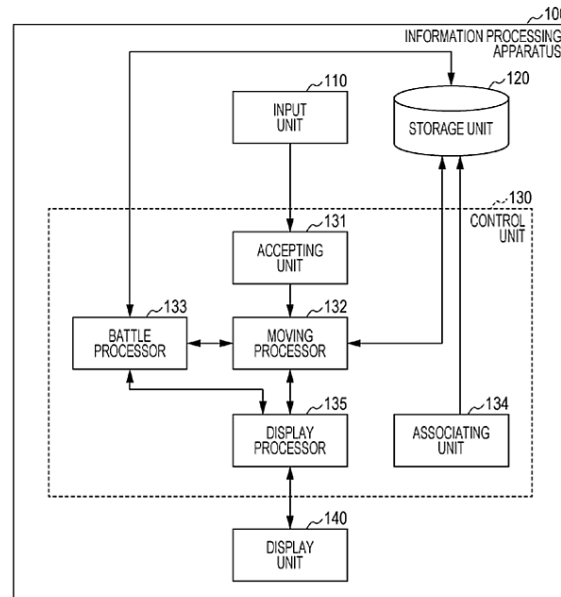


Figure 1 is “a functional block diagram of . . . an information processing apparatus.” Ex. 1001, 2:62–64. Information processing apparatus 100 includes “an input unit 110, a storage unit 120, a control unit 130, and a display unit 140.” *Id.* at 6:66–67. Input unit 110 is a touch pad. *Id.* at 7:5–6. 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.

Moving processor 132 executes the process of moving the user unit group in accordance with an input from the input unit 110. Ex. 1001, 8:6–9. In response to this input moving processor 132 executes two types of moving processes. *Id.* at 8:21–22. These two types of moving processes are:

(1) In the case where a swipe operation is transferred from the input unit 110, the moving processor 132 may collectively move the user unit group by one cell in a direction indicated by the swipe operation.

(2) In the case where a swipe operation is transferred from the input unit 110 and additionally detection of a touch operation has been transferred from the input unit 110, the moving processor 132 may fix (does not move) a user unit specified by the touch operation, and may collectively move the remaining user unit group in a direction indicated by the swipe operation.

*Id.* at 8:24–34.

### C. *Representative 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, for example, 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 associated objects moved with the moving processor.

Ex. 1001, 24:30–55.

*D. The Asserted Grounds of Unpatentability*

The Petition asserts that claims 1–20 of the ’799 patent are unpatentable because they are directed to patent-ineligible subject matter under 35 U.S.C. § 101. Pet. 29–50. The Petition further asserts that claims 1–20 fail to comply with the definiteness requirement of 35 U.S.C. § 112(b). *Id.* at 51–60. The Petition also asserts that claims 2–6, 9–13, and 16–19 fail to comply with the further limitation requirement of 35 U.S.C. § 112(d). *Id.* at 60–63.

II. ANALYSIS

A. *Claim Construction*

Petitioner contends that the terms “direction,” “direction operation,” and “one or more of the plurality of associated objects” require claim

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