

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

GREE, INC.,	§	Case No.:
	§	
Plaintiff,	§	
	§	
v.	§	
	§	
SUPERCELL OY,	§	
	§	
Defendant.	§	

COMPLAINT

Plaintiff GREE, Inc. (“GREE” or “Plaintiff”) files this Complaint against Supercell Oy (“Supercell” or “Defendant”). In this Complaint, GREE asserts U.S. Patent No. 10,518,177 (the “177 patent”) against at least Supercell’s “Clash Royale” game. GREE alleges as follows:

PARTIES

1. Plaintiff GREE is a corporation organized under the laws of Japan with a principal place of business at 6-10-1, Roppongi, Roppongi Hills Mori Tower Minato-Ku, Tokyo, Japan.
2. Defendant Supercell Oy is a corporation organized under the laws of Finland, with a principal place of business at Itämerenkatu 11-13, Helsinki, Uusimaa, 00180, Finland.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. Accordingly, this Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).
4. This Court has personal jurisdiction over Supercell because it has, directly or through agents and/or intermediaries, committed acts within Texas, including within this

District, giving rise to this action and/or has established minimum contacts with Texas and this District such that the exercise of jurisdiction would not offend traditional notions of fair play and substantial justice.

5. Supercell regularly conducts business in Texas, including this District, and purposefully avails itself of the privileges of conducting business in Texas. In particular, Supercell, directly and/or through its agents and/or intermediaries, makes, uses, imports, offers for sale, sells, and/or advertises its products and affiliated services in Texas, including this District. Defendant has placed, and continues to place, infringing products into the stream of commerce, via an established distribution channel, including iTunes and Google Play stores, with the knowledge and/or understanding that such products are sold to and/or used by users in the United States, including in Texas and specifically including this District.

6. Alternatively, and/or in addition, this Court has jurisdiction over Supercell Oy under Federal Rule of Civil Procedure 4(k)(2). This action arises from actions of Supercell Oy directed toward the United States, including (1) committing at least a portion of the infringing acts alleged herein and (2) regularly transacting business, soliciting business, and deriving revenue from the sale of goods and services, including infringing goods and services, to individuals in the United States. Therefore, Supercell Oy has purposefully availed itself of the benefits of the United States, including the Eastern District of Texas, and the exercise of jurisdiction over Supercell would not offend traditional notions of fair play and substantial justice.

7. Venue is proper in this District pursuant to 28 U.S.C. § 1391(c), as Supercell Oy is not a resident of the United States.

GREE AND THE ASSERTED PATENT

8. GREE is a global social media company that provides mobile content and services, including games, entertainment, media, advertising, and investment services.

9. Originally founded in 2004, GREE has long sought to develop and create innovative solutions in gaming and social networking. GREE has sought to protect its investments in innovation by obtaining patent protection. GREE currently hold patents covering various improvements in digital and gaming technology in countries throughout the world, including the United States.

10. GREE is the owner by assignment of all right, title, and interest in and to the '177 patent entitled "Game control method, system, and non-transitory computer-readable recording medium," which duly and legally issued at 12:00 a.m. Eastern Standard Time on December 31, 2019.

11. The '177 patent describes and claims different aspects of innovative systems and methods for controlling and presenting games to users on a computer or mobile device. Specifically, the '177 patent describes innovative systems and methods "that allow a wide range of players to enjoy a group battle without regard for difference in level, degree of attack strength, or the like and that, in a group battle limited to a time slot, improve the participation rate throughout the set time slot." U.S. Pat. App. Pub. 2015/0238862 at ¶¶ 0011.

12. The specification of the '177 patent explains that in conventional games, "the participation rate of group members tends to increase in the last half of the time slot," but that a game provider "wants players to participate actively in the battle throughout the entire time set for the group battle and to enjoy the game during the entire set time." *Id.* at ¶¶ 0008-09. The specification further explains that in conventional games, "a battle may be fought with

opponents having vastly dissimilar attack strengths” and that “beginners may therefore be unsuccessful” and thus “may end up passively participating in a group battle.” *Id.* at ¶ 0010.

13. To resolve these issues, the specification describes an innovative user interface and game play that “divid[es] the battle into a plurality of time slots” and “set[s] a battle condition of at least one of the time slots . . . to differ from a battle condition of a second time slot” *Id.* at ¶ 0012. The specification further explains that “[b]y dividing the time slot of the battle game into a plurality of time slots and setting the battle condition for each time slot, a battle game that has conventionally been played under certain rules can be changed” *Id.* at ¶ 0013. The example is given of “setting a battle condition that is advantageous for a certain target and by changing the battle condition in the time slot for the first half, for example, when the participation rate in the time slot battle game is not high, an increase in the participation rate of characters throughout the time slots can be expected.” *Id.*

14. In addition, the specification explains that “circumstances that allow beginners to enjoy the battle can be created by setting the battle conditions for example to increase the attack strength of low-level characters, which correspond to beginners, and to favor beginners in the first half in which the participation rate in the battle is not very high.” *Id.*

15. The claims of the ’177 patent are rooted in computer technology and cannot be performed without a computer. The claims are directed to specific improved graphical user interfaces and functionality on computers and mobile devices, and are inextricably tied to computer technology.

16. A computer-implemented game using the particular visual presentation described and claimed in the ’177 patent was not common or conventional in the art of computer-implemented battle games at the time of the invention of the ’177 patent.

Conventional card-based battle games did not include two terms with two distinct battle conditions in the manner described and claimed in the '177 patent. The particular user interface and manner of conducting the game greatly enhanced the visual effect for users.

17. These improvements over prior art and conventional gaming devices, systems, and methods represent meaningful limitations and/or inventive concepts. Further, in view of these specific improvements, the inventions of the asserted claims, when such claims are viewed as a whole and in ordered combination, are not routine, well-understood, conventional, generic, existing, commonly used, well-known, previously known, or typical.

GENERAL ALLEGATIONS

18. Defendant Supercell makes, uses, sells, offers for sale, and/or imports into the United States gaming systems, software, or methods for controlling games in which users do battle, including Clash Royale.

19. Clash Royale operates on computers and mobile devices, including those with iOS and Android operating systems.

20. Defendant Supercell operates, places into service, or otherwise controls a plurality of servers worldwide, including in the United States, on which Supercell operates, and its customers and other users use, software related to Clash Royale and on which Supercell stores user data associated with the products.

21. Clash Royale has millions of registered users worldwide, including in the United States and Texas.

22. Supercell has had knowledge of the '177 patent at least since the date of filing of this Complaint.

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