

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BUNGIE, INC.,
Petitioner

v.

WORLDS INC.,
Patent Owner

Case IPR2015-01319
Patent 8,082,501

**PATENT OWNER WORLDS INC'S
OBJECTIONS TO PETITIONER'S EVIDENCE
PURSUANT TO 37 C.F.R. § 42.64(b)(1)**

On May 16, 2016, during Petitioner's deposition of Mark Pesce, Petitioner presented Mr. Pesce with documents marked as Ex. 1041 and Ex. 1042. Exhibits 1041 and 1042 have not been entered into the record for this case. However, these objections are being filed no later than five business days after the agreed-upon date of service by the parties. Patent Owner Worlds Inc. timely objects under 37 C.F.R. § 42.64(b)(1) to the evidence served by Petitioner on May 16, 2016 for the reasons set forth below:

Identity of Exhibit	Portion to be Excluded	Objection	Grounds
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Identity of Exhibit	Portion to be Excluded	Objection	Grounds
1041	All	FRE 401/402, FRE 403, FRE 404, FRE 405, FRE607-609	Ex. 1041 is not relevant to any issue in this proceeding under FRE 401/402; Ex. 1041 is unfairly prejudicial and under FRE 403 any probative value of the evidence as to Mr. Pesce's qualifications to serve as an expert and as to Mr. Pesce's credibility in this proceeding is substantially outweighed by the danger of unfair prejudice due to Ex. 1041; Ex. 1041 is not admissible for proving character of the witness under FRE 404 and is not relevant or admissible as evidence of truthfulness under FRE 608; Ex. 1041 is not specifically admissible under FRE 607 or 609; FRE 405 limits the use of "specific instances of [a] person's conduct" to those cases "in which character or a trait of character of a person is an essential element of a charge, claim, or defense" No such essential element exists in this proceeding.

Identity of Exhibit	Portion to be Excluded	Objection	Grounds
1042	All	FRE 401/402, FRE 403, FRE 404, FRE 405, FRE607-609	Ex. 1042 is not relevant to any issue in this proceeding under FRE 401/402; Ex. 1042 is unfairly prejudicial and under FRE 403 any probative value of the evidence as to Mr. Pesce's qualifications to serve as an expert and as to Mr. Pesce's credibility in this proceeding is substantially outweighed by the danger of unfair prejudice due to Ex. 1042; Ex. 1042 is not admissible for proving character of the witness under FRE 404 and is not relevant or admissible as evidence of truthfulness under FRE 608; Ex. 1042 is not specifically admissible under FRE 607 or 609; FRE 405 limits the use of "specific instances of [a] person's conduct" to those cases "in which character or a trait of character of a person is an essential element of a charge, claim, or defense" No such essential element exists in this proceeding.

Dated: May 23, 2016

Respectfully submitted,

By: /s/ Wayne M. Helge

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