

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

GREE, INC.,

Plaintiff,

v.

SUPERCELL OY,

Defendant.

§ Case No.: 19-cv-00200-JRG

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§ Judge: Hon. Rodney Gilstrap

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THIRD AMENDED COMPLAINT

Plaintiff GREE, Inc., (“GREE” or “Plaintiff”) files this Third Amended Complaint against Supercell Oy (“Supercell” or “Defendant”) pursuant to Federal Rule of Civil Procedure 15(a)(2) with leave of Court. In this Third Amended Complaint, GREE asserts U.S. Patent Nos. 10,300,385, 10,307,675, 10,307,676, 10,307,677, 10,307,678, 10,328,347, 10,335,683, and 10,335,682 against Supercell’s “Clash of Clans” 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. 10,300,385 (“the Eda ’385 patent”) entitled “Computer control method, control program and computer” which duly and legally issued at 12:00 a.m. Eastern Daylight Time on May 28, 2019. A true and correct copy of the Eda ’385 patent is attached to this First Amended Complaint as Exhibit A.

11. GREE is the owner by assignment of all right, title, and interest in and to United States Patent No. 10,307,675 (“the Eda ’675 patent”) entitled “Computer control method, control program and computer” which duly and legally issued at 12:00 a.m. Eastern Daylight Time on June 4, 2019.

12. GREE is the owner by assignment of all right, title, and interest in and to United States Patent No. 10,307,676 (“the Eda ’676 patent”) entitled “Computer control method, control program and computer” which duly and legally issued at 12:00 a.m. Eastern Daylight Time on June 4, 2019.

13. GREE is the owner by assignment of all right, title, and interest in and to United States Patent No. 10,307,677 (“the Eda ’677 patent”) entitled “Computer control method, control program and computer” which duly and legally issued at 12:00 a.m. Eastern Daylight Time on June 4, 2019.

14. GREE is the owner by assignment of all right, title, and interest in and to United States Patent No. 10,307,678 (“the Eda ’678 patent”) entitled “Computer control method, control program and computer” which duly and legally issued at 12:00 a.m. Eastern Daylight Time on June 4, 2019.

15. GREE is the owner by assignment of all right, title, and interest in and to United States Patent No. 10,328,347 (“the Eda ’347 patent”) entitled “Computer control method, control program and computer” which duly and legally issued at 12:00 a.m. Eastern Daylight Time on June 25, 2019.

16. GREE is the owner by assignment of all right, title, and interest in and to United States Patent No. 10,335,683 (“the Eda ’683 patent”) entitled “Computer control method, control program and computer” which duly and legally issued at 12:00 a.m. Eastern Daylight Time on July 2, 2019.

17. GREE is the owner by assignment of all right, title, and interest in and to United States Patent No. 10,335,682 (“the Eda ’682 patent”) entitled “Computer control method, control program and computer” which duly and legally issued at 12:00 a.m. Eastern Daylight Time on July 2, 2019.

18. The Eda ’385 patent, Eda ’675 patent, Eda ’676 patent, Eda ’677 patent, Eda ’678 patent, Eda ’347 patent, Eda ’683 patent, and Eda ’682 patent (collectively, “the Patents-in-Suit”) share a common specification.

19. The Patents-in-Suit describe and claim innovative systems for controlling computer-implemented “city-building games” wherein a player builds a city within a virtual space,” also referred to as a game space. Ex. A, Eda ’385 patent at 1:36-37. The specification of the Patents-in-Suit explains that in conventional computer city-building games, the particular arrangement of items such as “protective walls, buildings that are subject to an attack, protecting soldiers, weapons, etc.” are vitally important to success. *Id.* at 1:51-52. The specification of the Patents-in-Suit further explains that “since the items (game contents) of a city of a player increase as the city develops, it is very complicated for a player to change positions, types, levels, etc., of individual items” within the city. *Id.* 1:54-57. As a result, players of these conventional city-building games often “limited themselves to change only certain kinds of items, such as soldiers and weapons, for which changing positions, types, levels, etc., is easy,” making the games “monotonous.” *Id.* at 1:60-62.

20. To solve this problem, the Patents-in-Suit propose innovative systems and methods of storing information that defines types and positions of game contents such that “[w]hen a template is applied, facilities arranged within the game space are automatically changed to the facilities defined in the template, and they are automatically moved to the defined positions.” *Id.* at 4:38-41.

21. The claims of the Patents-in-Suit cannot be performed without a computer. The claims solve problems that are specific to computer implemented city-building games: “since the items (game contents) of a city of a player increase as the city develops, it is very complicated for a player to change positions, types, levels, etc., of individual items.” *Id.* at 1:54-57. The Patents-in-Suit provide various solutions of storing the placement of the game contents and simultaneously rearranging multiple game contents; they are improvements in

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