

*In the Name of Patent Stewardship:
The Federal Circuit's Overreach in Commercial Law*

Xuan-Thao Nguyen

Director, Center for Intellectual Property Law and Innovation, Indiana University Robert H.
McKinney School of Law
Indianapolis, IN

While the Federal Circuit has admirably commandeered its stewardship of patent law, as Congress bestowed the Court with the exclusive jurisdiction over patent appeals since 1982, the Court has unabashedly and unwelcomingly extended its reach into commercial law. Camouflaged in the name of patent stewardship, the Court's foray in commercial law yields unexpected and unjustifiable results. This article argues that paradoxically, to maintain its stewardship of patent law, the Court should not evoke patent law to rationalize its decisions concerning commercial law that dramatically alters established commercial law. The encroachment of commercial law, which is within the provenance of state law, destabilizes federalism causing uncertainty in state law areas. The Federal Circuit must refrain itself, as it has no authority to inject itself into state law making.

Email: xunguyen@iupui.edu

Nguyen