

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SUPERCELL OY,
Petitioner,

v.

GREE, INC.,
Patent Owner.

Case PGR2020-00088
U.S. Patent No. 10,518,177

**PATENT OWNER'S RESPONSE TO
PETITIONER'S REQUEST FOR REHEARING UNDER 37 C.F.R. §42.71**

TABLE OF CONTENTS

	<u>Page</u>
I. The Petition Was Appropriately Denied Under § 324(a).....	1
A. The Board’s Conclusion Regarding Factor 2 Does Not Misapprehend or Overlook Fact Findings.....	1
B. The Board’s Conclusion Regarding Factor 2 Does Not Misapprehend or Overlook Fact Findings.....	3
C. The Board’s Conclusion Regarding Factor 4 Does Not Rest on Clearly Erroneous Fact Findings.....	3
D. The Board’s Conclusion Regarding Factor 6 Is Not Clearly Unreasonable, Arbitrary, or Fanciful	4
E. The Board Did Not Abuse Its Discretion In Denying Institution Under § 324(a) In Accordance with <i>Fintiv</i>	5

TABLE OF AUTHORITIES

Page(s)

Cases

<i>Amazon.com, Inc. v. Vocalife LLC</i> , IPR2020-00864, Paper 22 (P.T.A.B. Oct. 28, 2020).....	2
<i>Apple Inc. v. Fintiv, Inc.</i> , IPR2020-00019, Paper 11 (P.T.A.B. Mar. 20, 2020).....	passim
<i>Supercell Oy v. GREE, Inc.</i> , PGR2020-00034, Paper 17 (P.T.A.B. Nov. 2, 2020)	5

LIST OF EXHIBITS

Exhibit No.	Description
2001	Third Amended Docket Control Order, <i>GREE, Inc. v. Supercell Oy</i> , Civil Action No. 2:19-cv-00413, Document 98 (E.D. Tex. Dec. 30, 2020)
2002	Complaint, <i>GREE, Inc. v. Supercell Oy</i> , Civil Action No. 2:19-cv-00413, Document 1 (E.D. Tex. Dec. 31, 2019)
2003	Defendant Supercell Oy’s Preliminary Ineligibility Contentions, <i>GREE, Inc. v. Supercell Oy</i> , Civil Action No. 2:19-cv-00413 (E.D. Tex.), dated June 1, 2020
2004	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-00413 (E.D. Tex.), dated June 1, 2020
2005	Exhibit A-4 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-00413 (E.D. Tex.), dated June 1, 2020
2006	Excerpts of the Expert Report of Stacy Friedman, <i>GREE, Inc. v. Supercell Oy</i> , Civil Action No. 2:19-cv-00413 (E.D. Tex.), dated December 23, 2020
2007	Buehler, Katie, ‘ <i>Clash of Clans</i> ’ Game Maker Owes \$8.5M, <i>Texas Jury Says</i> , Law360 (September 18, 2020)
2008	Order, <i>Solas OLED Ltd. v. Samsung Display Co., Ltd. et al.</i> , Civil Action No. 2:19-cv-001520, Document 302 (E.D. Tex. Nov. 20, 2020)
2009	Claim Construction Memorandum Opinion and Order, <i>GREE, Inc. v. Supercell Oy</i> , Civil Action No. 2:19-cv-00413, Document 85 (E.D. Tex. Nov. 6, 2020)
2010	Notice of Hearing, <i>GREE, Inc. v. Supercell Oy</i> , Civil Action No. 2:19-cv-00413 (E.D. Tex. Jan. 7, 2021)

Exhibit No.	Description
2011	Fourth Amended Docket Control Order, <i>GREE, Inc. v. Supercell Oy</i> , Civil Action No. 2:19-cv-00413, Document 100 (E.D. Tex. Jan. 29, 2021)
2012	Joint Motion to Amend Docket Control Order, <i>GREE, Inc. v. Supercell Oy</i> , Civil Action No. 2:19-cv-00413, Document 137 (E.D. Tex. Mar. 5, 2021)
2013	Second Amended Docket Control Order, <i>GREE, Inc. v. Supercell Oy</i> , Civil Action No. 2:20-cv-00113, Document 49 (E.D. Tex. Dec. 30, 2020)
2014	Amended Docket Control Order, <i>GREE, Inc. v. Supercell Oy</i> , Civil Action No. 2:19-cv-00413, Document 139 (E.D. Tex. Mar. 9, 2021)

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.