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# TRAILBLAZERS

## SOUTH





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**What was the genesis of the idea/path that has made you a trailblazer?**
We came into the case just months before trial, and we focused immediately on how the case could be narrowed and positioned optimally for trial. The Court was very familiar with the case, and we were confident that, despite trying fewer patent cases than sister courts in Delaware and New Jersey, it would appreciate scientific arguments presented clearly. We concluded that requesting the Court to construe claims before trial would facilitate our strategy and allow us to focus our trial presentation.

**What sort of change has resulted from the concept?**
We prevailed in demonstrating that a careful and thorough consideration of the prior art as a whole showed that it did not lead to the claimed invention. On the contrary, it led away from the invention. Just as in more traditional patent-heavy jurisdictions, if presented clearly and simply, complex and more subtle scientific arguments can prevail. Over-simplifying trial themes and presentations is unwarranted and counter-productive.

**What bearing will this have on the future?**
Venues such as the Northern District of West Virginia are likely to see substantially more patent litigation in following the Supreme Court and Federal Circuit's pronouncements regarding venue in patent cases. The conventional wisdom that courts in less traditional jurisdictions are less equipped to digest complex, scientific trial presentations, and that overly simplistic case presentations are the optimal strategy, is not correct. Litigants likely will adjust their strategies in the wake of decisions like AstraZeneca v. Mylan.

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