

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BUNGIE, INC.,
Petitioner

v.

WORLDS INC.,
Patent Owner

Case IPR2015-01264
Case IPR2015-01268
Case IPR2015-01269
Case IPR2015-01319
Case IPR2015-01321
Case IPR2015-01325

**PATENT OWNER'S FIRST [PROPOSED] DISCOVERY REQUESTS TO
PETITIONER**

The patent owner, Worlds Inc. (“Worlds”), hereby serves its first discovery requests to petitioner Bungie, Inc. (“Bungie”).

Pursuant to 37 C.F.R. § 42.51(c), Worlds requests that Bungie provide copies of its responsive documents and things no later than September 1, 2015, or by the deadline set by the Board, to:

Wayne M. Helge, Esq.
Davidson Berquist Jackson & Gowdey, LLP
8300 Greensboro Drive, Suite 500
McLean, VA 22102

INSTRUCTIONS

1. All responsive documents shall be organized and labeled to correspond with the requests below.
2. To the extent a responding party believes that certain content of a responsive document is protected from disclosure, the responding party shall provide a redacted version of the responsive document with only the protected content redacted.

DEFINITIONS

1. The terms “document” and “thing” have the broadest meaning prescribed in Federal Rule of Civil Procedure 34, including electronically stored information and any physical specimen or tangible item in the responsive party’s possession, custody, or control.

2. “Communications” shall mean the transmission or receipt of information of any kind through any means, including, for example, email, voicemail, audio, computer readable media, or oral.

3. “Bungie” means Bungie, Inc., Bungie, LLC, an employee of either company, or a person acting as an agent of either company within the scope of that agency, including (without limitation) outside counsel.

4. “Bungie IPRs” means IPR2015-01264, IPR2015-01268, IPR2015-01269, IPR2015-01319, IPR2015-01321, and IPR2015-01325.

5. “Activision” means Activision Blizzard, Inc., Activision Publishing, Inc., an employee of either company, or a person acting as an agent of either company within the scope of that agency, including (without limitation) outside counsel.

6. “Worlds Patent(s)” shall mean one or more of any of U.S. Patent Nos. 7,181,690; 7,493,558; 7,945,856; 8,082,501; or 8,145,998.

7. The following terms shall be as defined in the “Software Publishing and Development Agreement” between Activision and Bungie, dated April 16, 2010 (Ex. 2002): “Agreement”; “Products”; “Destiny Property”; “Development Advances”; “Change of Control”.

REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS

REQUEST FOR PRODUCTION NO. 1

Documents identifying the Bungie account(s) from which payment was tendered for all legal reviews associated with the Worlds Patent(s), including legal analysis of the Worlds Patent(s), drafting the Bungie IPR petitions, and paying the USPTO filing fees for the IPRs.

REQUEST FOR PRODUCTION NO. 2

Documents identifying all Bungie account(s) into which Activision's Development Advances are or were held or deposited, directly or indirectly, for the purpose of developing the Destiny Products.

REQUEST FOR PRODUCTION NO. 3

Documents showing that funds received from Activision were used, directly or indirectly, to pay for, or co-mingled with funds used to pay for Bungie's legal review(s) relating to any Worlds Patent(s).

REQUEST FOR PRODUCTION NO. 4

Communications between Bungie and Activision concerning legal review of any Worlds Patent(s), including Activision's review or approval, or opportunity to review or approve Bungie's legal reviews of any Worlds Patent(s) or any version(s) of an IPR Petition associated with any Worlds Patent(s).

REQUEST FOR PRODUCTION NO. 5

Communications between Bungie and Activision related to Bungie's indemnification of or obligation to indemnify Activision based on any of the Worlds Patent(s).

REQUEST FOR PRODUCTION NO. 6

For all Communications/Documents responsive to RFPs Nos. 1-5 but withheld on privilege, a privilege log identifying the Communication/Document being withheld, the author or sender, recipient(s), subject matter, date, and the RFP to which the Communication/Document is responsive.

Respectfully submitted,

Date: August 6, 2015

/Wayne M. Helge/
Wayne M. Helge (Reg. No. 56,905)
Lead Counsel for Patent Owner