

**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”) for infringement of U.S. Patent No. 10,328,346 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. On information and belief Defendant Supercell 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 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, with the knowledge and/or understanding that such products are sold in the United States including in Texas and specifically including this District.

6. Alternatively, and/or in addition, this Court has jurisdiction over Supercell under Federal Rule of Civil Procedure 4(k)(2). This action arises from actions of Supercell 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 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 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, and advertising 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 holds 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. 10,328,346 (“the ’346 patent”) entitled “Storage Medium Storing Game Program, Game Processing Method, and Information Processing Apparatus” which duly and legally issued at 12:00 a.m. Eastern Daylight Time on June 25, 2019.

11. The ’346 patent shares a common specification with United States Patent No. 9,636,583 (the “’583 patent”) entitled “Storage medium storing game program, game processing method, and information processing apparatus,” and United States Patent No. 9,770,659 (the “’659 patent”) entitled “Storage medium storing game program, game processing method, and information processing apparatus.” Both the ’583 patent and the ’659 patent are asserted in the litigation styled as *Gree, Inc. v. Supercell OY*, No. 2:19-cv-00072 (E.D. Tex. Feb. 27, 2019).

12. The ’346 patent describes and claims 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.

See '583 patent 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 '346 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 '346 patent was not common or conventional in the art of computer-implemented card-based battle games at the time of the invention of the '346 patent. 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 '346 patent. 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 '346 patent.

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 GREE's briefing and supporting exhibits in PGR2018-00029 and PGR2018-00047 the inventions described in the '346 patent 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 operating 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 '346 patent, JP6125128. Further, on information and belief, Supercell has been aware of the application that issued as the '346 patent since at least February 1, 2018, when it filed a petition for post-grant review of the '583 patent (PGR2018-00029) at least because at that time, the application that resulted in the '346 patent was already pending. On information and belief, Defendant Supercell has been aware of the applications that issued as the '346 patent and knew of its planned issuance since at least June 5, 2019, and its continued infringement is willful.

COUNT I—Infringement of the '346 Patent

25. GREE realleges and incorporates by reference each and every allegation contained in paragraphs 1-24 above as if fully set forth herein.

26. Supercell directly infringes at least exemplary claim 1 of the '346 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). For example, claim 1 of the '346 patent recites:

[preamble] A non-transitory computer readable recording medium storing game program code instructions for a game in which a first user and a second user do battle, and when the game program code instructions are executed by a computer, the game program code instructions cause the computer to perform:

[a] a data storage function of storing a first panel data that includes a plurality of panels associated with the first user to a storage unit; and

[b] a control function of receiving information regarding a selection by the first user, the selection being for one or more panels indicating one or more characters, wherein

[c] the data storage function further stores each panel associated with information of motion to the storage unit, and

[d] the control function further receives information related to selection of one or more divisions in which the one or more characters indicated in the selected one or more panels are to be displayed as one or more moving characters in a game display screen including one or more regions formed by the one or more divisions, and transmits information for displaying the one or more moving characters according to the information of motion associated with each panel stored in the storage unit.

27. To the extent the preamble is found to be limiting, Clash Royale includes program code stored on a non-transitory computer readable recording medium for a game in which a first user and a second user do battle. 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/clashroyale/id1053012308?mt=8>. An example is shown in the Figure below:



28. With respect to claim element 1[a], Clash Royale includes a data storage function for storing in a storage unit panel data that includes a plurality of panels associated

with the first user. As shown below, a battle deck (an example of a storage unit) stores different character cards associated with the first user (an example of a panel database). An example is shown in the figure below.



29. With respect to claim element 1[b] Clash Royale includes a control function for receiving information regarding a selection by the first user of one or more panels indicating characters. An example is shown in the figure below.



Selecting one or more panels by first user

30. With respect to claim element 1[c] in Clash Royale the data storage function stores the panel associated with information of motion to the storage unit. An example is shown in the Figure below:

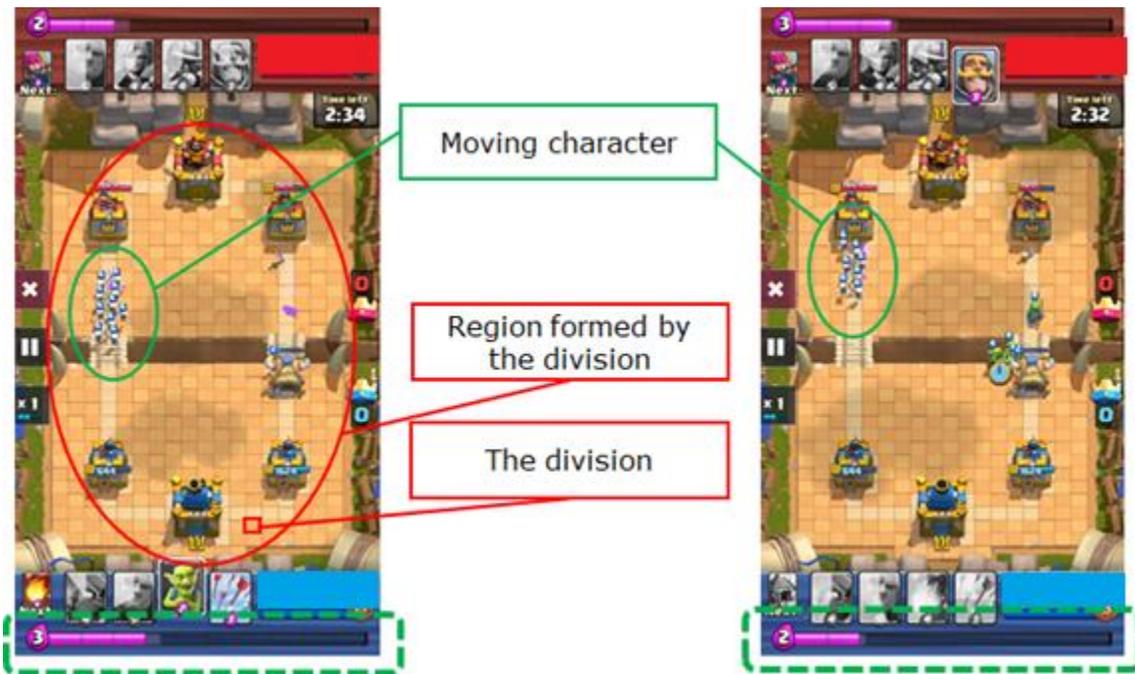


Information of motion

Stored panels

31. With respect to claim element 1[d], in Clash Royale, the control function

receives information related to selection of a division in which the character indicated in the selected panels is to be displayed as a moving character in a game display screen. The control function further transmits information for displaying the moving character according to the information of motion associated with the panel stored in the storage unit.



32. Supercell indirectly infringes the '346 patent within the United States by inducing infringement under 35 U.S.C. § 271(b). For example, since learning of the '346 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 '346 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.

33. Supercell indirectly infringes the '346 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 '346 patent as described herein and has no substantial non-infringing uses.

34. GREE has been and continues to be injured by Supercell's infringement of the '346 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.

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

36. Supercell's infringement of the '346 has been willful and deliberate. Supercell has known of the '346 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 for relief in its favor, as follows:

- A. Enter a judgment that Defendant Supercell has infringed the Patents-in-Suit.
- B. Grant a permanent injunction restraining and enjoining Defendant and its officers, directors, agents, servants, employees, successors, assigns, parents, subsidiaries, affiliated or related companies, and attorneys from directly or indirectly infringing the '346 patent;

C. A declaration that the case is exceptional and correspondingly award GREE attorney fees and costs under 35 U.S.C. § 285;

D. Award enhanced damages and prejudgment interest to GREE under 35 U.S.C. § 284;

E. Award provisional damages to GREE under 35 U.S.C. § 154(d);

F. Grant 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: June 25, 2019

Respectfully submitted,

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