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

DOCKET A L A R M Find authenticated court documents without watermarks at <u>docketalarm.com</u>.

TABLE OF CONTENTS

I.	The Petition Should Be Denied Under § 324(a)		1
	A.	<i>Fintiv</i> Factor 2: Trial Date Remains Well in Advance of Board's Statutory Deadline for Final Written Decision	1
	B.	<i>Fintiv</i> Factor 4: Substantial Overlap of Issues in the Two Forums	3
	C.	Fintiv Factor 6: Other Relevant Considerations	5
II.	The Petition Failed to Demonstrate that MH Was Publicly Accessible		6

TABLE OF AUTHORITIES

Page(s)

Cases

10X Genomics, Inc. v. President & Fellows of Harvard College, IPR2020-01180, Paper 23 (P.T.A.B. Jan. 13, 2021)2
Adobe Systems Inc. v. Grecia, IPR2018-00418, Paper 9 (P.T.A.B. Sept. 7, 2018)7
Amazon.com, Inc. v. Freshub, Ltd., IPR2020-01145, Paper 10 (P.T.A.B. Jan. 11, 2021)2
<i>Celltrion, LLC v. Biogen, Inc.,</i> IPR2017-01230, Paper 10 (P.T.A.B. Oct 12, 2017)6
Cisco Systems, Inc. v. Monarch Networking Solutions, LLC, IPR2020-01678, Paper 9 (P.T.A.B. Mar. 31, 2021)2
Google LLC v. IPA Techs. Inc., IPR2018-00384, Paper 8 (P.T.A.B. July 3, 2018)
Guardian Alliance Techs., Inc. v. Miller, IPR2020-00031, Paper 23 (P.T.A.B. Mar. 26, 2020)7
<i>KeyMe LLC v. The Hillman Group, Inc.</i> , IPR2020-01485, Paper 11 (P.T.A.B. Mar. 31, 2021)4
NanoCellect Biomedical, Inc. v. Cytonome/ST, LLC, IPR2020-00551, Paper 19 (P.T.A.B. Aug. 27, 2020)5
Oticon Medical AB v. Cochlear Limited, IPR2019-00975, Paper 15 (P.T.A.B. Oct. 16, 2019)
Samsung Elecs. Co., Ltd. et al v. Clear Imaging Research, LLC, IPR2020-01552, Paper 11 (P.T.A.B. Mar. 3, 2021)
Sand Revolution II, LLC v. Cont'l Intermodal Group, IPR2019-01393, Paper 24 (P.T.A.B. June 16, 2020)2, 3
<i>Snap, Inc. v. SRK Tech. LLC</i> , IPR2020-00820, Paper 15 (P.T.A.B. Oct. 21, 2020)3, 4
••

11

Sotera Wireless, Inc. v. Masimo Corp., IPR2020-01019, Paper 12 (P.T.A.B. Dec. 1, 2020)	4
Supercell Oy v. GREE, Inc., IPR2020-00215, Paper 10 (P.T.A.B. June 10, 2020)	5
Supercell Oy v. GREE, Inc., PGR2020-00039, Paper 14 (P.T.A.B. Sept. 14, 2020)	3
Supercell Oy v. GREE, Inc., PGR2020-00088, Paper 11 (P.T.A.B. Apr. 14, 2021)1, 1	3
VMWare, Inc. v. Intellectual Ventures I LLC, IPR2020-00470, Paper 13 (P.T.A.B. Aug. 18, 2020)	5

Exhibit No.	Description
2001	Amended Docket Control Order, <i>GREE, Inc. v. Supercell Oy</i> , Civil Action No. 2:19-cv-00413, Document 139 (E.D. Tex. March 10, 2021)
2002	Amended Complaint, <i>GREE, Inc. v. Supercell Oy</i> , Civil Action No. 2:19-cv-00413, Document 25 (E.D. Tex. March 10, 2020)
2003	Defendant Supercell Oy's Preliminary Ineligibility Contentions, GREE, Inc. v. Supercell Oy, Civil Action No. 2:19-cv-00413 (E.D. Tex.), dated June 1, 2020
2004	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-00413 (E.D. Tex.), dated June 1, 2020
2005	Exhibit B-3 to Defendant Supercell Oy's Invalidity Contentions and Disclosures Under Local Patent Rules 3-3 and 3-4, <i>GREE</i> , <i>Inc.</i> <i>v. Supercell Oy</i> , Civil Action No. 2:19-cv-00413 (E.D. Tex.), dated June 1, 2020
2006	Excerpts of the Expert Report of Stacy Friedman, <i>GREE, Inc. v.</i> Supercell Oy, Civil Action No. 2:19-cv-00413 (E.D. Tex.), dated December 23, 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. Nov. 20, 2020)
2009	Claim Construction Memorandum Opinion and Order, <i>GREE, Inc.</i> v. Supercell Oy, Civil Action No. 2:19-cv-00413, Document 85 (E.D. Tex. Nov. 6, 2020)

LIST OF EXHIBITS

DOCKET A L A R M



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.