

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 IPR2015-01319  
Patent 8,082,501

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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 December 6, 2016 (Paper 42) and from all underlying orders, decisions, rulings and opinions regarding U.S. Patent No. 8,082,501 (“the ’501 Patent”) including the DECISION - Institution of *Inter Partes* Review entered on December 7, 2015 (Paper 14), 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, including under 5 U.S.C. §§ 704 & 706, 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, including under 5 U.S.C. §§ 704 & 706, 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 ... without observance of procedure required by law; [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, or otherwise not in accordance with law; ... in excess of statutory jurisdiction, authority or limitations, or ... without observance of procedure required by law; [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 “an abuse of discretion, or otherwise not in accordance with law; .... [or] without observance of procedure required by law ... .” 5 U.S.C. § 706(2)(A)-(E); and
- Whether the Patent Trial and Appeal Board’s decision finding that claims 1-8, 10, 12, and 14-16 of the ’501 patent are unpatentable was “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; ... in excess of statutory jurisdiction, authority or limitations, or ... without observance of procedure required by 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

Case No. IPR2015-01319

Patent No. 8,082,501

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

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

Dated: February 7, 2017

Respectfully submitted,

By: /s/ Wayne M. Helge

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Counsel for Patent Owner

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