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It Only Took 13 Years: The Federal Circuit's First Derivation Proceeding Decision

SPEAKERS

Andrew P. Zappia | Edwin V. Merkel

In this episode of our *Post-Grant Podcast* series, Andy Zappia and Ted Merkel delve into the complexities of the least-used proceeding created by the America Invents Act (AIA): namely derivation proceedings. The discussion highlights the first Federal Circuit decision reviewing a derivation proceeding and examines the challenges petitioners face in these cases, particularly the number of elements that petitioners must prove. The hosts also explore the alternative legal strategies, including correction of inventorship claims in district court, which may offer more strategic advantages.

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