

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

GREE, INC.,	§	Case No.:
	§	
Plaintiff,	§	
	§	
v.	§	
	§	
SUPERCELL OY,	§	
	§	
Defendant.	§	

COMPLAINT

Plaintiff GREE, Inc., (“GREE” or “Plaintiff”) files this Complaint against Supercell Oy (“Supercell” or “Defendant”). In this Complaint, GREE asserts U.S. Patent No. 10,286,302 (the “Tsuchiya ’302 patent”) against Supercell’s “Brawl Stars” 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, advertising, and investment 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 hold 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 the Tsuchiya '302 patent entitled "Shooting game control method and game system" which duly and legally issued at 12:00 a.m. Eastern Daylight Time on May 14, 2019.

11. The Tsuchiya '302 patent describes and claims an innovative system and method for shooting game controls on a touch panel interface by using one touch operation to display a frame indicative of a shooting effective range and a second touch operation to control the attack. The specification of the Tsuchiya '302 patent explains that the invention is for games on devices where "real shooting is realized by a device with a limited display area, such as a smartphone" and the "limited display area, tends to make an overall operation complex, and a speedy game development may be hindered." Tsuchiya '302 patent at 1:58-67. In addition, although some games offer auto-aiming functions, "in a game in which many enemy characters appear and the numbers of successive shootings of enemy characters are contested, the auto-aiming function is effective, but it is difficult to express a weighting or the like of

scores based on a difference in shooting position.” *Id.* at 2:4-9.

12. The innovative shooting control system and methods described and claimed in the Tsuchiya ’302 patent “achieve both precise shooting and speedy game development by a simple and easy-to-understand operation.” *Id.* at 2:12-13. The invention achieves this by providing using a touch operation to display “a first frame indicative of a shooting effective range on the display in accordance with a position of the touch operation” and then a second touch operation “for an attack on an attack target in a state in which the first frame is displayed.” *See id.* at 2:18-28.

13. The claims of the Tsuchiya ’302 patent are rooted in computer technology and cannot be performed without a computer. Moreover, the claims are specific to problems encountered in a mobile gaming interface for shooting games on a small display with touch screen controls.

14. The particular system and method of shooting game control described and claimed in the Tsuchiya ’302 patent, including the ability to display a frame indicative of shooting range based on a touch operation, was also not routine, well-understood, or conventional at the time of the invention of the Tsuchiya ’302 patent.

15. These improvements over prior art and conventional shooting game control systems and methods represent meaningful limitations and/or inventive concepts. Further, in view of these specific improvements, the inventions of the asserted claims, when such claims are viewed as a whole and in ordered combination, are not routine, well-understood, conventional, generic, existing, commonly used, well-known, previously known, or typical.

GENERAL ALLEGATIONS

16. Defendant Supercell makes, uses, sells, offers for sale, and/or imports into the

United States gaming systems, software, or methods for controlling games in which users do battle, including Brawl Stars.

17. Brawl Stars operates on computers and mobile devices, including those with iOS and Android operating systems.

18. Defendant Supercell operates, places into service, or otherwise controls a plurality of servers worldwide, including in the United States, on which Supercell and Brawl Stars operates, and its customers and their users use, software related to Brawls Stars on which Supercell stores user data associated with the products.

19. Brawl Stars has millions of registered users worldwide, including in the United States and Texas.

20. Supercell has had knowledge of the Tsuchiya '302 patent at least since the date of filing of this Complaint, and its continued infringement is willful.

21. GREE's infringement theories presented below are exemplary, and do not necessarily detail every manner in which Supercell's products infringe the Tsuchiya '302 patent, nor do so for each product that infringes. GREE will provide additional details in its infringement contentions.

COUNT I—Infringement of the Tsuchiya '302 Patent

22. GREE re-alleges and incorporates by reference each and every allegation contained in the paragraphs 1-21 above as if fully set forth herein.

23. Supercell directly infringes at least claim 1 of the Tsuchiya '302 patent by, without authority, making, using, importing, selling, or offering to sell Brawl Stars in the United States in violation of 35 U.S.C. § 271(a).

24. For example, representative claim 1 of the Tsuchiya '302 patent recites:

1. [preamble] A non-transitory computer-readable medium including computer-program instructions, which when executed by an electronic device including a display configured to display a game image and a touch panel provided integral with the display, cause the electronic device to:

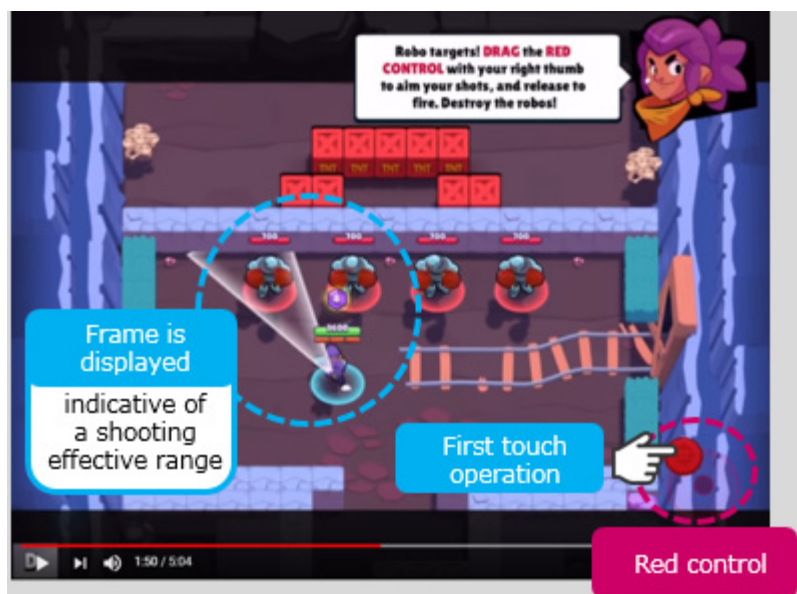
[a] cause the display to display a frame indicative of a shooting effective range in accordance with a first touch operation on the touch panel;

[b] identify a second touch operation at the touch panel as an instruction for an attack when the frame is displayed; and

[c] control to attack in accordance with a display position of the frame when the instruction for the attack is identified.

25. To the extent the preamble is limiting, Brawl Stars includes “[a] non-transitory computer-readable medium including computer-program instructions, which when executed by an electronic device including a display configured to display a game image and a touch panel provided integral with the display.” Supercell provides the software code for Brawl Stars which represents computer-program instructions to run in a non-transitory computer readable medium such as the memory of an electronic device capable of running games. Brawl Stars is designed for mobile devices with iOS and Android operating systems that provide displays with touch panel controls. Those displays are used by Supercell to display the game images of Brawl Stars when operated by players of Brawl Stars.

26. With respect to claim elements 1[a] and 1[b], a player causes the display to display a frame indicative of a shooting effective range when the player touches a red touch control within the Brawl Stars game.



27. Further with respect to claim element 1[b], when the player identifies a second touch operation on the touch panel by lifting the player's finger from the screen (a "touch off" second touch operation) it provides an instruction for an attack when the frame is displayed.



28. With respect to claim element 1[c], the attack is performed in accordance with a display position of the frame when the instruction for the attack is identified by the player lifting his or her finger from the screen.



29. Supercell indirectly infringes the Tsuchiya '302 patent within the United States by inducing infringement under 35 U.S.C. § 271(b). For example, since learning of the Tsuchiya '302 patent and by failing to cease offering Brawl Stars, Supercell has knowingly and intentionally induced Brawl Stars users to directly infringe one of more claims of the Tsuchiya '302 patent, *inter alia*, by (1) providing instructions or information, for example on publicly available websites (*see, e.g.*, <http://supercell.helpshift.com/a/brawl-stars/?p=web> and linked pages), to explain how to use the Brawl Stars application in an infringing manner, including the use of the Brawl Stars application in the manners described in the foregoing paragraphs, which are expressly incorporated herein, and (2) touting infringing uses

30. Supercell indirectly infringes the Tsuchiya '302 patent by contributing to the direct infringement by end users under 35 U.S.C. § 271(c) by providing Brawl Stars, which, as evidenced by Supercell's websites and advertisements (*see, e.g.*,

<http://supercell.helpshift.com/a/brawl-stars/?p=web> and linked pages), is especially made for use in a manner that infringes one or more claims of the Tsuchiya '302 patent as described herein and has no substantial non-infringing uses.

31. GREE has been and continues to be injured by Supercell's infringement of the Tsuchiya '302 patent. GREE is entitled to recover damages adequate to compensate it for Supercell's infringing activities in an amount to be determined at trial, but in no event less than a reasonable royalty.

32. Unless enjoined by this Court, Supercell's acts of infringement will continue to damage and cause irreparable harm to GREE.

33. Defendant Supercell's infringement of the Tsuchiya '302 patent has been willful and deliberate. Defendant Supercell has known of the Tsuchiya '302 patent and its infringement thereof and continued its unlawful actions nevertheless. GREE is therefore entitled to increased damages under 35 U.S.C. § 284 and attorneys' fees and costs under 35 U.S.C. § 285

PRAYER FOR RELIEF

WHEREFORE, GREE prays that the Court grant the following relief:

A. Enter a judgment that Defendant Supercell has infringed the Tsuchiya '302 patent;

B. Grant a permanent injunction restraining and enjoining Supercell and its officers, directors, agents, servants, employees, successors, assigns, parents, subsidiaries, affiliated or related companies, and attorneys from directly or indirectly infringing the Tsuchiya '302 patent;

C. Enter a declaration that this case is exceptional and correspondingly award GREE attorneys' fees under 35 U.S.C. § 285;

D. Award damages, enhanced damages, and prejudgment interest to GREE under 35 U.S.C. § 284;

E. Grant such other and further relief as this Court may deem just and proper.

DEMAND FOR JURY TRIAL

GREE hereby demands a jury trial on all issues appropriately triable by a jury.

DATED: May 13, 2019

Respectfully submitted,
GILLAM & SMITH, LLP

By: /s/Steven D. Moore

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