

**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 Defendant Supercell Oy (“Supercell” or “Defendant”) for infringement of United States Patent Nos. 9,636,583 and 9,770,659 by 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. 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. On information and belief, Supercell regularly conducts business in Texas, including this District, and purposefully avails itself of the privileges of conducting business in Texas. In particular, on information and belief, 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 PATENTS

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 United States Patent No. 9,636,583 (the “’583 patent”) entitled “Storage medium storing game program, game processing method, and information processing apparatus,” which duly and legally issued on May 2, 2017. A true and correct copy of the ’583 patent is attached to this Complaint as Exhibit A.

11. GREE is the owner by assignment of all right, title, and interest in and to United States Patent No. 9,770,659 (the “’659 patent”) entitled “Storage medium storing game program, game processing method, and information processing apparatus,” which duly and legally issued on September 26, 2017. A true and correct copy of the ’659 patent is attached to this Complaint as Exhibit B.

12. The ’583 and ’659 patents (collectively, the “Asserted Patents”) describe and claim different aspects of innovative systems and methods for controlling and presenting games to users on a computer or mobile device. Specifically, the patents describe an innovative method and system for presenting a game in a specific layout “that gives a user a high visual

effect” as compared to conventional computer gaming systems. Ex. A at 1:48-51.

13. The specification explains that conventional games played on “electronic apparatuses such as smart phones and tablets” in which “the user configures a deck with cards . . . selected from a plurality of cards that the user owns, and plays a rock-paper-scissors game or the like with an opponent using the deck” is “sometimes boring.” *Id.* at 1:28-44.

14. To resolve this issue, the specification describes an innovative user interface that enhances the “visual effect” of the game by “including a display region formed by one or more frames.” *Id.* at 1:53-67. The specification explains that a “panel selection function” may be used to select “panels” belonging to first and second characters in the game, which are disposed into the frames according to a “panel layout function” as the game proceeds. *Id.* The panels may then be “emphasize[d] and displaye[d].” *Id.* at 6:47-50. The specification further explains that in some embodiments, the panels may be displayed as an animation when they are emphasized and displayed. *Id.* at 7:35-37. All of these features greatly enhance user enjoyment over conventional computer-implemented card games using “two-dimensional card[s].” *Id.* at 1:35-44.

15. The claims of the asserted patent 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 Asserted Patents was not common or conventional in the art of computer-implemented card-based battle games at the time of the invention of the Asserted Patents. Conventional card-based games did not include a display divided into regions in which panels are dynamically placed in the manner described and claimed in the Asserted

Patents. The particular user interface and manner of conducting the game greatly enhanced the visual effect for the user.

17. Computer-implemented card-battle games in which panels display an animation when deployed were also not well-understood or conventional at the time of the invention of the Asserted Patents.

18. 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.

19. For the reasons further outlined in Patent Owner's Preliminary Responses and Patent Owner Responses in PGR2018-00029 and PGR2018-00047 and exhibits thereto, the Asserted Patents are not directed to abstract ideas and recite inventive concepts.

GENERAL ALLEGATIONS

20. 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.

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

22. 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 product.

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

24. On December 23, 2016, GREE sent a letter to Supercell specifically identifying a foreign counterpart to the Asserted Patents, JP6125128. At that time, the application that resulted in the '583 patent was already pending. Supercell has been on notice of the Asserted Patents and/or has been willfully blind to their existence since their respective dates of issuance.

25. Additionally, and/or alternatively, Supercell has had knowledge of the '583 patent since at least September 13, 2017, when Supercell answered a complaint served by GREE for infringement of JP6125128, the Japanese counterpart of the Asserted Patents in Civil Department 29 of the Tokyo District Court and/or has been willfully blind to its existence. Supercell has also had knowledge of the '659 patent and/or has been willfully blind to its existence as a result of the Japanese litigation.

26. Additionally, and/or alternatively, Supercell has had knowledge of the '583 patent since at least February 1, 2018, when it filed a petition for post-grant review of the '583 patent (PGR2018-00029).

27. Additionally, and/or alternatively, Supercell has had knowledge of the '659 patent since at least March 8, 2018 when it filed a petition for post-grant review of the '659 patent (PGR2018-00047).

COUNT I—INFRINGEMENT OF THE '583 PATENT

28. GREE re-alleges and incorporates by reference each and every allegation contained in the paragraphs 1-27 as if fully set forth herein.

29. Supercell directly infringes at least claim 14 of the '583 patent by, without authority, making, using, importing, selling, or offering to sell Clash Royale in the United States, in violation of 35 U.S.C. § 271(a).

30. For example, representative claim 14 of the '583 patent recites:

14. [pre] A game processing method for a game in which a first user and a second user join battles, and when executed by a computer, the game processing method causes the computer to perform:

[a] a data storage step of storing a first panel database that includes a plurality of panels that the first user possesses, and a second panel database that includes a plurality of panels that the second user possesses;

[b] a panel selection step of selecting one or more panels, which are to be disposed in one or more divisions of a game display screen including a display region formed by the divisions, from the first panel database and the second panel database;

[c] a panel layout step of disposing the panels selected by the panel selection step in the divisions; and

[d] a screen display control step of displaying the game display screen on a screen display unit,

[e] wherein the data storage step further stores points set for the first user, which are decreased by disposing a panel,

[f] the panel selection step selects a panel from the first panel database according to the points set for the first user,

[g] the divisions include a division where a panel selected from the first panel database is allowed to be disposed and a division where a panel selected from the second panel database is allowed to be disposed, and

[h] the panel layout step disposes the panel selected by the panel selection step in a target division in a case where the panel is allowed to be disposed in the target division.

31. To the extent the preamble of claim 14 is limiting, Clash Royale includes a computer-executed “game processing method for a game in which a first user and a second user join battles.” The Clash Royale application allows users to “[d]uel players from around the world in real-time in both 1v1 and 2v2 Battles” using computers or mobile devices running iOS

or Android processing systems. See <https://itunes.apple.com/us/app/clash-royale/id1053012308?mt=8>.

32. With respect to claim element 14[a], Clash Royale stores information regarding panels that each user possesses in panel databases and displays the panels in the “Cards” screen in the Clash Royale application:



33. With respect to claim element 14[b], Clash Royale includes a display screen shown during a battle that is divided into one or more regions, and a panel selection step in which users indicate panels for selection from their respective panel databases to be disposed in the a region of the display in which the battle takes place:



34. With respect to claim elements 14[c] and 14[g], Clash Royale also includes a panel layout step that disposes selected panels within the display division in which the battle takes place. The display includes divisions wherein panels from each user are allowed to be disposed:



35. With respect to claim element 14[d], Supercell causes the game screen to be displayed on the user's computer or mobile device.

36. With respect to claim element 14[e], Supercell stores a points set for each user in a Clash Royale battle. Each user's points are decreased when a panel is disposed. With respect to element 14[f], the panel selection step selects the panel indicated by the user for disposition if the user has sufficient points:



37. With respect to claim 14[h], the panel selection step disposes the selected panel in a target division in a case where the panel is allowed to be disposed in the target division:



38. Supercell indirectly infringes the '583 patent within the United States by inducing infringement under 35 U.S.C. § 271(b). For example, since learning of the '583

patent and by failing to cease offering Clash Royale, Supercell has knowingly and intentionally induced users of Clash Royale to directly infringe one or more claims of the '583 patent, *inter alia*, by (1) providing instructions or information, for example on publicly available websites (*see, e.g.*, <https://supercell.helpshift.com/a/clash-royale/?p=web&s=battle> and linked pages), to explain how to use the Clash Royale application in an infringing manner, including the use of the Clash Royale application in the manners described in the foregoing paragraphs, which are expressly incorporated herein, and (2) touting infringing uses of Clash Royale in advertisements, including but not limited to those listed on or available from their websites and other mobile application marketplace websites.

39. Supercell indirectly infringes the '583 patent by contributing to the direct infringement by end users under 35 U.S.C. § 271(c) by providing Clash Royale, which, as evidenced by Supercell's websites and advertisements (*see, e.g.*, <https://supercell.helpshift.com/a/clash-royale/?p=web&s=battle> and linked pages), is especially made for use in a manner that infringes one or more claims of the '583 patent as described herein and has no substantial non-infringing uses.

40. GREE has been and continues to be injured by Supercell's infringement of the '583 patent. GREE is entitled to recover damages adequate to compensate it for Supercell's infringing activities in an amount to be determined at trial, but in no event less than a reasonable royalty.

41. Unless enjoined by this Court, Supercell's acts of infringement will continue to damage and cause irreparable harm to GREE.

42. Supercell's infringement of the '583 patent has been willful and deliberate. Supercell has known of the '583 patent and its infringement thereof and continued its unlawful

actions nevertheless. GREE is therefore entitled to increased damages under 35 U.S.C. § 284 and attorneys' fees and costs under 35 U.S.C. § 285.

COUNT II—INFRINGEMENT OF THE '659 PATENT

43. GREE re-alleges and incorporates by reference each and every allegation contained in the paragraphs 1-27 as if fully set forth herein.

44. Supercell directly infringes at least claim 14 of the '659 patent by, without authority, making, using, importing, selling, or offering to sell Clash Royale in the United States, in violation of 35 U.S.C. § 271(a).

45. For example, representative claim 14 of the '659 patent recites:

14. [pre] A game processing method for a game in which a first user and a second user do battle, and when executed by a computer, the game processing method causes the computer to perform:

[a] a panel selection step of receiving a selection by the first user, the selection being for one or more panels indicating characters, which are to be disposed in one or more divisions of a game display screen including a display region formed by the divisions;

[b] a panel layout step of disposing the panels in the divisions on the basis of the selection received by the panel selection step; and

[c] a screen display control step of controlling the game display screen on a screen display unit on the basis of information regarding the layout by the panel layout step and layout of the panel in the divisions by the second user,

[d] wherein in the panel layout step, the panel received by the panel selection step is disposed in a target division or an instruction that the panel is disposed in the target division is received, when the panel is allowed to be disposed in the target division,

[e] and the panel indicating the character is displayed as an animation when being disposed in the target division.

46. To the extent the preamble of claim 14 is limiting, Clash Royale includes a computer-executed "game processing method for a game in which a first user and a second user join battles." The Clash Royale application allows users to "[d]uel players from around the

world in real-time in both 1v1 and 2v2 Battles” using computers or mobile devices running iOS or Android processing systems. See <https://itunes.apple.com/us/app/clash-royale/id1053012308?mt=8>.

47. With respect to claim element 14[a], Clash Royale includes a panel selection step in which users may select one or more characters to be disposed in divisions of a display screen:



48. With respect to claim elements 14[b], [c], and [d], Clash Royale includes a panel layout function that permits a panel selected by a user to be disposed in a target region in which the user is allowed to place a panel, and a screen display control step that controls the game display screen on the screen of the user’s computer or mobile device on the basis of information regarding the layout of panels by each user involved in a battle:

Display Region



Panel Disposition



49. With respect to claim element 14[e], when a panel is disposed, the character is displayed as an animation in the target region:



50. Supercell indirectly infringes the '659 patent within the United States by inducing infringement under 35 U.S.C. § 271(b). For example, since learning of the '659 patent and by failing to cease offering Clash Royale, Supercell has knowingly and intentionally induced users of Clash Royale to directly infringe one or more claims of the '659 patent, *inter alia*, by (1) providing instructions or information, for example on publicly available websites (*see, e.g.*, <https://supercell.helpshift.com/a/clash-royale/?p=web&s=battle> and linked pages), to explain how to use the Clash Royale application in an infringing manner, including the use of the Clash Royale application in the manners described in the foregoing paragraphs, which are expressly incorporated herein, and (2) touting these infringing uses of Clash Royale in advertisements, including but not limited to those listed on or available from their websites and other mobile application marketplace websites.

51. Supercell indirectly infringes the '583 patent by contributing to the direct infringement by end users under 35 U.S.C. § 271(c) by providing Clash Royale, which, as evidenced by Supercell's websites and advertisements (*see, e.g.*, <https://supercell.helpshift.com/a/clash-royale/?p=web&s=battle> and linked pages), is especially made for use in a manner that infringes one or more claims of the '659 patent as described herein and has no substantial non-infringing uses.

52. GREE has been and continues to be injured by Supercell's infringement of the '659 patent. GREE is entitled to recover damages adequate to compensate it for Supercell's infringing activities in an amount to be determined at trial, but in no event less than a reasonable royalty.

53. Unless enjoined by this Court, Supercell's acts of infringement will continue to damage and cause irreparable harm to GREE.

54. Supercell's infringement of the '659 patent by Defendants has been willful and deliberate. Supercell has known of the '659 patent and its infringement thereof and continued its unlawful actions nevertheless. GREE is therefore entitled to increased damages under 35 U.S.C. § 284 and attorneys' fees and costs under 35 U.S.C. § 285.

PRAYER FOR RELIEF

WHEREFORE, GREE prays that the Court grant the following relief:

- A. A judgment that Supercell has infringed the Asserted Patents.
- B. A permanent injunction restraining and enjoining Supercell and its officers, directors, agents, servants, employees, successors, assigns, parents, subsidiaries, affiliated or related companies, and attorneys from directly or indirectly infringing the Asserted Patents;
- C. A declaration that Supercell's infringement is and has been willful, together with enhanced damages;
- D. A declaration that this case is exceptional, together with an award of reasonable attorneys' fees under 35 U.S.C. § 285;
- E. An award of costs and prejudgment interest to GREE under 35 U.S.C. § 284;
- F. Such other and further relief as this Court may deem just and proper.

DEMAND FOR JURY TRIAL

GREE hereby demands a jury trial on all issues appropriately triable by a jury.

DATED: February 28, 2019

Respectfully submitted,

GILLAM & SMITH, LLP

By: /s/ Melissa R. Smith

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