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 14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 OAKLAND DIVISION

18 Supercell Oy,
 19 Plaintiff,
 20 v.
 21 GREE, Inc., GREE International Entertainment,
 Inc., and Funzio Games, Inc.
 22 Defendants.
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Case No.: 4:17-cv-05556-YGR
**STIPULATION AND ~~PROPOSED~~
 ORDER FOR DISMISSAL AND
 ENTRY OF JUDGMENT**
 Judge: Honorable Yvonne Gonzalez Rogers

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1 Plaintiff Supercell Oy (“Supercell) and Defendants GREE, Inc., GREE International
2 Entertainment, and Funzio Games, Inc. (collectively, “GREE”) hereby stipulate as recited below
3 and jointly request that the Court enter the attached [Proposed] Stipulated Judgment.

4 WHEREAS on September 25, 2017, Supercell filed a Complaint for patent infringement
5 against GREE (Dkt. No. 1);

6 WHEREAS Supercell alleged in its Complaint that GREE infringed U.S. Patent
7 Nos. 9,106,449 (the “’449 patent”) (Count I) and 9,104,520 (the “’520 patent”) (Count II);

8 WHEREAS on December 26, 2017, GREE moved to dismiss the Complaint under
9 Fed. R. Civ. Pro. 12(b)(6) on the ground that the asserted patents are not patent eligible under
10 35 U.S.C. § 101 (Dkt. No. 26);

11 WHEREAS on April 3, 2018, the Court granted the motion with regard to the ’449 patent
12 and denied the motion with regard to the ’520 patent (Dkt. No. 47);

13 WHEREAS on May 17, 2018, GREE filed an answer to Supercell’s Complaint and
14 asserted defenses and counterclaims seeking a declaration of non-infringement and invalidity of
15 the ’520 patent (Dkt. No. 65);

16 WHEREAS on September 27, 2018, the parties notified the Court that they had reached
17 an agreement in principle and requested a stay of all deadlines in this action while working to
18 finalize a settlement agreement (Dkt. No. 81);

19 WHEREAS the parties to this action stipulate to the dismissal without prejudice of all
20 claims, counterclaims, and defenses regarding the asserted ’520 patent, which are the only
21 remaining active claims in this case;

22 WHEREAS the parties stipulate and request that the Court enter a final judgment with
23 respect to its dismissal of Count I of the Complaint alleging patent infringement of the ’449
24 patent;

25 WHEREAS the parties agree that Supercell preserves its right to appeal the Court’s order
26 finding the ’449 patent not patent eligible under 35 U.S.C. § 101;

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ACCORDINGLY, IT IS HEREBY STIPULATED AND AGREED by Supercell and GREE as follows:

1. Supercell and GREE, acting through counsel, stipulate, in consideration of a negotiated settlement executed by them, to the dismissal without prejudice of all claims, counterclaims, and defenses regarding the asserted '520 patent, with each party to bear its own attorney's fees and costs incurred in the above-captioned action in connection with the prosecution or defense of all claims, counterclaims, and defenses regarding the asserted '520 patent;
2. Supercell and GREE stipulate and request that the Court enter a final judgment with respect to its dismissal of Count I of the Complaint alleging patent infringement of the '449 patent; and
3. Supercell preserves its right to appeal the Court's order granting GREE's motion for summary judgment on the ground of patent ineligibility regarding the '449 patent under Section 101.

Agreed to and accepted by:

Dated: February 11, 2019

FENWICK & WEST LLP

By: /s/ Michael J. Sacksteder

Michael J. Sacksteder
Attorneys for Plaintiff
Supercell Oy

Dated: February 11, 2019

KILPATRICK TOWNSEND & STOCKTON LLP

By: /s/ Steven D. Moore

Steven D. Moore
Attorneys for Defendants
GREE, Inc., GREE International
Entertainment, Inc., and Funzio Games, Inc.

ATTESTATION PURSUANT TO LOCAL RULE 5-1(i)(3)

I attest that concurrence in the filing of this document has been obtained from its signatories.

Dated: February 11, 2019

By : /s/ Michael J. Sacksteder

Michael J. Sacksteder

~~PROPOSED~~ ORDER

NOW, THEREFORE, IT IS ORDERED, ADJUDGED, and DECREED as follows:

1. Count II of Plaintiff Supercell Oy's Complaint is DISMISSED WITHOUT PREJUDICE.
2. Defendants' First Counterclaim seeking a declaration of non-infringement of the '520 patent and Second Counterclaim seeking a declaration of invalidity of the '520 patent are DISMISSED WITHOUT PREJUDICE.
3. Judgment will be entered in favor of Defendants on Count I of Supercell's Complaint.
4. Nothing in this Order shall be interpreted as precluding Supercell from appealing the Court's order granting GREE's motion for summary judgment on the ground of patent ineligibility regarding the '449 patent under Section 101.

IT IS SO ORDERED

Dated: February 12, 2019



The Honorable Yvonne Gonzalez Rogers
United States District Court Judge