

The Federal Circuit as a Federal Court

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All federal courts decide cases that delimit authority between state and federal courts and among branches of the federal government. But only one federal court has appellate jurisdiction over patent law: the U.S. Court of Appeals for the Federal Circuit. This Article examines how judicial specialization affects the Federal Circuit's relationships with other government bodies and, ultimately, substantive patent law. The Article begins by identifying and deconstructing the Federal Circuit's four key external relationships, namely, its relationships with: state courts (which the Article defines as the *federalism* relationship), other branches of the federal government (the *separation of powers* relationship), the regional circuits (the *horizontal* relationship), and the trial-level tribunals that hear patent cases—the federal district courts and the International Trade Commission (the *vertical* relationship). This novel taxonomy reveals that the court has, in general, favored rules that enlarge its own influence over patent law at the expense of other institutions. Moreover, these power dynamics can be tied to crucial problems in the patent system, such as the unpredictability of patent claim construction and the proliferation of patents of unclear scope and questionable validity.

The Article leverages these patent-focused insights to contribute to broader debates about judicial decision-making and institutional design, suggesting that specialized courts may have inherent incentives to exclude other institutions from shaping the law within their domain. Yet, at least in the Federal Circuit's case, there is more to these dynamics than a naked power grab. Rather, a complex assortment of subtle influences, such as the court's dual charge from Congress to unify patent law and to provide expert patent adjudication, has arguably fed the court's incremental power expansion. As a topic for future inquiry, the Article highlights how these power dynamics may lead a semi-specialized court like the Federal Circuit to prioritize certain areas of its jurisdiction, such as patent law, over others, such as veterans benefits cases and government employee disputes.