

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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BUNGIE, INC.,  
Petitioner

v.

WORLDS INC.,  
Patent Owner

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Case IPR2015-01321  
Patent 8,145,998

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**PATENT OWNER WORLDS INC.'S  
NOTICE OF APPEAL**

Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a), that Patent Owner Worlds Inc. appeals under 35 U.S.C. § 141 to the United States Court of Appeals for the Federal Circuit from the *Final Written Decision* entered on November 28, 2016 (Paper 42) and from all underlying orders, decisions, rulings and opinions regarding U.S. Patent No. 8,145,998 (“the ’998 Patent”) including the DECISION - Institution of *Inter Partes* Review entered on November 30, 2015 (Paper 13), and the ORDER denying Patent Owner’s Motion for Routine or Additional Discovery entered on September 4, 2015 (Paper 11).

For the limited purpose of providing the Director with the information requested in 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner anticipates that the issues on appeal may include, but are not limited to, the following, as well as any underlying findings, determinations, rulings, decisions, opinions, or other related issues:

- Whether judicial review is available for a patent owner to challenge the Patent Trial and Appeal Board’s determination that a petition satisfied the statutory requirements of 35 U.S.C. §312(a)(2);
- Whether judicial review is available for a patent owner to challenge the Patent Trial and Appeal Board’s determination that a petitioner satisfied the statutory timeliness requirements of 35 U.S.C. §315(b);
- Whether the Patent Trial and Appeal Board made an error of law by applying the incorrect legal standard to the review of Patent Owner’s

evidence rebutting the Petition's identification of all Real Parties-in-Interest as required under 35 U.S.C. §312(a)(2);

- Whether the Patent Trial and Appeal Board's decision on the correctness and completeness of Petition's identification of all Real Parties-in-Interest was based upon no evidence and was therefore "arbitrary, capricious, an abuse of discretion, or ... unsupported by substantial evidence ... ." 5 U.S.C. § 706(2)(A)-(E);
- Whether according a filing date to a Petition that was incomplete for failure to name all Real Parties-in-Interest under 35 U.S.C. §312(a)(2) was an error of law;
- Whether the Patent Trial and Appeal Board's decision not to dismiss the Petition as time-barred under 35 U.S.C. § 315(b) was "arbitrary, capricious, an abuse of discretion, ... in excess of statutory jurisdiction, authority or limitations, or ... unsupported by substantial evidence ... ." 5 U.S.C. § 706(2)(A)-(E);
- Whether the Patent Trial and Appeal Board's decision denying Patent Owner's Motion for Routine or Additional Discovery (Paper 9) was "not in accordance with law; [or] an abuse of discretion ... ." 5 U.S.C. § 706(2)(A)-(E); and

- Whether the Patent Trial and Appeal Board’s decision finding that claims 1-3, 7-8, 12-18, and 20 of the ’998 patent are unpatentable was “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; [or] ... unsupported by substantial evidence ... .” 5 U.S.C. § 706(2)(A)-(E).

Simultaneous with the electronic submission of this Notice of Appeal to the Patent Trial and Appeal Board, a copy of this Notice of Appeal is being filed with the United States Patent and Trademark Office by way of hand delivery to the Office of General Counsel to:

Office of the General Counsel  
United States Patent and Trademark Office  
Madison East  
10B20 600 Dulany Street  
Alexandria, Virginia 22314

In addition, consistent with Federal Circuit Rules 15(a)(1) and 25(b)(1), this Notice of Appeal, along with the required docketing fees and a copy of the decision and order of the agency for which review is sought, are being filed electronically with the United States Court of Appeals for the Federal Circuit, and one paper copy of the Notice of Appeal is being provided to the Clerk’s Office:

Clerk of Court  
United States Court of Appeals for the Federal Circuit  
717 Madison Place, NW, Room 401  
Washington, DC 20439

Case No. IPR2015-01321  
Patent No. 8,145,998

Any required fees to the United States Patent and Trademark Office may be charged to Deposit Account No. 50-1860.

Dated: January 30, 2017

Respectfully submitted,

By: /s/ Wayne M. Helge

Wayne M. Helge (Reg. No. 56,905)

Aldo Noto (Reg. No. 35,628)

Davidson Berquist Jackson & Gowdey, LLP

8300 Greensboro Drive, Suite 500

McLean, VA 22102

Telephone: 571-765-7700

Fax: 571-765-7200

Email: [whelge@dbjg.com](mailto:whelge@dbjg.com)

Email: [anoto@dbjg.com](mailto:anoto@dbjg.com)

Counsel for Patent Owner

**CERTIFICATE OF SERVICE**

I hereby certify that on January 30, 2017, a true and correct copy of the foregoing *Patent Owner's Notice of Appeal* was served via email, by consent, to Petitioner by serving the correspondence email addresses of record as follows:

Michael T. Rosato  
Reg. No. 52,182  
Andrew S. Brown  
Reg. No. 74,177  
Wilson Sonsini Goodrich & Rosati  
701 Fifth Ave.  
Suite 5100  
Seattle, WA 98104-7036  
Telephone: (206) 883-2529  
Facsimile: (206) 883-2699  
E-mail: mrosato@wsgr.com  
E-mail: asbrown@wsgr.com

Matthew A. Argenti  
Reg. No. 61,836  
Wilson Sonsini Goodrich & Rosati  
650 Page Mill Road  
Palo Alto, CA 94304  
Telephone: (650) 354-4154  
Facsimile: (650) 493-6811  
E-mail: margenti@wsgr.com

By: /s/ Wayne M. Helge  
Registration No. 56,905  
Counsel for Patent Owner