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Patent Misjoinder

The America Invents Act created a new statutory section governing joinder of accused infringers and consolidation of actions for trial in most patent infringement cases. This Article provides the first comprehensive analysis of the new statutory section, reasons for its enactment, the competing policies animating it and the Federal Rules of Civil Procedure, the appropriate interpretation and application of the new statutory section, and the broader lessons that can be learned from this relatively rare instance of Congress, at least in part, repealing aspects of the Federal Rules of Civil Procedure.