

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORP.
Petitioner,

v.

WORLDS INC.
Patent Owner
IPR2021-00277 (Patent No. 8,082,501)

Declaration of Matthew Skelton

I, Matthew Skelton, declare:

1. I am a Senior Attorney within the gaming legal team at Microsoft Corporation (“Microsoft”). I provide this Declaration in connection with the above-identified *Inter Partes* Review (“IPR”) proceeding. Unless otherwise stated, the facts stated in this Declaration are based on my personal knowledge or based on corporate knowledge.

2. I have personal knowledge concerning Microsoft’s relationship with Bungie, Inc. (“Bungie”). I am aware that on or before October, 2007, Bungie, which had been acquired and a part of Microsoft since 2000, was reconstituted as an independent company. To my knowledge, the newly reconstituted Bungie formed and maintained an independent management structure that was responsible for the company’s day-to-day decision-making. After October 2007, the members of this independent management structure were not Microsoft employees and were not controlled by Microsoft.

3. In preparation of this declaration, I was made aware that, in 2015, Bungie prepared and filed a petition for *inter partes* review (“IPR”) against U.S. Patent No. 8,082,501. Based on my knowledge of the relationship between Microsoft and Bungie, I am unaware of any role Microsoft played in the day-to-day management of Bungie that would have afforded Microsoft control or an opportunity to control Bungie’s preparation or filing of that IPR petition.

4. I am also familiar with the Destiny video game. It is my understanding that Bungie independently developed Destiny after Bungie's reconstitution apart from Microsoft. It is also my understanding that Bungie entered into an agreement with Activision in April, 2010, pursuant to which Activision published Destiny for a number of gaming platforms. As such, Microsoft is not the publisher of Destiny.

5. I declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true, and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Dated: November 24, 2020


Matthew Skelton