

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SUPERCELL OY,
Petitioner,

v.

GREE, INC.,
Patent Owner.

Case PGR2020-00052
U.S. Patent No. 10,335,682

**PATENT OWNER'S SUR-REPLY TO PETITIONER'S REPLY TO
PATENT OWNER'S PRELIMINARY RESPONSE**

TABLE OF CONTENTS

I. The Petition Should Be Denied Under § 324(a)..... 1

 1. No Evidence of Any Likelihood of a Stay2

 2. Trial Date Remains Well In Advance of Board’s FWD
 Deadline.....2

 3. Substantial Investment in Parallel District Court
 Proceeding4

 4. Substantial Overlap of Issues Between the Two Forums4

 5. No Other Relevant Circumstances5

II. The Petition Failed to Demonstrate That GSB Was Publicly
Accessible.6

TABLE OF AUTHORITIES

Cases

<i>Apple Inc. v. Fintiv, Inc.</i> , IPR2020-00019, Paper 11 (P.T.A.B. Mar. 20, 2020)	1, 4, 5
<i>Apple Inc. v. Fintiv, Inc.</i> , IPR2020-00019, Paper 15 (P.T.A.B. May 13, 2020)	2
<i>Apple Inc. v. Maxell, Ltd.</i> , IPR2020-00203, Paper 12 (P.T.A.B. July 6, 2020)	1, 3, 5
<i>Apple Inc. v. Maxell, Ltd.</i> , IPR2020-00407, Paper 12 (P.T.A.B. Aug. 11, 2020)	3
<i>Guardian Alliance Techs., Inc. v. Miller</i> , IPR2020-00031, Paper 27 (P.T.A.B. July 27, 2020)	7
<i>Hulu, LLC v. Sound View Innovations, LLC</i> , IPR2018-01039, Paper 29, (P.T.A.B. Dec. 20, 2019)	6
<i>Intel Corporation v. VLSI Technology LLC</i> , IPR2020-00106, Paper 17 (P.T.A.B. May 5, 2020)	3
<i>Kranos Corporation v. Apalone, Inc.</i> , IPR2020-00501, Paper 13 (P.T.A.B. July 16, 2020)	3
<i>NHK Spring Co., Ltd. v. Intri-Plex Techs., Inc.</i> , IPR2018-00752, Paper 8 (P.T.A.B. Sept. 12, 2018)	1
<i>Realtime Data LLC v. Actian Corporation</i> , No. 6:15-CV-463-RWS-JDL, 2016 WL 9340796 (E.D. Tex. Nov. 29, 2016)	2
<i>Supercell Oy v. GREE, Inc.</i> , IPR2020-00215, Paper 10 (P.T.A.B. June 10, 2020)	1, 3, 5

LIST OF EXHIBITS

Exhibit No.	Description
2001	Amended Docket Control Order, <i>GREE, Inc. v. Supercell Oy</i> , Civil Action No. 2:19-cv-00200, Document 113 (E.D. Tex. May 14, 2020)
2002	Supercell Oy's Motion for Relief in View of Governmental/Public Health Restrictions in Response to COVID-19 Virus Impact, <i>GREE, Inc. v. Supercell Oy</i> , Civil Action No. 2:19-cv-00200, Document 100 (E.D. Tex. April 23, 2020)
2003	Third Amended Complaint, <i>GREE, Inc. v. Supercell Oy</i> , Civil Action No. 2:19-cv-00200, Document 18 (E.D. Tex. July 2, 2019)
2004	Defendant Supercell Oy's Preliminary Ineligibility Contentions, <i>GREE, Inc. v. Supercell Oy</i> , Civil Action No. 2:19-cv-00200 (E.D. Tex.), dated November 13, 2019.
2005	Defendant Supercell Oy's Invalidity Contentions and Disclosures Under Local Patent Rules 3-3 and 3-4, <i>GREE, Inc. v. Supercell Oy</i> , Civil Action No. 2:19-cv-00200 (E.D. Tex.), dated December 6, 2019
2006	Exhibit G-3 to Defendant Supercell Oy's Invalidity Contentions and Disclosures Under Local Patent Rules 3-3 and 3-4, <i>GREE, Inc. v. Supercell Oy</i> , Civil Action No. 2:19-cv-00200 (E.D. Tex.), dated December 6, 2019
2007	Exhibit G-7 to Defendant Supercell Oy's Invalidity Contentions and Disclosures Under Local Patent Rules 3-3 and 3-4, <i>GREE, Inc. v. Supercell Oy</i> , Civil Action No. 2:19-cv-00200 (E.D. Tex.), dated December 6, 2019
2008	Exhibit G-10 to Defendant Supercell Oy's Invalidity Contentions and Disclosures Under Local Patent Rules 3-3 and 3-4, <i>GREE, Inc. v. Supercell Oy</i> , Civil Action No. 2:19-cv-00200 (E.D. Tex.), dated December 6, 2019

Exhibit No.	Description
2009	Merriam-Webster's Collegiate Dictionary, Eleventh Edition (2007)

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.