

NOTE: THE FEDERAL CIRCUIT RULES HAVE BEEN EXTENSIVELY UPDATED IN 2016. The changes affect the way due dates are calculated; updated certain procedural and format requirements relating to briefing; and update rules to reflect CM/ECF filing requirements. Many forms have also been updated. A summary of key rule changes is available upon request from Counsel Press.

SOME KEY DATES FOR FEDERAL CIRCUIT APPEALS

Your Federal Circuit appeal has been docketed on _____ (Rule 12 for District Court appeals, or Rule 15(b) for agency appeals). This date is important since **THIS COURT DOES NOT SEND BRIEFING SCHEDULES TO THE PARTIES**. Here are some critical dates for you to review:

- *Entry of Appearance(s), Certificate of Interest and Transcript Purchasing Order forms* will be sent to you by the Court with your notice of docketing. You can also contact Counsel Press for forms and fax or e-mail completed forms to us for filing.
 1. Your Entry of Appearance form (form 8) should within 14 days of docketing (Rule 47.3). **We can assist you with the admission process if necessary.**
 2. Your Certificate of Interest (form 9) should be filed with the first appearance (Rule 47.4) within 14 days of docketing (R. 26.1). It is required in motions (Rule 27(a)(7)) and opening briefs (Rule 28(a)).
 3. Docketing Statement is due within 14 days of the date of docketing (or 30 if the U.S. is a party).
 4. Transcripts should be ordered within 14 days of filing your notice of appeal (FRAP 10(b)).
- *Notice of filing corresponding brief on compact disk (optional)*. With consent, a simple notice may be filed 14 days after docketing. Without consent, a motion for leave should be filed within the same 14 day period. Response(s) are due within 7 days. If no response is filed, the clerk will most likely grant the motion (Rule 32(e)). **WE ARE VERY EXPERIENCED IN PRODUCING CORRESPONDING BRIEFS ON CD-ROM.**
- *Statement Concerning Discrimination* (Required in Merit Systems Protection Board appeals and appeals from an arbitrator under 5 U.S.C. § 7121) must be filed 14 days after docketing. (Rule 15(c)).
- *Certified List or Index*. In appeals from the PTO or other agencies, the agency has 40 days to prepare and file a certified list of the contents of the record (Certified List is the PTO/Agency equivalent of docket sheets) (Rule 17).
- *Designation of Appendix Materials*. Fed. Cir. R. 30(b) has a time line in the **ABSENCE OF AN AGREEMENT** between the parties. The designation does not need to be filed with the Court. Please call us for more details as the appendix process for the Federal Circuit is unique.
- **CALL COUNSEL PRESS.** Your job is over. We take care of the organization and pagination of the materials. We are experts on the procedural requirements for this court.
- *Briefing*. Briefing dates run the date of docketing in district court & PTO appeals or from SERVICE of the certified list in agency appeals. Please note that FRAP 26(c)'s additional 3 days to a prescribed period if the time runs from date of service **no longer applies** when service is made via CM/ECF notice. CM/ECF notice is considered delivered to you on the emailing date.

Opening Brief for Appellant/Petitioner (Rule 31(a)(1)). 60 days after docketing or service of the certified list. NOTE: citations are to the Appendix, so the pagination of the Appendix must be done prior to filing this brief even though the appendix is due after the Reply (except for appendices under 100 pages). (R. 30)

Brief of Appellee/Respondent (or Cross-Appellant) (Rule 31(a)(2)). 40 days after service of Appellant's Brief.

Reply Brief (Rule 31(a)(5)). 14 days after service of the Appellee's Brief.

- In cross-appeals, the Brief of the Cross-Appellee is combined with the Reply Brief and is due 40 days after the brief of Cross-Appellant (Rule 31(a)(3)). Any Reply of the Cross Appellant is due 14 days after the Reply/Cross-Appellee Brief.

Appendix (Rule 30(a)(4)). 7 days after filing the Reply (or service of the Cross Appellant's reply).

- *Joint Statement of Compliance (settlement)*. Due no later than the time to file the Appendix (Rule 33).
- If any portion of the record in the trial court is subject to a protective order, each party must file a *Certificate of Compliance with Federal Circuit Rule 11(d)* no later than the time to file the Appendix.
- *Oral Argument*. Set by the Court usually @ 2-3 months after briefing (Rule 34). Conflicts notice due within 7 days of notice that briefing is complete. (Notice of conflicts should be made within 7 days of the notice that the case is fully briefed)