

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

SUPERCELL OY,  
Petitioner,

v.

GREE, INC.,  
Patent Owner.

---

Case PGR2021-00014  
U.S. Patent No. 10,583,362

---

**PATENT OWNER'S PRELIMINARY RESPONSE  
PURSUANT TO 37 C.F.R. § 42.207**

## TABLE OF CONTENTS

	<u>Page</u>
I. Introduction.....	1
II. The Petition Should Be Denied Under § 324(a).....	3
A. Factor 1: whether the court granted a stay or evidence exists that one may be granted if a proceeding is instituted.....	8
B. Factor 2: proximity of the court’s trial date to the Board’s projected statutory deadline for a final written decision.....	10
C. Factor 3: investment in the parallel proceeding by the court and the parties .....	16
D. Factor 4: overlap between issues raised in the petition and in the parallel proceeding .....	21
E. Factor 5: whether the petitioner and the defendant in the parallel proceeding are the same party.....	33
F. Factor 6: other circumstances that impact the Board’s exercise of discretion, including the merits.....	33
G. Holistic Analysis of Fintiv Factors .....	37
III. Petitioner Has Not Demonstrated a Reasonable Likelihood of Success for the Grounds Advanced in the Petition. ....	41
A. Petitioner Has Not Demonstrated a Reasonable Likelihood of Success for Ground 1 (Patent Eligibility) .....	41
B. Petitioner Has Not Demonstrated a Reasonable Likelihood of Success for Ground 2 (Obviousness) .....	45
i. Petitioner Has Failed to Establish That Master Hearthstone (MH) Is a Printed Publication.....	46
ii. Master Hearthstone (MH) Does Not Disclose Nor Suggest All of the Limitations of the Challenged Claims. ....	57

iii. Petitioner’s Alleged Motivation to Combine Master  
Hearthstone (MH) and Gilson Is Insufficient. ....60

IV. Conclusion .....66

## TABLE OF AUTHORITIES

Page(s)

### Cases

<i>10X Genomics, Inc. v. President &amp; Fellows of Harvard College</i> , IPR2020-01180, Paper 23 (P.T.A.B. Jan. 13, 2021) .....	13, 34
<i>Adobe Sys. Inc. v. Grecia</i> , IPR2018-00418, Paper 7 (P.T.A.B. June 21, 2018) .....	53, 54, 56
<i>Adobe Systems Inc. v. Grecia</i> , IPR2018-00418, Paper 9 (P.T.A.B. Sept. 7, 2018).....	53
<i>Amazon.com, Inc. v. Freshub, Ltd.</i> , IPR2020-01145, Paper 10 (P.T.A.B. Jan. 11, 2021) .....	12
<i>Amazon.com, Inc. v. Vocalife LLC</i> , IPR2020-00864, Paper 22 (P.T.A.B. Oct. 28, 2020).....	30, 31
<i>Apple Inc. v. Fintiv, Inc.</i> , IPR2020-00019, Paper 11 (P.T.A.B. Mar. 20, 2020) .....	passim
<i>Apple Inc. v. Fintiv, Inc.</i> , IPR2020-00019, Paper 15 (P.T.A.B. May 13, 2020) .....	passim
<i>Apple Inc. v. Maxell, Ltd.</i> , IPR2020-00203, Paper 12 (P.T.A.B. July 6, 2020).....	10, 30, 31, 37
<i>Apple Inc. v. Maxell, Ltd.</i> , IPR2020-00407, Paper 12 (P.T.A.B. Aug. 11, 2020).....	15
<i>Apple Inc. v. Optis Cellular Technology, LLC</i> , IPR2020-00465, Paper 13 (P.T.A.B. Sept. 17, 2020).....	30
<i>Blue Calypso, LLC v. Groupon, Inc.</i> , 815 F.3d 1331 (Fed. Cir. 2016) .....	48, 52, 55
<i>Bumble Bee Foods, LLC v. Kowalski</i> , IPR2014-00224, Paper 18 (P.T.A.B. June 5, 2014) .....	65
<i>Celltrion, LLC v. Biogen, Inc.</i> , IPR2017-01230, Paper 10 (P.T.A.B. Oct 12, 2017).....	50, 52, 53, 54

<i>Comcast Cable Communications, LLC v. Rovi Guides, Inc.</i> , IPR2020-00800, Paper 10 (P.T.A.B. Oct. 22, 2020).....	19, 20, 40, 41
<i>Comcast Cable Communications, LLC v. Rovi Guides, Inc.</i> , IPR2020-00801, Paper 10 (P.T.A.B. Oct. 22, 2020).....	19, 20, 40, 41
<i>Comcast Cable Communications, LLC v. Rovi Guides, Inc.</i> , IPR2020-00802, Paper 10 (P.T.A.B. Oct. 22, 2020).....	19, 20, 40, 41
<i>Edwards Lifesciences v. Evalve, Inc.</i> , IPR2019-01479, Paper 7 (P.T.A.B. Feb. 26, 2020).....	10, 28
<i>E-One, Inc. v. Oshkosh Corp.</i> , IPR2019-00161, Paper 16 (P.T.A.B. May 15, 2019) .....	17
<i>Gen. Plastic Indus. Co., Ltd. v. Canon Kabushiki Kaisha</i> , IPR2016-01357, Paper 19 (P.T.A.B. Sept. 6, 2017).....	4, 5
<i>Google LLC v. IPA Techs. Inc.</i> , IPR2018-00384, Paper 8 (P.T.A.B. July 3, 2018).....	passim
<i>Google LLC v. Personalized Media Communications, LLC</i> , IPR2020-00719, Paper 16 (P.T.A.B. Aug. 31, 2020).....	10, 13
<i>Guardian Alliance Techs., Inc. v. Miller</i> , IPR2020-00031, Paper 23 (P.T.A.B. Mar. 26, 2020).....	54, 56
<i>Guardian Alliance Techs., Inc. v. Miller</i> , IPR2020-00031, Paper 27 (P.T.A.B. July 27, 2020).....	49
<i>Hulu, LLC v. Sound View Innovations, LLC</i> , IPR2018-01039, Paper 29 (P.T.A.B. Dec. 20, 2019) .....	passim
<i>Hunting Titan, Inc. v. Dynaenergetics Europe, GmbH</i> , PGR2020-00080, Paper 7 (P.T.A.B. Feb. 12, 2021).....	63, 64
<i>In re Hall</i> , 781 F.2d 897 (Fed. Cir. 1986) .....	48
<i>In re Kahn</i> , 441 F.3d 977 (Fed. Cir. 2006) .....	63

# 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.