

Patent No. 10,583,362 – Petition for Post Grant Review

Filed on behalf of Supercell Oy

By:

BRIAN HOFFMAN, Reg. No. 39,713

JENNIFER R. BUSH, Reg. No 50,784

MICHAEL J. SACKSTEDER (*pro hac vice*)

KEVIN X. MCGANN, Reg. No. 48,793

GREGORY HOPEWELL, Reg. No. 66,012

GEOFFREY MILLER (*pro hac vice*)

FENWICK & WEST LLP

555 California Street, 12th Floor

San Francisco, CA 94104

Telephone: 415.875.2300

Facsimile: 415.281.1350

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SUPERCCELL OY,
Petitioner,

v.

GREE, INC.,
Patent Owner.

Post Grant Review No. _____
Patent 10,583,362 B2

**PETITION FOR POST-GRANT REVIEW OF
U.S. PATENT 10,583,362**

TABLE OF CONTENTS

	Page
I. INTRODUCTION	1
II. MANDATORY NOTICES (37 CFR § 42.8(a)(1)).....	1
A. Real Party-In-Interest (37 CFR § 42.8(b)(1))	1
B. Notice of Related Matters (37 CFR § 42.8(b)(2)).....	1
C. Designation of Lead and Backup Counsel (37 CFR § 42.8(b)(3)).....	2
D. Service of Information (37 CFR § 42.8(b)(4)).....	2
III. ADDITIONAL REQUIREMENTS	2
A. Timing	2
B. Grounds for Standing (37 CFR § 42.204(a))	2
IV. DESCRIPTION OF THE '362 PATENT.....	3
A. Specification.....	3
B. Prosecution History	8
V. IDENTIFICATION OF CHALLENGE UNDER 37 CFR § 42.204(b) AND RELIEF REQUESTED	9
A. Effective Filing Date of the Challenged Claims	9
B. Claims for Which PGR Is Requested, Precise Relief Requested, and Specific Statutory Grounds on Which the Challenge Is Based	10
C. Level of Ordinary Skill in the Art.....	10
D. Claim Construction (37 CFR § 42.204(b)(3)).....	11
1. The Claimed Invention.....	12
2. Ordinary and Customary Meaning.....	15

TABLE OF CONTENTS
(continued)

	Page
3. “A Second Battle Condition” of Claims 14 and 22 Is Construed as “A Third Battle Condition”	15
VI. IT IS MORE LIKELY THAN NOT THAT AT LEAST ONE OF THE CHALLENGED CLAIMS OF THE ’362 PATENT IS UNPATENTABLE	16
A. Ground 1: Claims 1-27 of the ’362 Patent Are Invalid Under 35 U.S.C. § 101 For Failing To Be Directed Toward Patent-Eligible Subject Matter	16
1. Introduction	16
B. The ’362 Patent Claims Patent Ineligible Subject Matter Under the 2019 Eligibility Guidance and Gaming Cases	21
C. Step One, Prong One: The Claims of the ’362 Patent Are Directed to Managing and Playing a Game Involving Different Rules for Different Time Periods Within the Game	25
D. Step One, Prong Two: The Claims of the ’362 Patent Do Not Integrate the Abstract Idea into a Practical Application	28
1. The Additional Elements Do No More than Generically Implement the Abstract Idea on a Computer	29
2. The Claims Are Not Directed to an Improvement in Computer Functionality or Other Technology	30
E. Alice Step Two: The Claims of the ’362 Patent Provide No “Inventive Concept”	33
1. The Claims Recite Purely Conventional and Functional Components	35
2. The Claims Do Not Capture Any Purported Technical Improvement	37

TABLE OF CONTENTS
(continued)

	Page
3. Beyond the Abstract Idea, the Claims Are Well-Understood, Routine, and Conventional.....	39
4. The Dependent Claims Add Nothing Inventive	41
F. Ground 2: Claims 1-27 of the '362 Patent Are Invalid Under 35 U.S.C. § 103 as Obvious Over MH and Gilson	42
1. Overview of the references	42
a. Master Hearthstone in 10 Minutes!	42
b. Gilson.....	48
2. Independent claim 1 and dependent claims 2-11	49
a. MH and Gilson disclose a method for controlling a battle game of claim 1	49
b. MH and Gilson disclose displaying a game screen comprising a first field at a lower position in the game screen and a second field above the first field, wherein in the first field, a plurality of cards selected from a deck which is a stack of virtual cards are arranged in a horizontal direction of claim 1.....	50
c. MH and Gilson disclose during a first term of the battle game, in the second field, under a first battle condition, conducting a battle against a first-term opponent character appearing in the first term using a first-term parameter based on a first-term card selected by a player, and concluding the first term of the battle game at a predefined end timing based on a start timing of the battle game of claim 1.....	52

TABLE OF CONTENTS
(continued)

	Page
d. MH and Gilson disclose starting a second term of the battle game at a predefined start timing based on the start timing of the battle game of claim 1	57
e. MH and Gilson disclose during the second term after the first term, in the second field, under a second battle condition which is different from the first battle condition, conducting a battle against a second-term opponent character appearing in the second term using a second-term parameter based on a second-term card selected by the player, and concluding the second term of the battle game at a second predefined end timing based on the start timing of the battle game of claim 1	57
f. MH and Gilson disclose the second battle condition is predetermined regardless of a battle result in the first term of claim 2	60
g. MH and Gilson disclose during a third term after the second term, in the second field, under a third battle condition which is different from the first battle condition and second battle condition and is dependent on a battle result in the second term, conducting a battle against a third-term opponent character appearing in the third term using a third-term parameter based on a third-term card selected by the player of claim 3	60
h. MH and Gilson disclose the third battle condition is a condition for giving a reward to the player of claim 4	64

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.