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USPTO Proposes New Rules to Limit Multiple Validity Challenges

SPEAKERS

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In this episode of the *Post-Grant Podcast*, Andy Zappia and Bryan Smith break down the USPTO's proposed rule for IPR and PGR proceedings designed to limit multiple validity challenges to patents. They discuss how the proposed rule would limit access to those proceedings, including a mandatory stipulation requirement, an automatic denial of institution if another tribunal has rendered a determination on validity, timing-based denials when parallel cases are likely to finish first, and a proposed narrow "extraordinary circumstances" exception. They also discuss practical implications for forum selection and strategy ahead of the November 17 comment deadline for the proposed rule.

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