When Law Repeats Itself: Redundancy and Legal Design

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The idea that law should generally be understood and constructed to minimize redundancy remains a powerful force in legal reasoning. Patent law has been no exception as judges have sought to limit overlaps between different doctrines, have regularly invoked anti-redundancy canons in interpreting claims, and have rejected efforts to "relitigate" issues of claim construction under the guise of the doctrine of equivalents. But despite anti-redundancy's arguable value in promoting clarity and efficiency in legal drafting and analysis, redundancy, at least in the forms of superfluity of language and partial overlaps between doctrines, seems continually to emerge and demand acknowledgment. With an eye toward recent developments in patent law, including debates over subject-matter eligibility, this project examines justifications and limitations of anti-redundancy doctrines and considers when redundancy might add value as a principle of legal design.

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