Edwin V. Merkel

Counsel

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Publicly traded and privately held biotech companies, along with universities and research organizations, trust Ted's counsel on prosecuting patent applications, managing patent interferences and handling inter partes reviews and other proceedings before the Patent Trial and Appeal Board.

OVERVIEW

As a patent attorney, Ted has more than 20 years of patent prosecution experience, helping clients secure their intellectual property, particularly in biotechnology and the chemical arts, in the United States and abroad.

In biotechnology, Ted has prepared and prosecuted applications concerning novel compositions, including recombinant and/or modified nucleic acids, proteins and peptides; drug formulations and drug delivery systems, including vaccine components and formulations; immunotherapeutics; new use therapies; diagnostic assays and diagnostic sensor platforms; assays for orphan drug identification; molecular technologies and processes including nucleic acid amplification assays and protein purification processes; transgenic organisms; and therapeutic applications.

In chemistry, Ted has prosecuted patent applications for pharmaceutical compounds and compositions; industrial compounds and compositions, such as glasses, glass ceramics and polymer formulations; sol-gel and aerogel fabrication processes; combinatorial libraries; nanofabrication techniques and the resulting nanoscale products obtained; and methods of using ligand and receptor technologies for diagnostic, therapeutic and industrial purposes.

Ted has been involved in provoking and managing all phases of patent interferences. His representative interferences include matters involving biotech developments such as pathogen resistant plants, high amylose wheat, papillomavirus virus-like particles (VLPs) and oligonucleotide arrays, as well as other technological advances such as semiconductors and coaxial cable connectors.

Ted's experience in managing interferences includes the use of alternative dispute resolution. He has also managed more than 10 *inter partes* review (IPR) proceedings, representing both petitioners and patent owners. His representative IPR proceedings include those involving compositions of matter as well as e-medicine methods and methods for propagating MIMO signals. He has handled multiple oral arguments before the Patent Trial and Appeal Board.

TOP AREAS OF FOCUS

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- Health Care + Life Sciences
- Health Care + Life Sciences Intellectual Property
- Intellectual Property
- Patent Prosecution, Counseling + Portfolio Management
- Post-Grant Patent Review

ALL AREAS OF FOCUS

- Academic + Research Institutions
- Health Care + Life Sciences
- Health Care + Life Sciences Intellectual Property
- Intellectual Property
- Patent Prosecution, Counseling + Portfolio Management
- Post-Grant Patent Review

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Member, Past President, Rochester Intellectual Property Law Association

EDUCATION AND CERTIFICATIONS

EDUCATION

- American University Washington College of Law, J.D., *cum laude*
- The College of Wooster, B.A., biology

BAR ADMISSIONS

- New York
- Virginia (Inactive)
- U.S. Patent and Trademark Office

COURT ADMISSIONS

- U.S. District Court, Western District of New York

PUBLICATIONS

- Podcast, "New Preorder Patent Owner Rights in *Ex Parte* Reexamination," *Patents: Post-Grant Podcast*, May 18, 2026.
- Podcast, "It Only Took 13 Years: The Federal Circuit's First Derivation Proceeding Decision," *Patents: Post-Grant Podcast*, October 14, 2025.
- Podcast, "Motions to Amend: PTO Pilot Program Extended," *Patents: Post-Grant Podcast*, October 6, 2021.