# 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 RESPONSE TO PETITIONER'S REQUEST FOR REHEARING UNDER 37 C.F.R. §42.71



# **TABLE OF CONTENTS**

			<u>Page</u>		
I.	The	The Petition Was Appropriately Denied Under § 324(a)			
	A.	The Board's Conclusion Regarding Factor 2 Supports Exercising Discretion to Deny Institution	1		
	В.	The Board's Conclusion Regarding Factor 3 Supports Exercising Discretion to Deny Institution	3		
	C.	The Board's Conclusion Regarding Factor 4 Does Not Rest on Clearly Erroneous Fact Findings	3		
	D.	The Board's Conclusion Regarding Factor 6 Is Not Clearly Unreasonable, Arbitrary, or Fanciful	4		
	Е.	The Board Did Not Abuse Its Discretion In Denying Institution Under § 324(a) In Accordance with <i>Fintiv</i>	5		



# **TABLE OF AUTHORITIES**

	Page(s)
Cases	
Amazon.com, Inc. v. Vocalife LLC, IPR2020-00864, Paper 22 (P.T.A.B. Oct. 28, 2020)	2
Apple Inc. v. Fintiv, Inc., IPR2020-00019, Paper 11 (P.T.A.B. Mar. 20, 2020)	passim
Supercell Oy v. GREE, Inc., PGR2020-00034, Paper 17 (P.T.A.B. Nov. 2, 2020)	5



### LIST OF EXHIBITS

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, <i>GREE, Inc. v. Supercell Oy</i> , 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. 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. Supercell Oy</i> , 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)

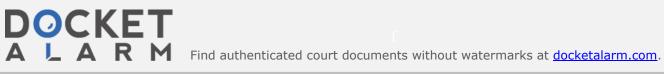


Exhibit No.	Description
2010	Third Amended Docket Control Order, <i>GREE, Inc. v. Supercell Oy</i> , Civil Action No. 2:19-cv-00413, Document 98 (E.D. Tex. Dec. 30, 2020)
2011	Fourth Amended Docket Control Order, <i>GREE, Inc. v. Supercell Oy</i> , Civil Action No. 2:19-cv-00413, Document 100 (E.D. Tex. Jan. 29, 2021)
2012	Model Order Focusing Patent Claims and Prior Art to Reduce Costs, U.S. District Court for the Eastern District of Texas
2013	Amended Docket Control Order, <i>GREE, Inc. v. Supercell Oy</i> , Civil Action No. 2:19-cv-00413, Document 153 (E.D. Tex. Jun. 8, 2021)



# DOCKET

# 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.

