### UNITED STATES PATENT AND TRADEMARK OFFICE

### BEFORE THE PATENT TRIAL AND APPEAL BOARD

SUPERCELL OY, Petitioner,

v.

GREE, INC., Patent Owner.

Case IPR2020-01553 U.S. Patent No. 10,076,708

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

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<i>Apple Inc. v. Fintiv, Inc.</i> , IPR2020-00019, Paper 11 (P.T.A.B. Mar. 20, 2020)1
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<i>Apple Inc. v. Seven Networks, LLC,</i> IPR2020-00235, Paper 10 (P.T.A.B. July 28, 2020)5
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Hulu, LLC v. Sound View Innovations, LLC, IPR2018-01039, Paper 29 (P.T.A.B. Dec. 20, 2019)
<i>KeyMe, LLC v. The Hillman Group, Inc.</i> , IPR2020-01028, Paper 12 (P.T.A.B. Jan. 13, 2021)2, 3
<i>Kingston Tech. Co., Inc. v. Memory Techs., LLC,</i> IPR2019-00654, Paper 9 (P.T.A.B. Aug. 13, 2019)6
Oticon Medical AB v. Cochlear Limited, IPR2019-00975, Paper 15 (P.T.A.B. Oct. 16, 2019)4
Samsung Elecs. Co. Ltd. v. Clear Imaging Research, LLC, IPR2020-01399, Paper 13 (P.T.A.B. Feb. 3, 2021)
Sand Revolution II, LLC v. Cont'l Intermodal Group, IPR2019-01393, Paper 24 (P.T.A.B. June 16, 2020)2

Snap, Inc. v. SRK Tech. LLC, IPR2020-00820, Paper 15 (P.T.A.B. Oct. 21, 2020)	.4
Sotera Wireless, Inc. v. Masimo Corp., IPR2020-01019, Paper 12 (P.T.A.B. Dec. 1, 2020)4,	5
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Supercell Oy v. GREE, Inc., PGR2020-00039, Paper 14 (P.T.A.B. Sept. 14, 2020)	.2
Supercell Oy v. GREE, Inc., IPR2020-01633, Paper 9 (P.T.A.B. Feb. 19, 2021)	.2

Exhibit No.	Description
2001	Sixth Amended Docket Control Order, <i>GREE, Inc. v. Supercell</i> <i>Oy</i> , Civil Action No. 2:19-cv-00310, Document 92 (E.D. Tex. Oct. 23, 2020)
2002	Order Regarding Sixth Amended Docket Control Order, <i>GREE</i> , <i>Inc. v. Supercell Oy</i> , Civil Action No. 2:19-cv-00310, Document 94 (E.D. Tex. Oct. 26, 2020)
2003	Joint Motion to Amend Docket Control Order, <i>GREE, Inc. v.</i> Supercell Oy, Civil Action No. 2:19-cv-00310, Document 91 (E.D. Tex. Oct. 22, 2020)
2004	Complaint, <i>GREE, Inc. v. Supercell Oy</i> , Civil Action No. 2:19-cv-00310, Document 1 (E.D. Tex. Sept. 16, 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-00310 (E.D. Tex.), dated April 7, 2020
2006	Excerpts of the Expert Report of Stacy Friedman, <i>GREE, Inc. v.</i> Supercell Oy, Civil Action No. 2:19-cv-00310 (E.D. Tex.), dated November 2, 2020
2007	Buehler, Katie, 'Clash of Clans' Game Maker Owes \$8.5M, Texas Jury Says, Law360 (September 18, 2020)
2008	Order, Solas OLED Ltd. v. Samsung Display Co., Ltd. et al., Civil Action No. 2:19-cv-001520, Document 302 (E.D. Tex.), dated November 20, 2020
2009	Claim Construction Memorandum Opinion and Order, <i>GREE</i> , <i>Inc.</i> v. <i>Supercell Oy</i> , Civil Action No. 2:19-cv-00310, Document 84 (E.D. Tex. Oct. 12, 2020)
2010	Seventh Amended Docket Control Order, <i>GREE, Inc. v. Supercell</i> <i>Oy</i> , Civil Action No. 2:19-cv-00310, Document 113 (E.D. Tex. Dec. 10, 2020)

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