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To: [Precedential Opinion Panel Request](#)
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Subject: IPR2021-00277 - Microsoft Corporation v Worlds Inc: Request for POP Review
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Attachments: [2021-06-30 IPR2021-00277 Worlds Request for Rehearing \(315b\).pdf](#)

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To the Board,

Patent Owner Worlds Inc. respectfully requests Precedential Opinion Panel review of the Board's institution decision in IPR2021-00277, issued on June 16, 2021. Patent Owner timely filed the attached request for rehearing under 37 CFR 42.71(d) today, June 30, 2021. Attached is a copy of that request for rehearing, which seeks rehearing to address the proper application of the one-year time bar under 35 U.S.C. § 315(b). The statutory time bar in this case is triggered by Petitioner's substantial use of challenges and an expert declaration authored and funded by a prior petitioner and included in a petition that was itself dismissed as time-barred under § 315(b). The proper application of the one-year time bar under § 315(b) is of such extraordinary and recurring importance to the PTAB and its participants that a precedential panel is requested to correct the Institution Decision here, and to supply uniform guidance for future cases.

Based on my professional judgment, I believe the Board panel decision is contrary to the following decision(s) of the Supreme Court of the United States, the United States Court of Appeals for the Federal Circuit, or the precedent(s) of the Board: *Worlds Inc. v. Bungie, Inc.*, 903 F.3d 1237 (Fed. Cir. 2018), which sets forth the ultimate burden of proof under 35 U.S.C. 315(b); and *Bungie, Inc. v. Worlds Inc.*, IPR2015-01319, Paper 62, which was terminated under § 315(b) and serves as the source for the copied challenges and expert declaration re-submitted in IPR2021-00277.

Additionally, based on my professional judgment, I believe the Board panel decision is contrary to the following constitutional provision, statute, or regulation: 35 U.S.C. 315(b)

Finally, based on my professional judgment, I believe this case requires an answer to one or more precedent-setting questions of exceptional importance, namely the proper application of 35 U.S.C. 315(b) where a petitioner presents copied challenges and an expert declaration authored and funded by a prior petitioner for use in a prior petition that was itself dismissed as time-barred under § 315(b).

/s/ wayne m. helge

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