United States Court of Appeals for the Federal Circuit

CM/ECF User Guide

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REVISION HISTORY

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SUMMARY OF CHANGES

Click here for a summary of previous changes made to this document.

CM/ECF User Guide Version 1.8.1 CM/ECF v. 5.2

Page 103 Updated information regarding document upload file size limitations.

CM/ECF User Guide Version 1.8.2 CM/ECF v. 5.2

Page 83-86 Instructions on how to file a response to oral argument order added.

CM/ECF User Guide Version 1.8.3 CM/ECF v. 5.2

Pages 102-106 References to file upload size and instructions to split files that exceed the allowable limit have been modified to display a 60MB file size limit.

CM/ECF User Guide Version 1.8.4 CM/ECF v. 5.2

Pages 31-61 How to pay filing fees using Pay.gov revised consistent with the new filing rules.

CM/ECF User Guide Version 1.8.5 CM/ECF v. 5.2

Pages 19-20 Instructions for CM/ECF electronic filing.

Page 23 Helpful CM/ECF Links updated.

Pages 65-67; 76-77 Instructions based on changes to procedure for filing confidential material in briefs, motions, responses, and replies.

Page 94 Note to direct users to pages 108-111 for instructions on how to add Bates numbering to briefs and appendices consistent with the new filing rules.

Pages 108-111 Instructions on how to add Bates numbering to briefs and appendices added consistent with the new filing rules.

CM/ECF User Guide Version 1.8.6 CM/ECF v. 5.2

Pages 66-67 Updated instructions for the Brief/Appendix or Joinder Tendered Confidential event.

Page 95 Updated the Brief/Appendix or Joinder Tendered Confidential event description under the events and event categories list.

Page 104 Added the waive confidentiality requirements relief to the relief list.

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INTRODUCTION

Case Management/Electronic Case Filing (CM/ECF) is an automated case management system that allows the public to file documents over the Internet and provides courts with the ability to make electronic documents available to the public through the Public Access to Court Electronic Records (PACER) program. Except as otherwise prescribed by local rule or order, all cases will be assigned to the court's electronic filing system. Effective May 17, 2012, use of the electronic filing system is mandatory for all attorneys filing in this court, unless they are granted an exemption, or are pro se litigants. Pursuant to **Federal Rules of Appellate Procedure 25(a)(2)(D) and 25(c),** and **Federal Circuit Rule 25(a)**, the United States Court of Appeals for the Federal Circuit has authorized the filing and service of documents by electronic means.

The CM/ECF system is easy to use; a filer creates a document using conventional word processing software and converts it to Portable Document Format (PDF). After logging in to CM/ECF, the filer enters basic information relating to the document, attaches the PDF file and submits it to the court. A notice verifying receipt of the filing is automatically generated and emailed to the other case participants who have registered for Appellate CM/ECF, except in confidential filings. There are no additional fees for filing documents using CM/ECF. Litigants receive one free copy of documents that are electronically filed in their cases, which they can save or print. Additional copies are available through PACER at a cost of $0.10 per page, with a maximum charge of $3.00 per document. Copies of court opinions are available at no charge and are available via PACER or the Court's website www.cafc.uscourts.gov. All filers must redact social security or tax identification numbers; dates of birth; names of minor children; financial account numbers etc., in compliance with **Federal Rule of Appellate Procedure 25(f)**.

GLOSSARY OF TERMS

Browser: A software application used to access, display and interact with web pages. Two common browsers are Microsoft Internet Explorer and Firefox.

Case Management/Electronic Case Filing (CM/ECF): An automated case management system that allows the public to file documents over the Internet and provides courts with the ability to make electronic documents available to the public through the Public Access to Court Electronic Records (PACER) program.

Confidential Document: A public document characterized by limited electronic access whose contents are not available to the public and which may be filed in both public (redacted) and confidential form. Electronically filed confidential documents are available only to the court. Restricted documents may be available to other interested persons in paper form, or on the public terminal located in the Clerk's Office. Please refer to the Federal Circuit Rules of Practice for information regarding the filing and treatment of confidential materials in proceedings before this court.

Docket Report: The formal record of a case, kept by the Clerk of Court, listing the case number, case type, case caption, nature of suit, fee status and date docketed; parties and other case participants; attorneys; originating case information; associated appellate cases; and all public docket entries in the case.

Docket Entry: An entry on the docket describing a document in the case or action taken by the court.

Docket Text: The text of a docket entry.

Document: An order, opinion, judgment, petition, application, notice, transcript, motion, brief or other document filed with or entered by the court.

Electronic Filing (E-Filing): The process of using CM/ECF to upload a document from the filer's computer and submit it to the court via the Internet.

Native PDF Files: A native PDF file is created by electronically converting a word processing document to PDF using Adobe Acrobat or similar software. Native PDF documents are text searchable and their file size is small.

Notice of Docket Activity (NDA): An email notice that is generated automatically by the CM/ECF system at the time a document is filed electronically. The notice sets forth the time of filing, the name of the party filing the document, the text of the docket entry created by the filing, a hyperlink to the PDF document filed and to the docket report, and the name of the participants required to receive notice of the filing.

Operating System: An interface that translates user input into instructions for the hardware components of a computer.

Portable Document Format (PDF): A file format created for document exchange. CM/ECF only accepts documents in Portable Document Format (PDF). PDF documents up to 60 megabytes can be uploaded as one file. Larger documents should be split into separate files with appropriate identification. There are two types of PDF files, native PDF files and scanned PDF files. All pleadings must be submitted as native PDF files. Attachments to pleadings may be submitted as scanned PDF files if the original word processing document is unavailable.

Public Access to Court Electronic Records (PACER): An automated, fee based system that allows subscribers to access electronic documents and obtain case information from the federal courts via the Internet.

Scanned PDF Files: A scanned PDF file is created by scanning a paper document with an optical scanner. Scanned PDF documents are not text searchable and have a large file size.

HARDWARE AND SOFTWARE REQUIREMENTS

- **Operating System**: You need a PC or a *Mac computer. The Apple Macintosh platform: Intel-based, 64-bit capable, running OS X Snow Leopard 10.6 (or higher) is required. *Apple Macintosh users running MacOS® 10.x or later do not require the complete Adobe Acrobat product.

  Note: Mac users who install OS X Update 9 will have to re-enable the Java Applet. The Update brings Mac Java up-to-date with the latest revision; however, it also automatically configures web browsers to not automatically run Java applets.

  Instructions to re-enable the Java applet can be found at Apple's link here:
  http://support.apple.com/kb/HT5241

  Additional information can be found at this Apple link:
  http://support.apple.com/kb/DL1550

- **Screen Resolution:** The minimum recommended screen resolution is 1024 x 768 pixels. If the screen resolution is lower, relevant information may not readily display without horizontal scrolling.

- **Internet:** A cable modem or digital subscriber line (DSL) is recommended. A dial up connection is technically feasible, but it will be too slow for most users.
  - Mozilla Firefox (versions 3.5 and 3.6)
  - Apple Safari (versions 4.x and greater)
  - Internet Explorer (versions 7 and 8)

  NOTE: Java Software Requirement: Java Version 7 Update 11 (or higher) is required to operate CM/ECF. To verify you have Java, click here, https://www.pacer.gov/psco/cgi-bin/cmCM/ECF/ea-regform.pl. If you need to download or update Java, click this link http://www.oracle.com/technetwork/java/javase/downloads/index.html

- **Internet Cookies:** To operate CM/ECF, your browser must be set to accept all cookies. The instructions for enabling cookies will vary, depending on the browser you are using. Select the **Help** option on your browser's tool bar to find the appropriate instructions for your system.

- **Pop-Up Blocker:** To operate CM/ECF, your pop-up blocker must either be turned off, or set to allow pop-ups from https://CM/ECF.cafc.uscourts.gov.

- **Word Processing Software.** You can use WordPerfect, Microsoft Word or any other word processing software that will allow you to convert text documents to PDF.

- **Scanning.** You will need a Scanner for imaging documents **which do not exist in electronic format.** It is recommended that any paper document that an attorney intends to file in CM/ECF should be scanned at 300 to 600 pixels per inch (PPI). This is to ensure that the scan produces a high quality document with a file size that does not hamper the length of time it takes to scan, load, and retrieve documents.

- **File Size Limitations.** There are document file size limitations when filing on CM/ECF. You may file a maximum of 60 megabytes per upload. If your file is too large, the system will reject it. The recommended solution is to separate an oversized file into 2 or more parts and docket it in a single event. It may be best to label each file 1, 2, 3, etc... See dividing a PDF for further guidance.

CM/ECF Electronic Filing

- **Case Record.** The electronic version of filed documents, whether filed electronically in the first instance or received by the clerk in paper format and subsequently scanned into electronic format, constitutes the official record in the case. Later modification of a filed document or docket entry is not permitted except as authorized by the court.
- **Contact Information Maintenance.** A CM/ECF filer whose email address, mailing address, telephone number, or facsimile number has changed from that disclosed in the original registration must update all information with the Pacer Service Center **(800-676-6856)** and must file a notice of such change with the court and serve the notice on all parties in all cases in which the attorney has entered an appearance.
- **Document Format.** Documents filed electronically must be in Portable Document Format (PDF) format which is generated from an original word processing file and is text searchable. PDF images created by scanning paper documents do not comply with this requirement.
- **Filing Authorization**. CM/ECF filers may only file documents on behalf of the party(ies) they represent in a case.
- **Filing on Non-Business Days**. When documents are filed and served electronically on non-business days, timeliness of filing and calculation of responsive deadlines, if any, will begin on the next business day.
- **File Size Limitations.** There are document file size limitations when filing on CM/ECF. You may file a maximum of 60 megabytes per upload. If your file is too large, the system will reject it. The recommended solution is to separate an oversized file into 2 or more parts and docket it

in a single event. It may be best to label each file 1, 2, 3, etc... See dividing a PDF for further guidance.

- For those documents that are permissible to be filed in alternate format e.g. motions pursuant to Fed. Cir. Rules 8 and 18, these exceptions to electronic filing do not apply to documents exceeding the allowable electronic file size authorized by the court. Documents exceeding file size limits may not be filed in alternate form except by leave of court.

- **Signatures.** Documents requiring signatures of more than one party must be electronically filed by: (1) submitted a scanned document containing all necessary signatures; (2) representing the consent of the other parties on a document; or (3) in any other manner approved by the court.
  - If any party, counsel of record, or CM/ECF filer objects to the representation of his or her signature on an electronic document as described above, he or she must, within 14 days of filing, file a notice setting forth the basis of the objection.

CM/ECF Security

- **Login/ Password Security.** CM/ECF has many security features and has passed an evaluation by the National Security Agency. However, in registering as a CM/ECF filer, you agree to protect the security of your password and to notify the PACER Service Center and the clerk immediately if you learn that your password has been compromised. CM/ECF filers may be sanctioned for failure to comply with this provision.
  - Contact the PACER Service Center at **(800-676-6856)** and the Clerk's Office via email (preferred) at **ECFhelp@cafc.uscourts.gov** or call **(202) 275-8000**.
  - No CM/ECF filer or other person may knowingly permit or cause to permit a filer's log-in and password to be used by anyone other than an authorized agent of the CM/ECF filer.

PDF Related Topics

- **PDF Conversion Software:** You will also need an application that will allow you create and save PDF documents, such as, Adobe Acrobat® 6.0 or higher. To view and print documents, only Adobe Reader® is required, but in order to create PDF (portable document format) files, the complete Adobe Acrobat software package (includes Reader and Writer) or other PDF creation software (the court does not recommend any one program in particular) must be installed on the computer. WordPerfect version 9 and higher include the capability to convert text documents to PDF by selecting

File > Publish to PDF from the toolbar. Microsoft Word does not include PDF conversion software, but you can use Adobe Acrobat Writer, or download PDF conversion software from another source. A computer based training course on converting documents to PDF is available on the PACER website. To view the training module, go to http://www.pacer.gov/CM/ECFcbt/ap/.

- **Document Conversion.** Wherever possible, you should create PDF files directly from a word processing program. When you create a PDF file from a scanned paper document, the file size is significantly larger. This may prevent you from filing it as a single document on the CM/ECF system and will also take up unnecessary computer memory on your computer system. In addition, it is easier and more convenient to create a PDF directly from a word processor.

- **Optimization.** All PDF files should be "optimized" for viewing over the Internet. When a non-optimized PDF document is accessed via the Internet, the browser attempts to download the entire document before displaying any of the text. For large documents or slow Internet connections, this can result in an extremely long wait period before the document will open. To address this performance issue, documents should be "optimized" for efficient downloading. When optimized, the browser will start displaying the first page as it is downloaded, allowing the user to begin reading the document, while the remainder of the document finishes downloading in the background.

- **Text Searchable PDF. By the authority of Fed. Cir. R. 25(c)(1)(K),** All PDFs submitted to the Court must be text-searchable. See How to make a PDF searchable.

- **Page Numbers.** Your documents page numbers may change after converting to PDF. This is called "flowing." Depending on the font, the printer selected, and other characteristics of the content, a document may undergo some changes when it is rendered into PDF. If you are using an Adobe product to convert documents to PDF, visit www.adobe.com. Adobe has a set of technical documents posted on its site that refer directly to ways in which you may attempt to address flowing problems. Another workaround is to set your PDF printer as your "Default Printer" before opening the document. After you have changed the default printer, open the document, edit it to correct any formatting errors, save the document, and try printing (converting) to PDF again.

- **Redaction.** It is the responsibility of the party to redact any and all sensitive material from the documents submitted electronically or in

paper to the court. Sensitive material includes social security or taxpayer-identification numbers, dates of birth, names of minor children, and financial account numbers **(See Fed. R. App. P. 25(a)(5).** See Redaction for further guidance.

- **Email Account:** The size of your email account must be sufficient to receive NDAs. This may exceed the size allocated for free email accounts. In general, an account with storage space of at least 100 megabytes is sufficient. You must insure that the spam filter operation on the network and computers receiving the email are set to allow notices from **filingnotice@cafc.uscourts.gov.**

HELPFUL CM/ECF LINKS

About CM/ECF

General CM/ECF FAQs

PACER Service Center

CAFC CM/ECF FAQs

REGISTRATION

For the most current information on registration and the implementation of CM/ECF at the Federal Circuit, visit the court's website at www.cafc.uscourts.gov.

To be eligible to e-file at the Federal Circuit, filers must have established the necessary accounts through the Pacer Service Center. Both a PACER account and CM/ECF account are required. For more information on obtaining the required accounts, please visit the Pacer Service Center at http://www.pacer.gov.

LOGGING INTO THE CM/ECF SYSTEM

1. Check the box to the left of the text, "I understand that, if I file, I must comply with the redaction rules."

2. Enter your Login name and password in the appropriate boxes on the Login screen. Click "Login" to proceed.

3. The "Client Code" is only used if you already have automatic login to PACER set up and would like to track billing on a shared account. It provides a means to track charges on future filings. For more information, browse to: http://www.pacer.gov/documents/pacermanual.pdf

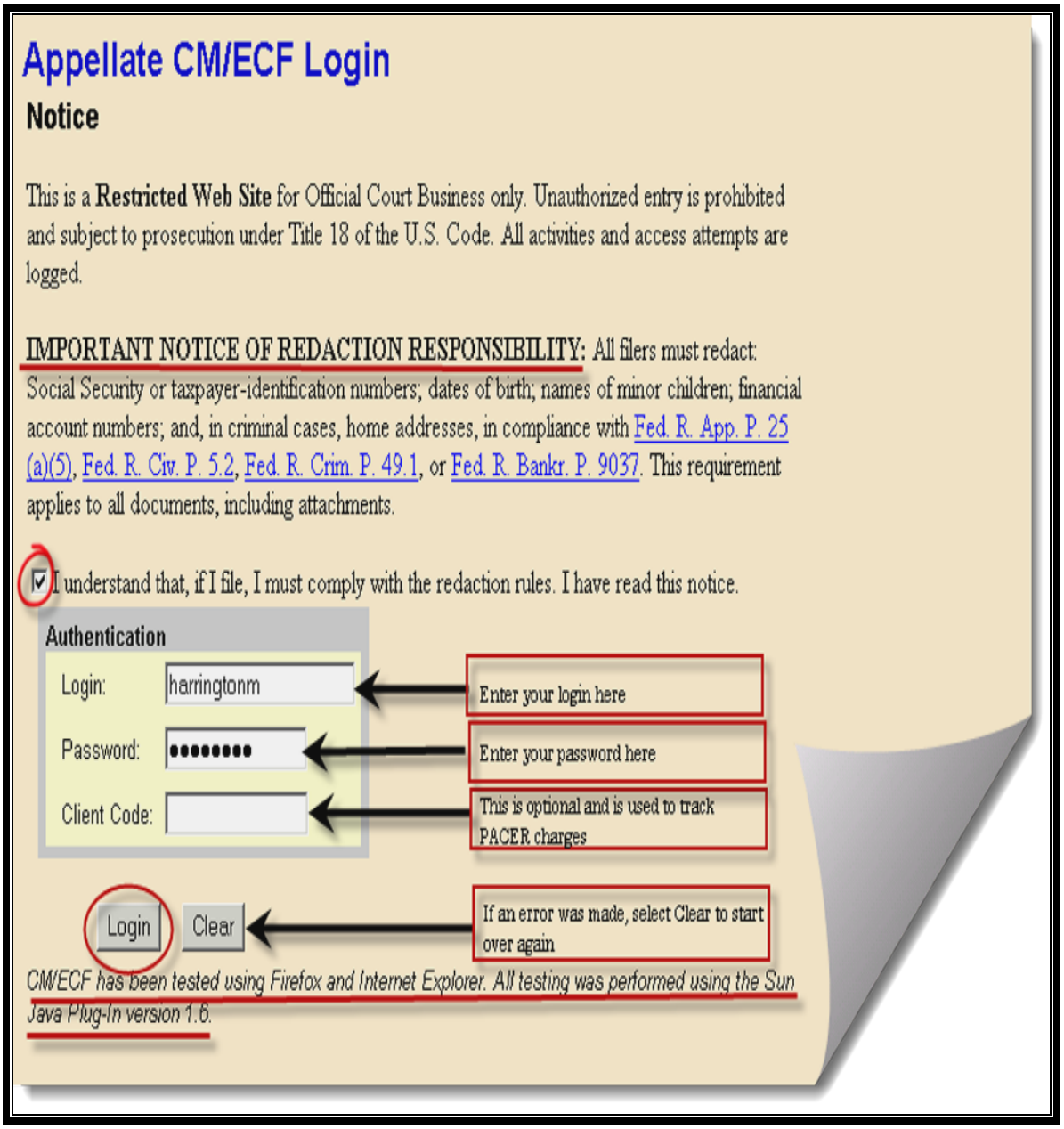
4. Verify that you have entered your CM/ECF login and password correctly.

5. If an error has been made, click on the "Clear" button to erase the login and re-enter the correct username and password and click on "Login."

NOTE: You have 5 login attempts until your account is locked; if this happens, you must wait 5 minutes to allow for the system to re-enable your account.

TIP: Your login credentials are case sensitive. If you have forgotten your password, go to the PACER Service Center website at http://www.pacer.gov and select E-File. To retrieve your password, you will be asked to enter your username and email address or DOB on record. If you have forgotten your username, you must enter your last name, DOB and email address. After entering valid data, you will receive a link to retrieve your password online in the email account you have on file. See the Figure 1. - Appellate CM/ECF Login page sample below:

Figure 1. Appellate CM/ECF Login Page



The Startup Page will appear upon successful login to the system.

Figure 2. Startup Page

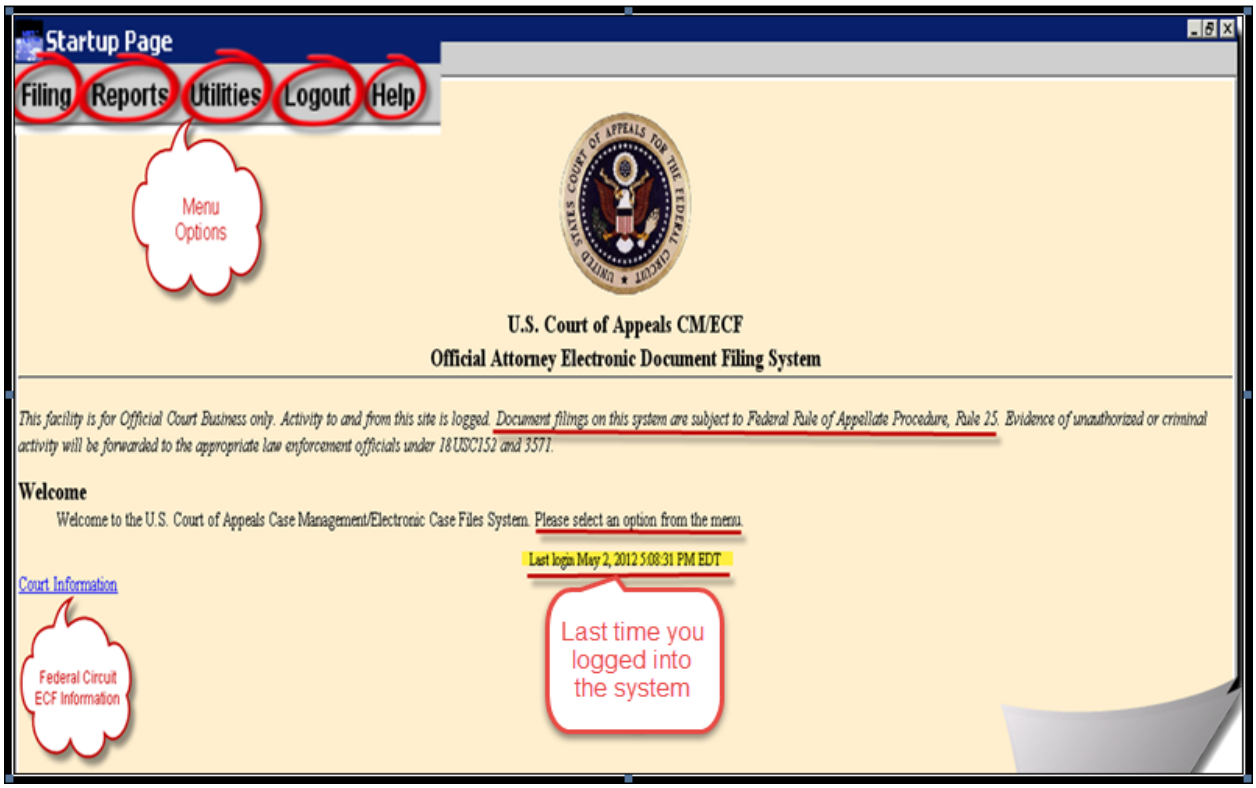
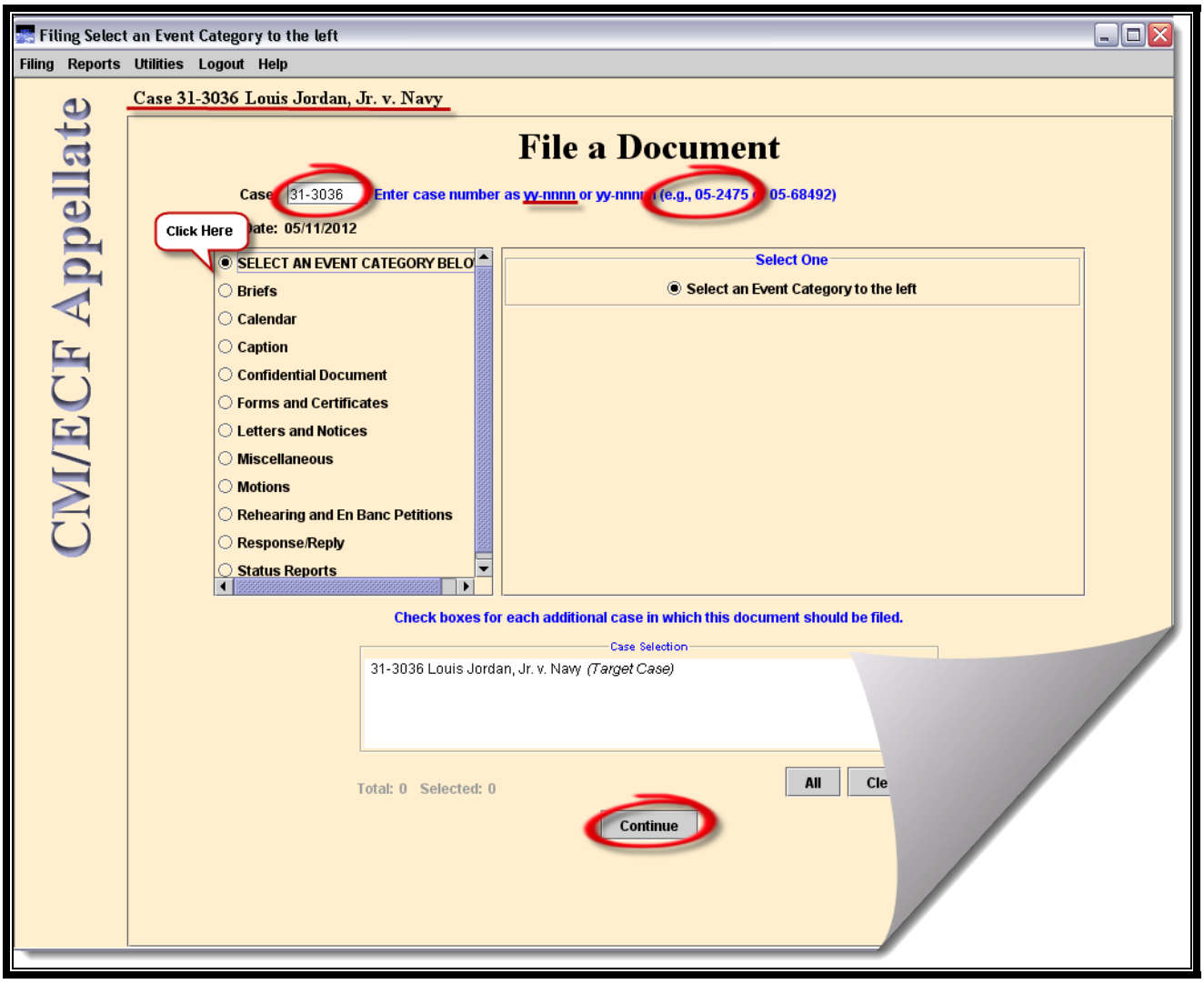


Figure 3. Filing Select an Event



The menu options on the top of the screen are as follows:

1. **Filing** - Select to file in a case;
2. **Reports** - Select to be connected to PACER;
3. **Utilities -** Select to edit/update your **Account Information;**

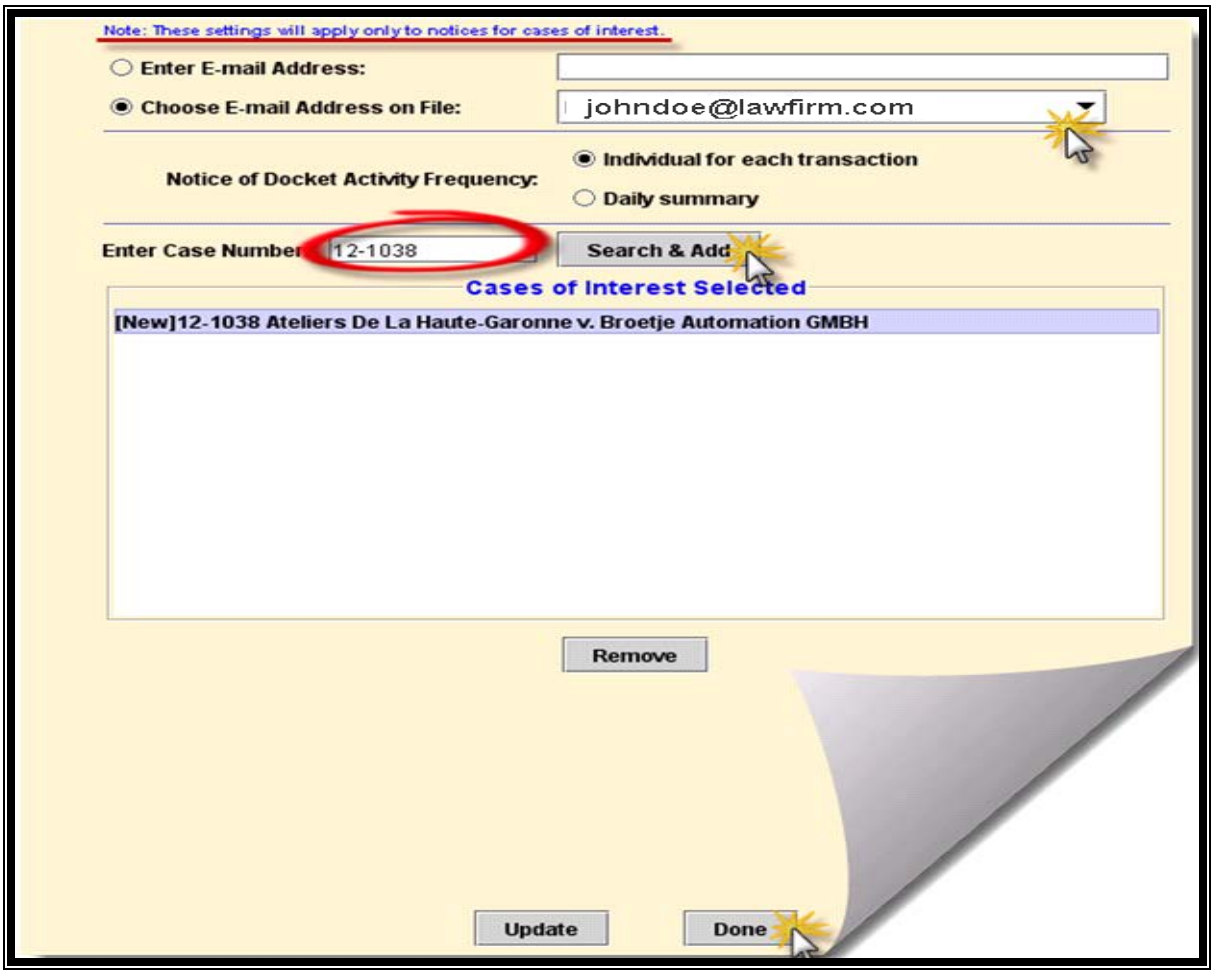
   - **Check "PDF document utility is here,"** it is available for filers to check whether a PDF document is valid (size, security etc…) before filing a document. Once selected, the screen allows the user to browse and select any PDF document from their file system. An error message will be displayed if there is an issue with the PDF.

ADDING A CASE TO YOUR NOTICE LIST

Figure 4. Menu Bar

1. Select **Utilities** from the menu bar.
2. Select **Notice for Cases of Interest**.
3. The *Notice for Cases of Interest* screen will appear.

Figure 5. Adding a Notice of Interest



4. Enter the email address or select an on-file email address from the drop down menu where you want notices delivered. Only one email address may be selected for notice in cases of interest.
5. Enter the appellate case number of the case you are interested in.
6. Click **Search & Add**.

7. The case number and title will appear in the *Cases of Interest Selected* box.
8. Click **Update**.
9. Click **OK** to confirm update.
10. Add any other case numbers you wish to receive notice of by following steps 5 through 9 for each case.
11. Click **Done** after adding all cases of interest.

- **Removing a Case From Your Notice List**
  1. Select **Utilities** from the menu bar.
  2. Select **Notice for Cases of Interest**.
  3. Left-click the case number and title of the case you wish to remove.
  4. Click **Remove**. Remove
  5. Click **Yes** to confirm removal of the selected case.
  6. Click **Update**.
  7. Click **OK** to confirm update.
  8. Repeat steps 3 through 6 for all cases you wish to remove from your notice list.
  9. Click **Done**.

4. **Logout-** Select to end your session.

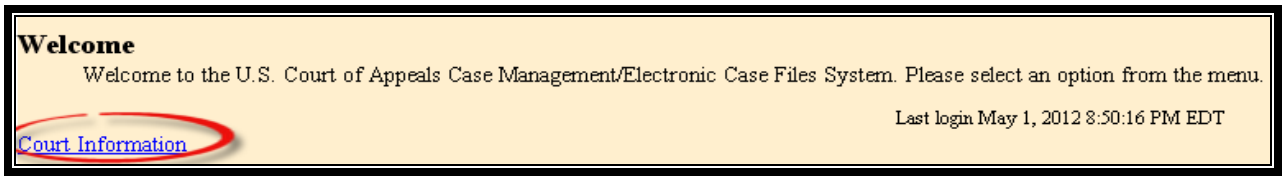
Figure 6. Logout of CM/ECF

5. **HELP-** Select the Help Menu for assistance

Figure 7. Help

6. For additional information, select the **Court Information link** at the bottom of the screen.

Figure 8. Additional Help Link



ESTABLISHING A LINK BETWEEN CM/ECF AND PACER

After your CM/ECF registration has been approved by the court, you will need to link your CM/ECF account to your PACER account. This is essential, as it will be the only way you will be able to view sealed pleadings in a case if you are the counsel of record. You will only need to do this once. To link your accounts, please do the following:

1. Log into CM/ECF.

2. Select "PACER Report" from the Reports Menu.

3. The PACER login screen will appear. Enter your PACER login and password, and check the "Make this my default PACER login" box.

4. Click Login.

5. You will need to log out of CM/ECF and log back in for the change to take effect.

You will now be able to access PACER from your CM/ECF account. You will not be able to view sealed documents in your case if you access the docket via the PACER site; you must access via your CM/ECF account. If you are with a law firm that has a single shared PACER account, you may use that shared account to link to your individual CM/ECF account.

USING CM/ECF

Overview of Filing a Document

1. Prepare the document you want to file and convert it to PDF.

2. Select **Filing > File a Document** from the menu bar on the ***Startup Page***. The ***File a Document*** window will open.

3. Enter the case number in the **Case** field and press the Tab key.

4. Select an Event Category radio button on the left side of the screen. The category you select will determine which document options are available on the right side of the screen. Some document options may be listed under multiple categories. For a complete list of the document options available under each category, refer to the Event and Relief Category list.

5. From the right side of the screen, select the option that best describes the document you are filing.

6. A dialog box containing one or more warning messages may open after you click **Continue**. If this happens, please read the message(s) carefully. They are designed to help you avoid some of the more common errors associated with the type of document you are filing. If you realize an error was made, cancel the transaction and make the necessary corrections before proceeding.

7. The configuration of the screens that display after you click **Continue** on the ***File a Document*** screen will vary based on the document filing option you select. Each screen is made up of individual sections. The sections are identified by a blue header bordered by a thin gray line. The sections are relevant to the types of filing, and may not be part of every docketing transaction. Enter the requested information in each section and click **Continue** to proceed to the next screen until the ***Docket Text*** dialog box opens. For further information on navigating the individual sections that comprise the various docketing screens, refer to the Navigating Specific Docketing Screens Section.

8. If the ***Docket Text*** dialog box contains a free text field or drop down menu, enter or select the appropriate information.

9. Click **Continue** to open the ***Event Review*** dialog box. Please review the information in this dialog box carefully before completing the transaction. Verify the docket text is complete and you are filing the correct document. The case number associated with the document that is being filed will be indicated in brackets at the end of the docket entry. You will not be able to edit the text on this screen, but errors can be corrected by using the **Back** button to modify previously entered information. If you want to cancel the transaction, click **Back**, followed by **Cancel**.

10. Once you have verified the docket entry is correct, click **Submit**. This is the point of no return. If you realize an error was made after clicking the **Submit** button, contact the Clerk's Office for assistance.

11. The ***Event Docketed*** dialog box will open. Click **OK**.

12. A browser window will open displaying the NDA for your filing, which you can save and/or print. This is your proof that the transaction was accepted by the court.

Navigating Specific Docketing Screens

The configuration of the screens that display after you click **Continue** on the ***File a Document*** screen will vary based on the document option you selected. Each screen is made up of individual sections. The sections are identified by a blue

header and surrounded by a thin gray line that begins and ends on either side of the header. The **Note**, **PDF Document** and **Service** sections appear in most docketing transactions. The **Additional Information**, **Attorney Filer**, **Party Filer**, **Related Previous Entries** and **Relief** sections are relevant only for specific types of filings, and will not be part of every docketing transaction.

Additional Information:

The **Additional Information** section uses either a free text field or drop down menu to collect additional information from the filer.

The **Attorney Filer** section is used to indicate the attorney filing the document. It lists the attorneys associated with the selected case(s); the party type they represent; the case number; and the short caption.

The **Party Filer** section is used to indicate the party or parties on whose behalf the document is being filed. It lists the parties associated with the selected case(s); the party type; the case number; and the short caption.

1. Select the checkbox to the left of the appropriate filer(s).
2. The **Select All** and **Clear All** buttons can be used to select or clear all checkboxes on the list.
3. **Event**. A piece of information selected from a list by the user to describe the document being filed.
4. **Event Category**. A list used to describe the types of filings, which corresponds with the phases of an appeal or a specialized group of filings within each category.
5. **CM/ECF Relief**. An additional portion of an event transaction used to create a docket entry in a case, which further describes the transaction. Not all events will have a relief.
6. **Relief Category.** A general topic, which include reliefs that may be selected for filing.

NOTE: The **Note** section is used to display a message to the filer. The messages are designed to help the filer navigate and avoid common errors.

HOW TO PAY A FEE USING PAY.GOV

INTRODUCTION

On Monday July 6, 2015, pursuant to Federal Circuit Rules of Practice and Procedure 46(c) and 52(a) and (e) electronic fee payment, via Pay.gov became mandatory for all cases where the parties are represented by counsel. Electronic fee payment(s) for miscellaneous requests and Applications for Admission to the Bar are also mandatory. Checks received as payments will not be processed and will be returned to the sender or lead attorney on the appeal.

BASIC INSTRUCTIONS

The process for submitting a document in CM/ECF and paying the associated fee in Pay.gov as a single transaction is the same regardless of the type of fee being paid.

1. Log in to CM/ECF. (Click here to log in to CM/ECF)

   Note: If you are seeking admission to the bar *or* are a member of the bar of this court and you do not have an active appellate CM/ECF login, you must first register as a CM/ECF filer with PACER. Using the PACER Registration Wizard is helpful in determining whether or not you must register as a CM/ECF filer. The information that you provide during registration will be transmitted to the court for review and approval. You will be notified, via email, by the court once you are eligible to file using CM/ECF. You may then submit your Application for Admission to the Bar for this court.

2. Click on the **Utilities** tab on the menu toolbar of the CM/ECF startup page. Select either Bar Admission, Submit New Case with Fee Payment or Pay Miscellaneous Fees to submit the appropriate application, petition, or request and pay the corresponding fee.

   Note: The amount for the selected fee, based on the current fee schedule, appears on the screen and cannot be modified.

3. Upload the document to CM/ECF and type a brief description of it. Upload any supporting documents by clicking 'Add Another Document.'

4. Click the 'Pay Now and Submit' button at the bottom of the screen. Pay.gov will open in a separate browser window. You may now pay directly from a business or personal bank account (ACH), or by credit or debit card.

NOTE: Clicking Cancel on the CM/ECF document upload screen for fee payment closes the current window and returns you to the startup page.

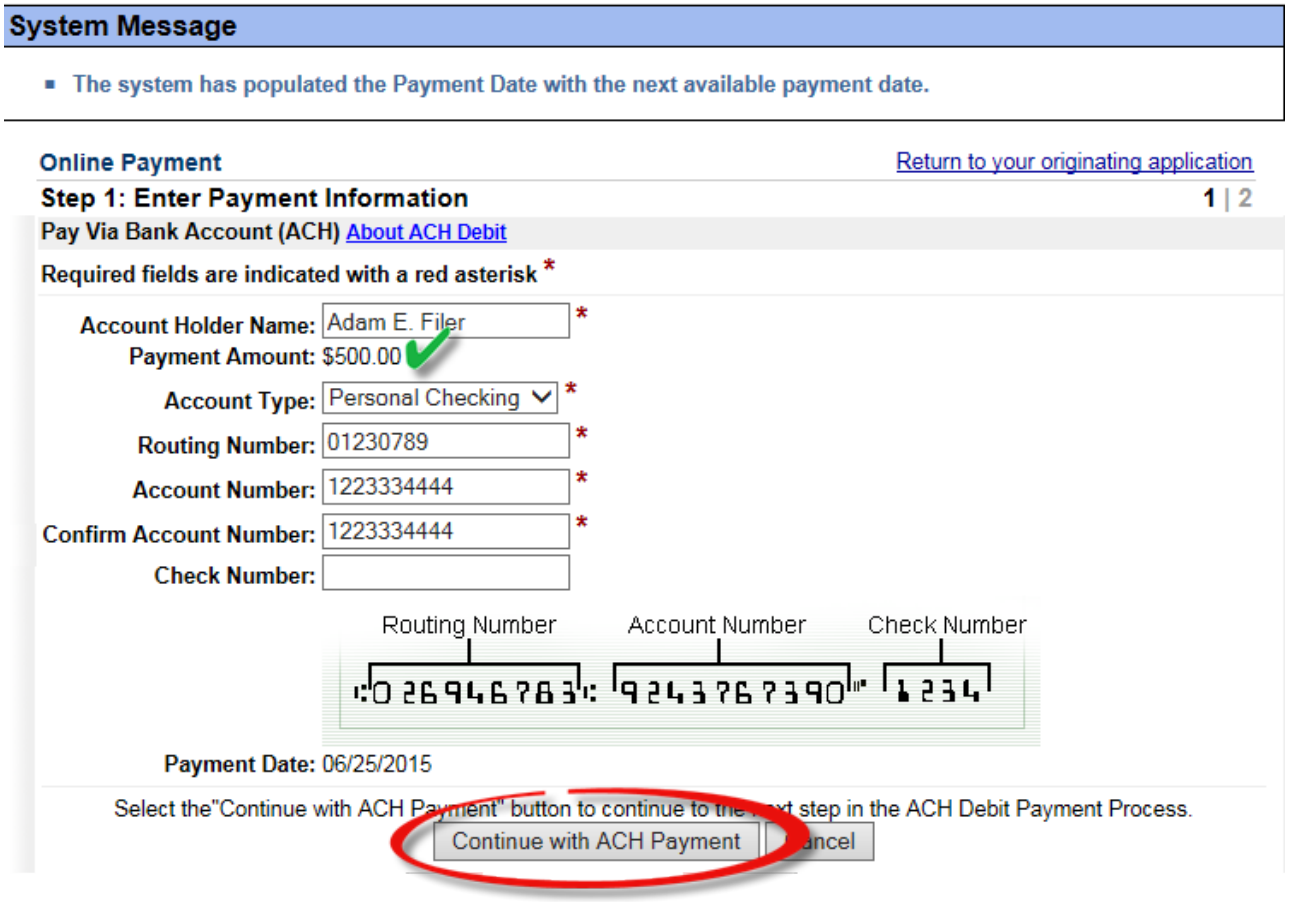
5. Enter the required payment information in Pay.gov. Note: Some of the information may be filled in automatically based on your log-in and fee-type selection.

6. When all required payment information is entered in Pay.gov, click the 'Submit Payment' button.

Paying from a bank account

a. Enter all requested information under Option 1: **Pay via Bank Account (ACH).** Select the **Account Type** from the drop-down menu. Note: Fields marked with a red asterisk are required. Click the 'Continue with ACH Payment' button.

Figure 9. Paying from Bank Account (ACH)

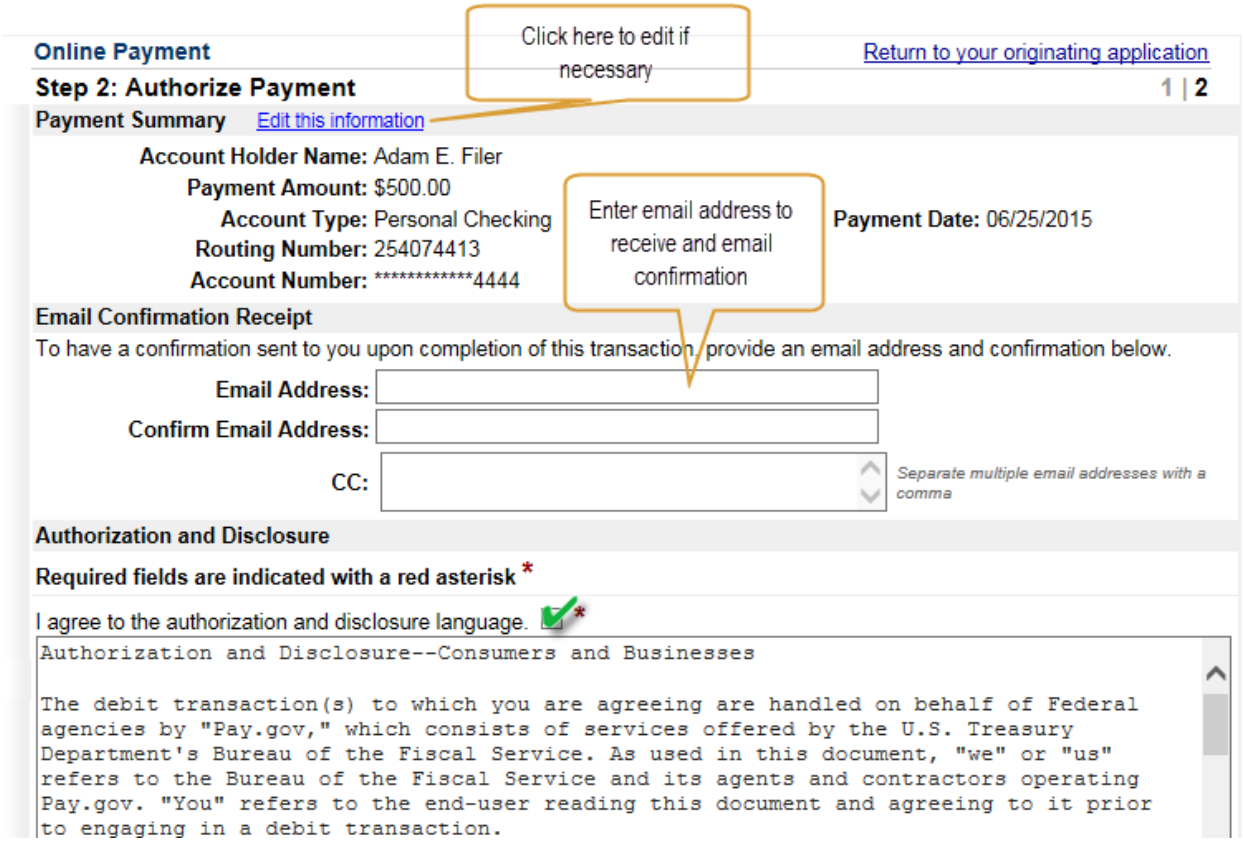


b. The **Authorize Payment** screen opens. Review the information that has been entered to confirm accuracy. If any of the entered information needs to be corrected, click **Edit this information** to make the changes.

To receive an **Email Confirmation Receipt** of the payment, enter and confirm an email address in the email address fields located below the Payment Summary. An email will be transmitted to you from Pay.gov.

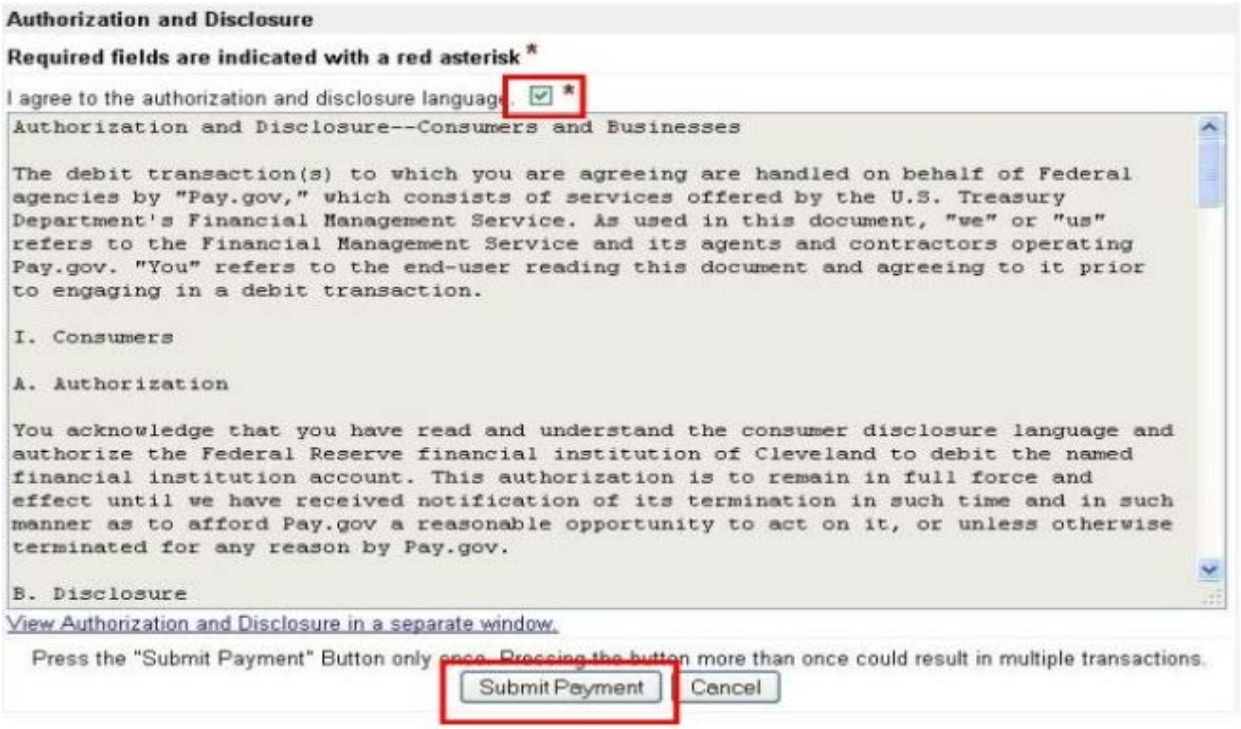
To authorize the payment, click the payment authorization box located above the authorization and disclosure agreement.

Figure 10. ACH Transaction Authorization Screen



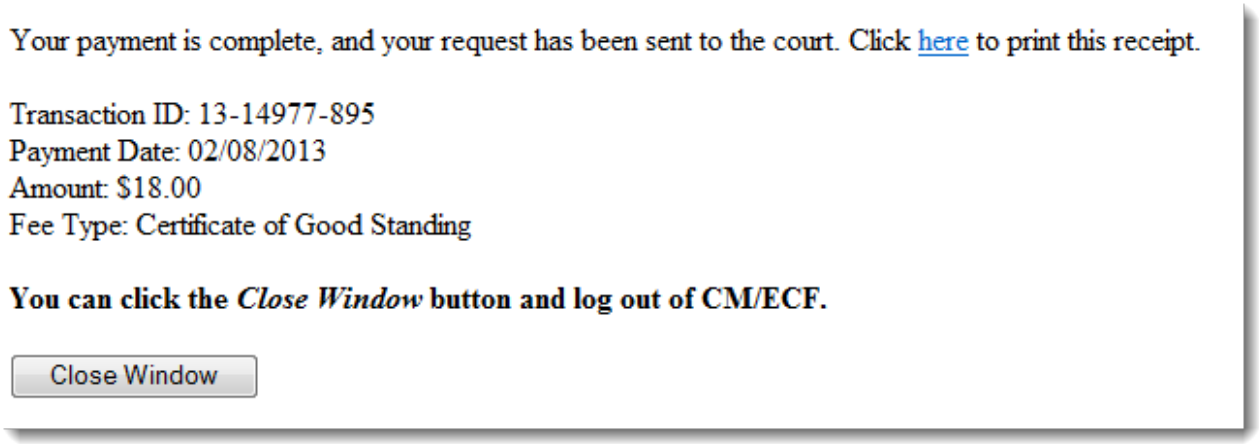
c. Scroll down to the 'Submit Payment' button below the authorization and disclosure agreement and click the 'Submit Payment' button once to complete the fee payment.

Figure 11. ACH Authorization and Disclosure



The next screen verifies the completion of payment and submission of your request. To retain a record of the payment, click the hyperlink to print a receipt.

Figure 12. ACH Transaction Verification



d. Click the 'Close Window' button to close the browser and return to CM/ECF.

Paying by Credit Card or Debit Card

To pay using a credit or debit card scroll down to **Option 2: Pay via Plastic Card (PC)** on Pay.gov's online payment page.

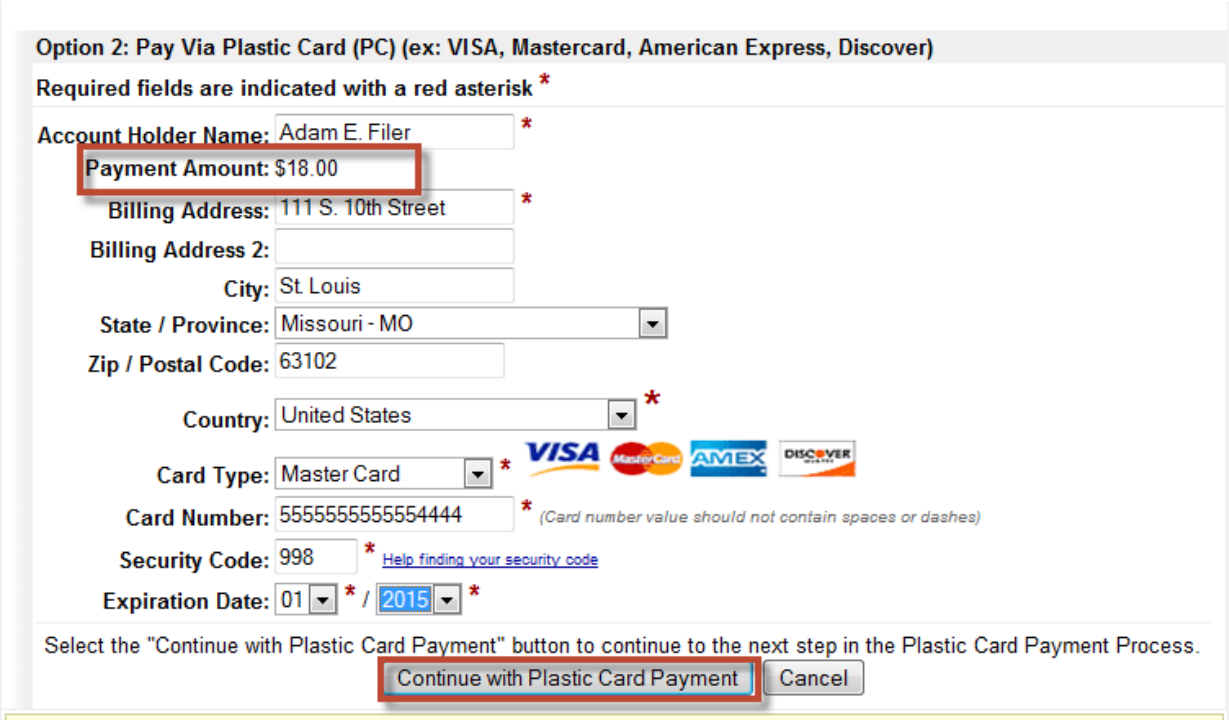
a. Enter all requested information under **Option 2: Pay via Plastic Card (PC).** Select the **Card Type** from the drop-down menu. Note: Fields marked with a red asterisk are required. Click the 'Continue with Plastic Card Payment' button.

b. The **Authorize Payment** screen will open. Review the information that has been entered to confirm accuracy. If any of the entered information needs to be corrected, click **Edit this information** to make changes.

To receive an **Email Confirmation Receipt** of the payment, enter and confirm an email address for the confirmation to be sent in the email address fields located below the Payment Summary. An email will be transmitted to you from Pay.gov.

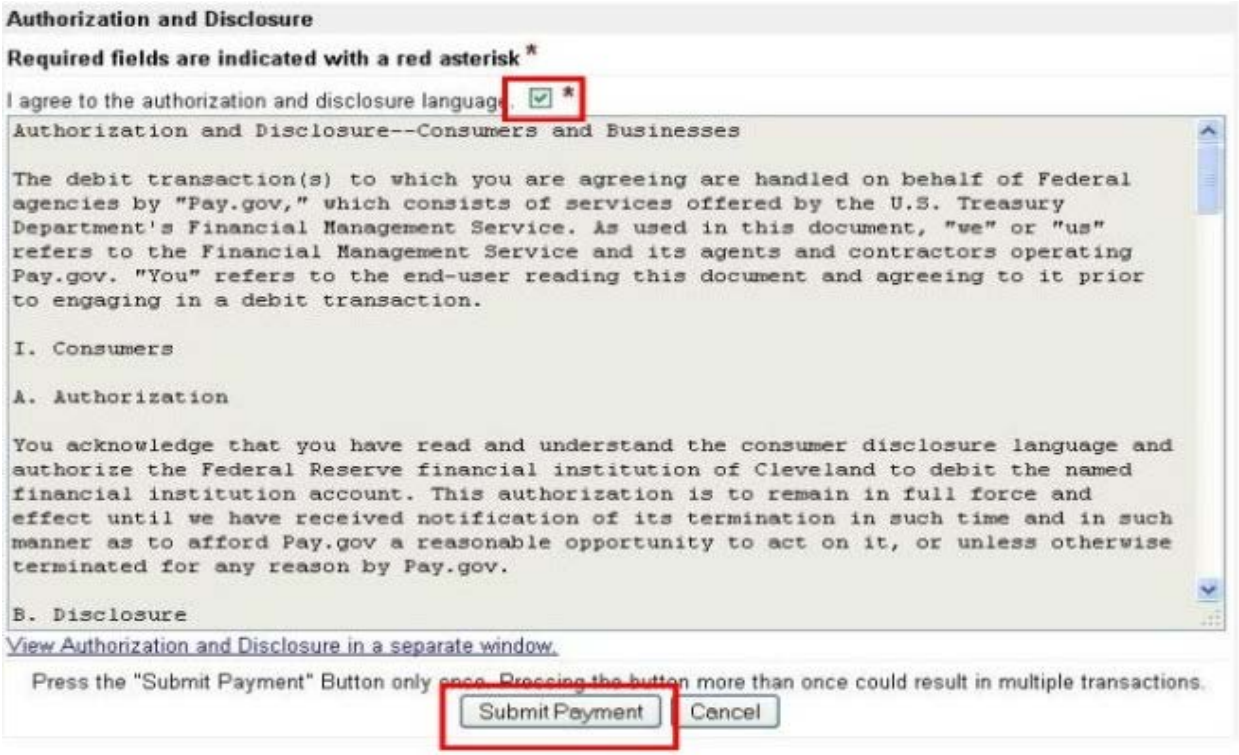
To authorize the payment, click the payment authorization box located above the authorization and disclosure agreement.

Figure 13. Credit/Debit Card Payment



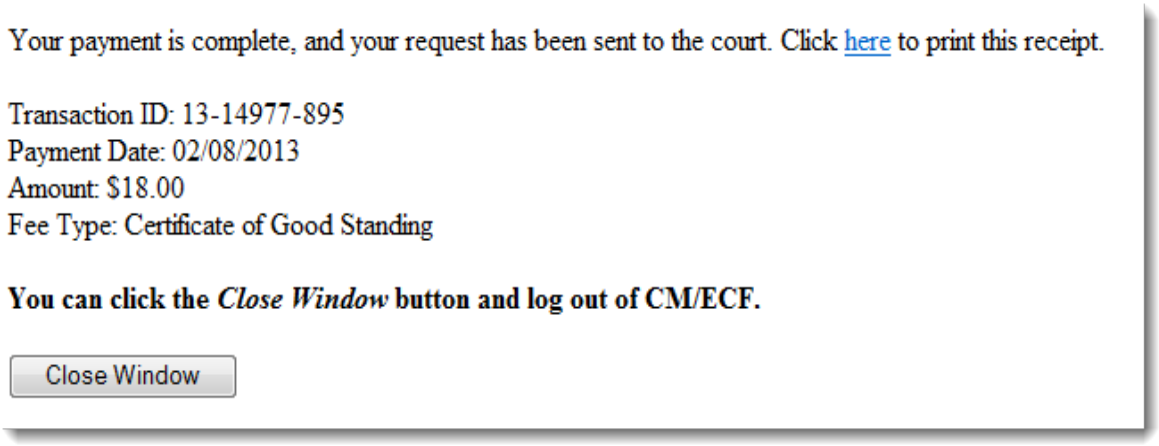
c. Click the 'Submit Payment' button below the authorization and disclosure agreement to complete the fee payment.

Figure 14. Credit/Debit Authorization and Disclosure



The next screen verifies the completion of payment and submission of your request. To retain a record of the payment, click the hyperlink to print a receipt.

Figure 15. Credit/Debit Transaction Verification



d. Click the 'Close Window' button to close the browser and return to CM/ECF.

SUBMITTING A CASE WITHOUT A FEE

You may submit a new appeal without initially paying the filing fee. However, the fee is due within 14-days of opening the appeal; otherwise the appeal will be subject to adverse action. Pursuant to Fed. Cir. R. 52, the docketing fee will be paid to the trial court clerk upon *filing a notice of appeal in that court*. It is **mandatory** that docketing fees are paid to this court via Pay.gov for **any** other proceedings, including an appeal or petition for review from the Patent and Trademark Office or the Merit Systems Protection Board, or any other agency, and including an extraordinary writ.

1. Select **Utilities>Submit New Case without Fee Payment**, then select the type of case that is being submitted.

2. Upload case initiating documents for a petition for review, petition for writ of mandamus, prohibition, or other miscellaneous writ, petition for permission to appeal, or motion for stay pending appeal (Rule 8/18).

3. Use the Browse button to locate and upload your PDF file.

4. All submissions must be accompanied by proof of service by mail, or other method of service by the filer directly.

5. The court will notify all parties once a docket number has been assigned. At which point, you will follow the instructions below for Paying Filing Fees.

   NOTE: In order to pay a filing fee, you must be a registered CM/ECF attorney filer and be a member of the bar of this court. If you are either not a registered CM/ECF filer or a member of the bar of this court, your menu options will be limited to either filing a new appeal or submitting a bar application to become admitted.

   To register to become an e-filer you must first register with PACER to obtain a login. If you are a registered e-filer, you may login to the United States Court of Appeals for the Federal Circuit's CM/ECF document filing system to submit your application for admission to the bar.

   If you have forgotten your login information, you can obtain it from the PACER service center using the CM/ECF Appellate Filer Forgotten Username/Password Request utility or by calling 1-(800)-676-6856.

Filing fees for counseled cases must be submitted via Pay.gov. Paper checks will not be accepted and will be returned to the sender. Cases with filing fees that are not paid within 14-days of docketing are subject to dismissal for failure to pay the filing fee.

PAYING FILING FEES

IMPORTANT:

You must turn off your browser's pop-up blocker, as a new window or browser tab will open when the payment is processing.

1. Select **Filing > File a Document** from the menu bar on the ***Startup Page***. The ***File a Document*** window will open.

2. Enter the case number in the **Case** field; and press the Tab key.

3. From the 'Select an Event Category' list on the left side of the screen, select **Costs/Fees.** The 'Pay Docketing Fee' radio button will appear on the right side of the screen already selected. Click the 'Continue' button.

4. On the next screen the fee amount is displayed, confirm the fee amount and press the 'Pay Now' button, Pay.gov will open in a separate browser window. You may now pay directly from a business or personal bank account (ACH), or credit or debit card.

5. Enter the required payment information in Pay.gov.

Note: Some of the fields may prepopulate with information based on your log-in and fee-type selection, such as your first and last name as registered with PACER and the fee amount.

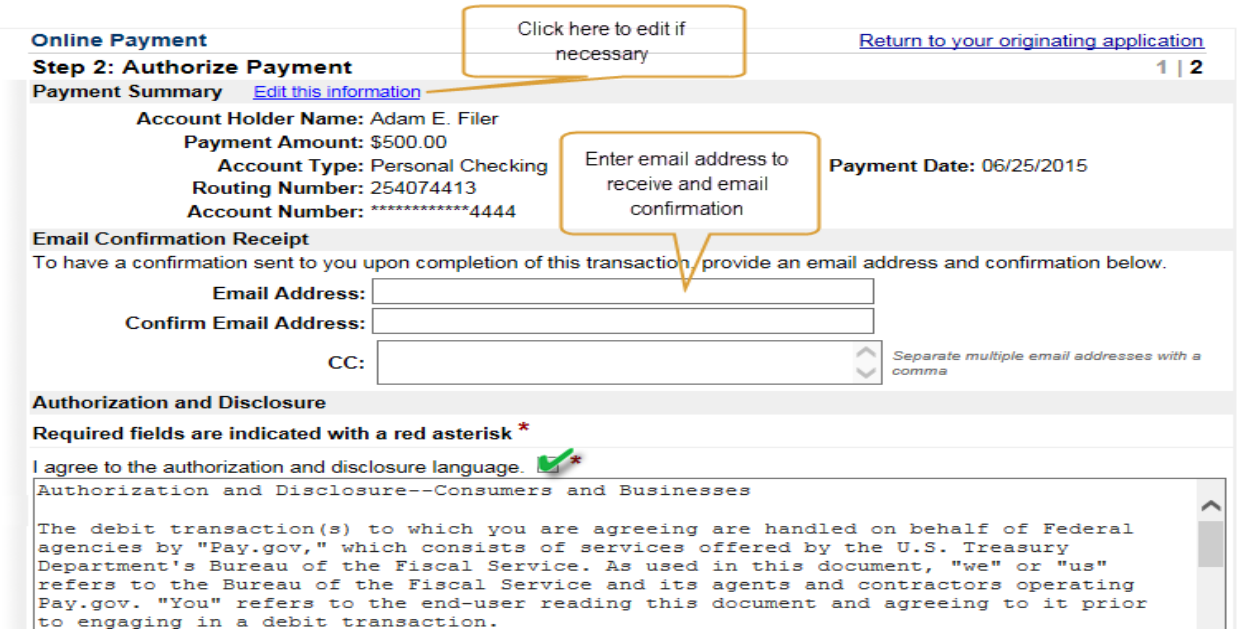
Paying from a bank account

a. Enter all requested information under **Option 1: Pay via Bank Account (ACH).** Select the **Account Type** from the drop-down menu.

   Note: Fields marked with a red asterisk are required. Click the 'Continue with ACH Payment' button.

b. The **Authorize Payment** screen opens. Review the information that has been entered to confirm accuracy. If any of the entered information needs to be corrected, click **Edit this information** to make the changes.

Figure 16. Filing Fee Payment from Bank Account (ACH)



To receive an **Email Confirmation Receipt** of the payment, enter and confirm an email address in the email address fields located below the Payment Summary. An email will be transmitted to you from Pay.gov

To authorize the payment, click the payment authorization box located above the authorization and disclosure agreement.

c. Scroll down to the 'Submit Payment' button below the authorization and disclosure agreement and click the 'Submit Payment' button to complete the fee Payment.

Figure 17. Filing Fee Payment Authorization and Disclosure

The next screen verifies that the payment is completed and your request has been submitted. To retain a record of the payment, click the hyperlink to print a receipt.

d. Click the 'Close Window' button to close the browser and return to CM/ECF to complete the transaction.

Paying by Credit Card or Debit Card

To pay using a credit or debit card scroll down to **Option 2: Pay via Plastic Card (PC)** on Pay.gov's online payment page.

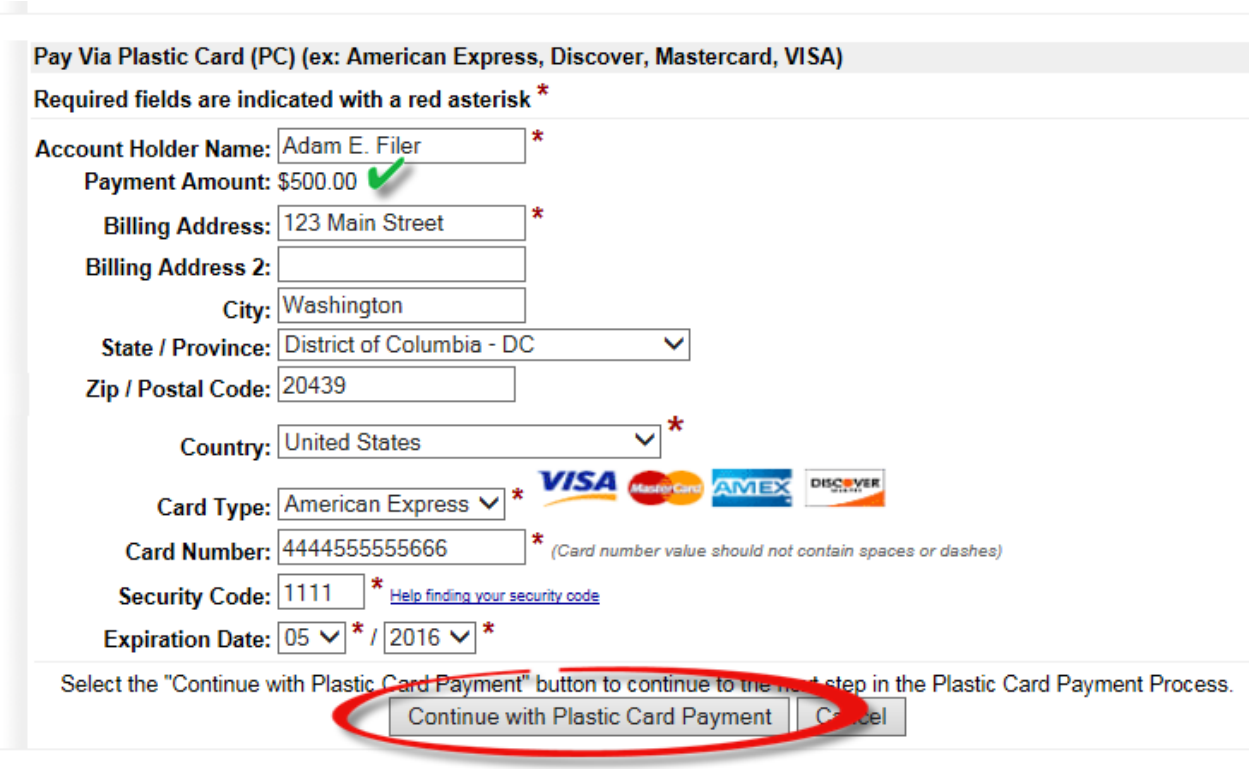
a. Enter all requested information under **Option 2: Pay via Plastic Card (PC).** Select the **Card Type** from the drop-down menu. Note: Fields marked with a red asterisk are required. Click the 'Continue with Plastic Card Payment' button.

b. The **Authorize Payment** screen opens. Review the information that has been entered to confirm accuracy. If any of the entered information needs to be corrected, click **Edit this information** to make the changes.

To receive an **Email Confirmation Receipt** of the payment, enter and confirm an email address in the email address fields located below the Payment Summary. An email will be transmitted to you from Pay.gov.

To authorize the payment, click the payment authorization box located above the authorization and disclosure agreement.

Figure 18. Credit/Debit Card Payment

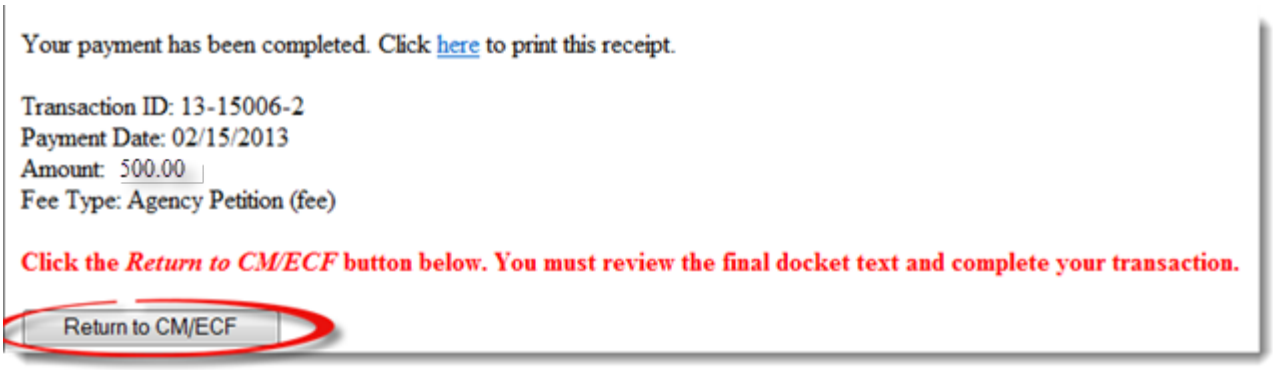


c. Click the 'Submit Payment' button below the authorization and disclosure agreement to complete the fee Payment.

Figure 19. Credit/Debit Card Authorization

The next screen verifies that the payment is completed and your request has been submitted. To retain a record of the payment, click the hyperlink to print a receipt.

Figure 20. Payment Verification



d. Click the 'Return to CM/ECF' button to return to CM/ECF. You must review the docket text and complete the transaction

IMPORTANT:

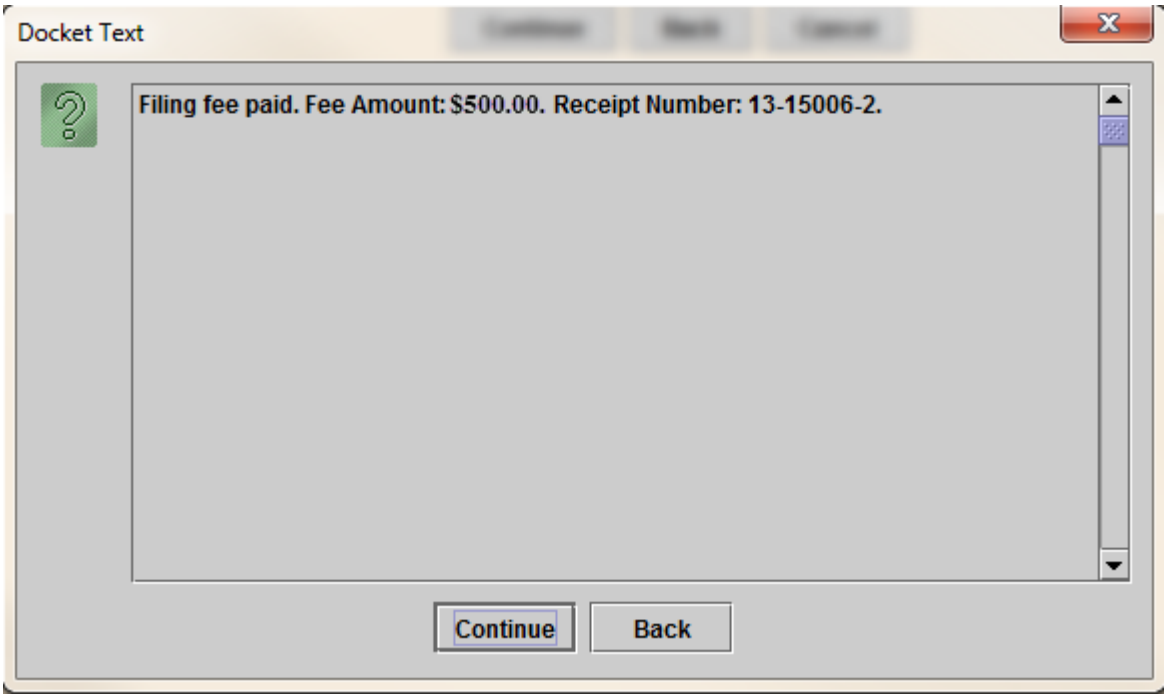
After the filing fee payment has been completed, it is very important that you click the *Return to CM/ECF* button on Pay.gov to complete the transaction in CM/ECF. The **Return to CM/ECF** button may not return you directly to the correct screen. The correct CM/ECF screen shown in the figure below may be behind the current screen. If that happens, you will need to minimize the screens on your computer until you find the correct screen.

6. Clicking the 'Return to CM/ECF' button returns you to the fee payment event in CM/ECF. Once you return to the CM/ECF screen, **DO NOT** click the BACK button. Click Continue to proceed and complete the entry for the filing fee payment.

Figure 21. CM/ECF Fee Payment Completion

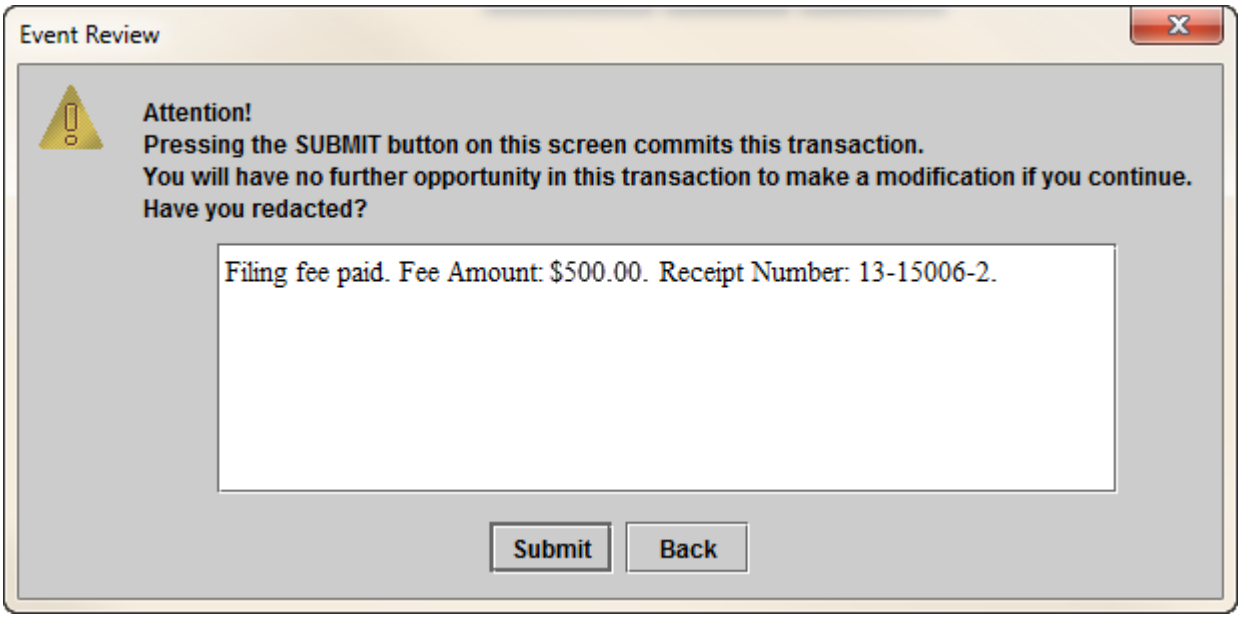
7. The docket text will appear for your review. The text cannot be edited. If the information is incorrect, contact the clerk's office at 202-275-8000. Click the **Continue** button to move to the next screen if the text is correct.

Figure 22. Filing Fee Paid Docket Text



8. Event Review. This is your last opportunity to review the docket text prior to filing the document on the docket. Again, this text cannot be edited. If the text is incorrect, contact the clerk's office at 202-275-8000. If correct, select "Submit" to submit the filing fee.

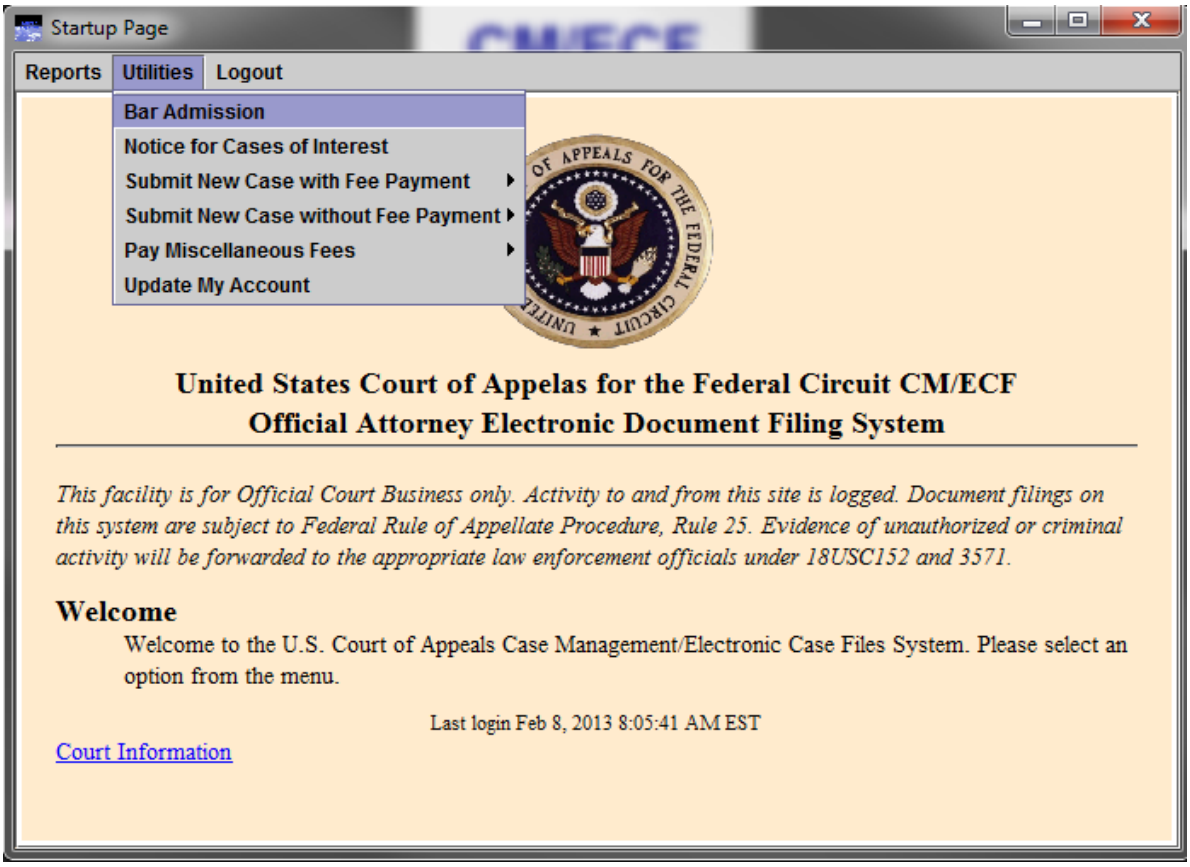
Figure 23. Filing Fee Event Review



BAR ADMISSION

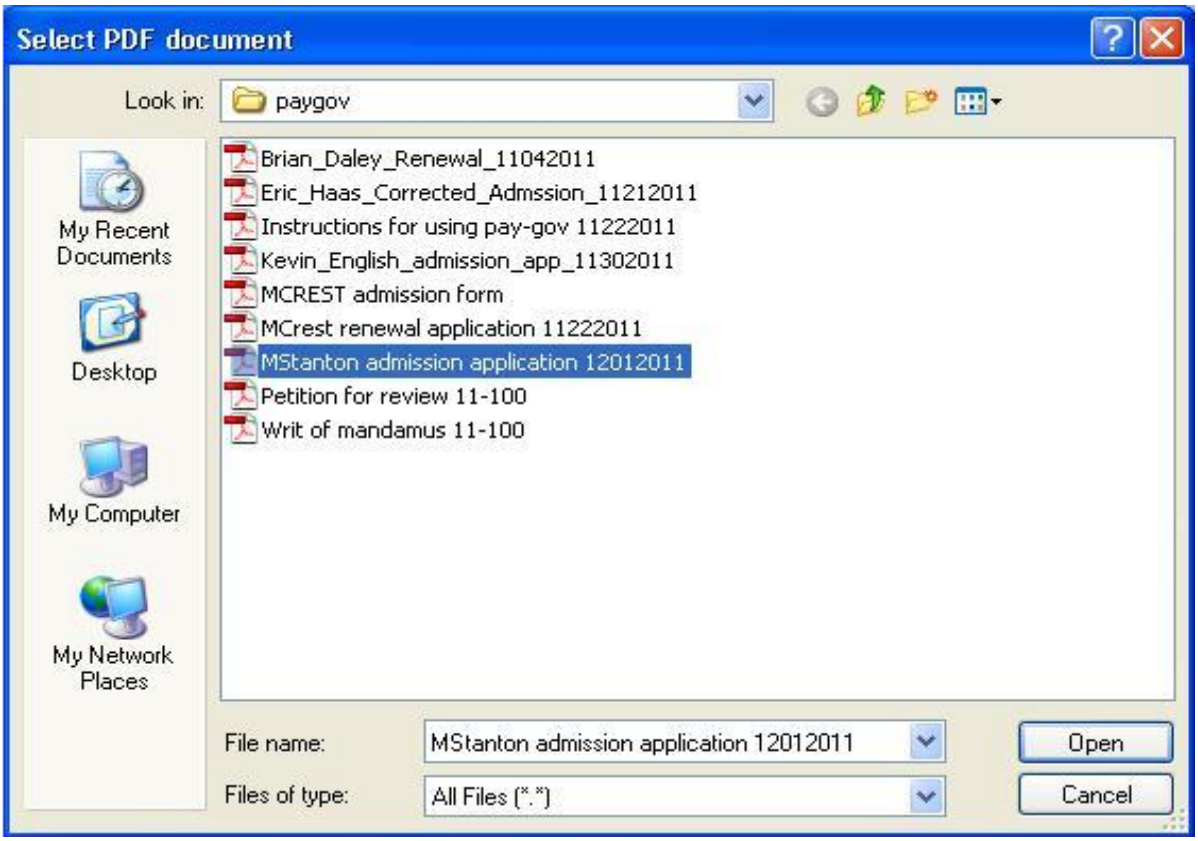
1. Register with PACER as a CM/ECF filer.
2. Upon Receiving a username and password, log in to CM/ECF (click here to log in).
3. Click the Utilities tab on the CM/ECF home page. Select 'Bar Admission' from the drop-down menu.
4. The **Bar Admission** screen opens. To upload the Application for Admission to the Bar PDF, click the Browse button to the right of the blank Document box.

Figure 24. CM/ECF Bar Admission Menu



The **Select PDF document** screen opens to select the document to upload. Click on the file name of the document so that the file name appears in the **File name** near the bottom of the screen. Click the **Open** button to the right of the file name.

Figure 25. Bar Admission Application Upload



The file name appears in the Document Box on the Bar Admission screen.

5. Type a brief description of the uploaded document in the **Description** box. To upload supporting documents to the application (e.g., attorney oath, sponsor's affidavit, certificate of good standing), click the **Add Another Document** button and repeat the steps above.

6. Once all supporting documents have been uploaded, click the **Pay Now and Submit Application** button.

   Note: If you fail to upload any document before clicking the 'Pay Now and Submit Application' button, the following message is displayed and you will not be able to proceed.

Figure 26. Bar Admission Upload Doc. Required User Message

7. Pay.gov will open in a separate browser window for payment information entry. Many of the fields may be filled in automatically with the information associated with your CM/ECF account. You may pay directly from a business or personal bank account (ACH), or by credit or debit card (PC).

Paying from a bank account

a. Enter all requested information under **Option 1: Pay via Bank Account (ACH).** Select the **Account Type** from the drop-down menu. Note: Fields marked with a red asterisk are required. Click the 'Continue with ACH Payment' button.

Figure 27. Bar Admission Fee ACH Payment

System Message

- The system has populated the Payment Date with the next available payment date.

Online Payment — Return to your originating application

Step 1: Enter Payment Information — 1 | 2

This item is payable by Bank Account Debit (ACH) or Plastic Card (ex: VISA, Mastercard, American Express, Discover)

Option 1: Pay Via Bank Account (ACH) About ACH Debit

Required fields are indicated with a red asterisk *

Account Holder Name: Jose Mesa *
Payment Amount: $226.00
Account Type: Personal Checking *
Routing Number: 254074413 *
Account Number: 999912345 *
Confirm Account Number: 999912345 *
Check Number: 1234

Routing Number — Account Number — Check Number

Payment Date: 12/12/2011
Attorney Name: Jose Mesa *
Contact Telephone Number: 555-555-5555 *
Person Completing Transaction: Jose Mesa *

Select the"Continue with ACH Payment" button to continue to the next step in the ACH Debit Payment Process.

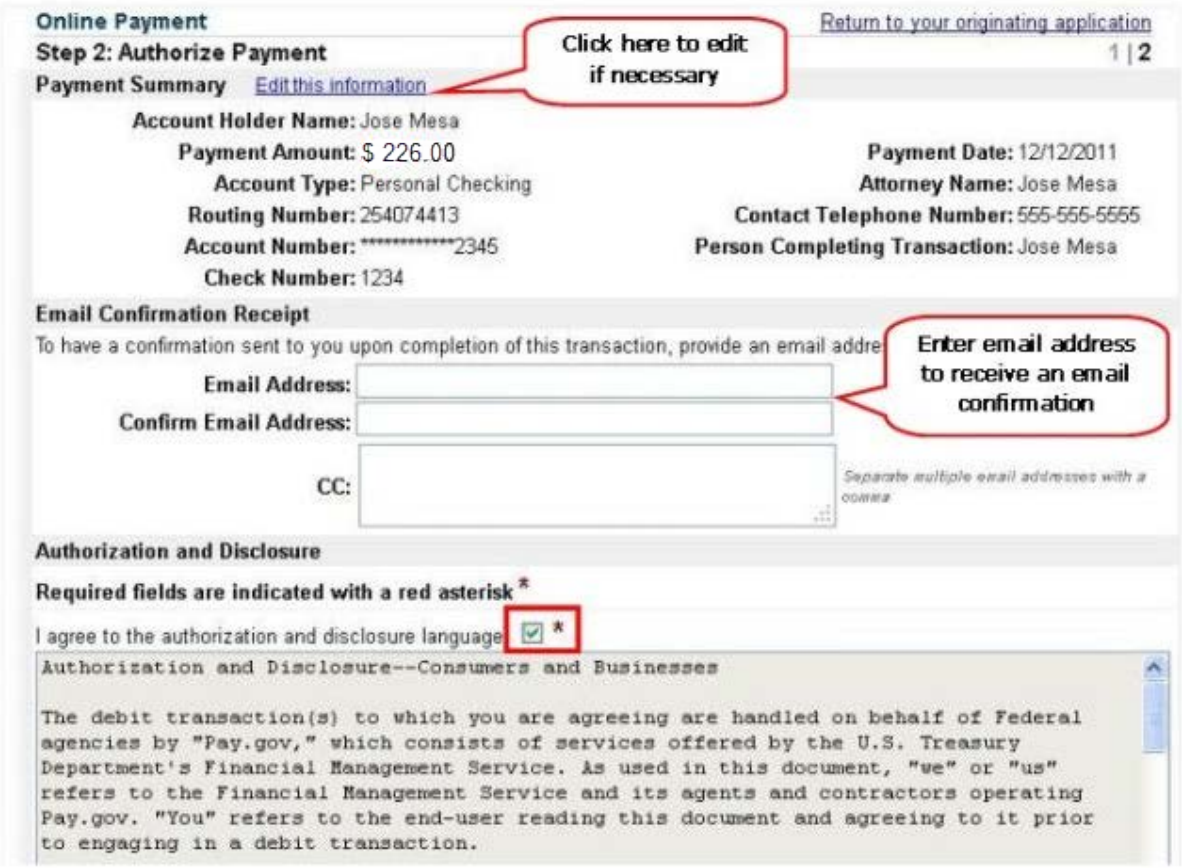
Continue with ACH Payment | Cancel

b. The **Authorize Payment** screen opens. Review the information that has been entered to confirm accuracy. If any of the entered information needs to be corrected, click **Edit this information** to make the changes.

   To receive an **Email Confirmation Receipt** of the payment, enter and confirm an email address in the email address fields located below the Payment Summary. An email will be transmitted to you from Pay.gov.

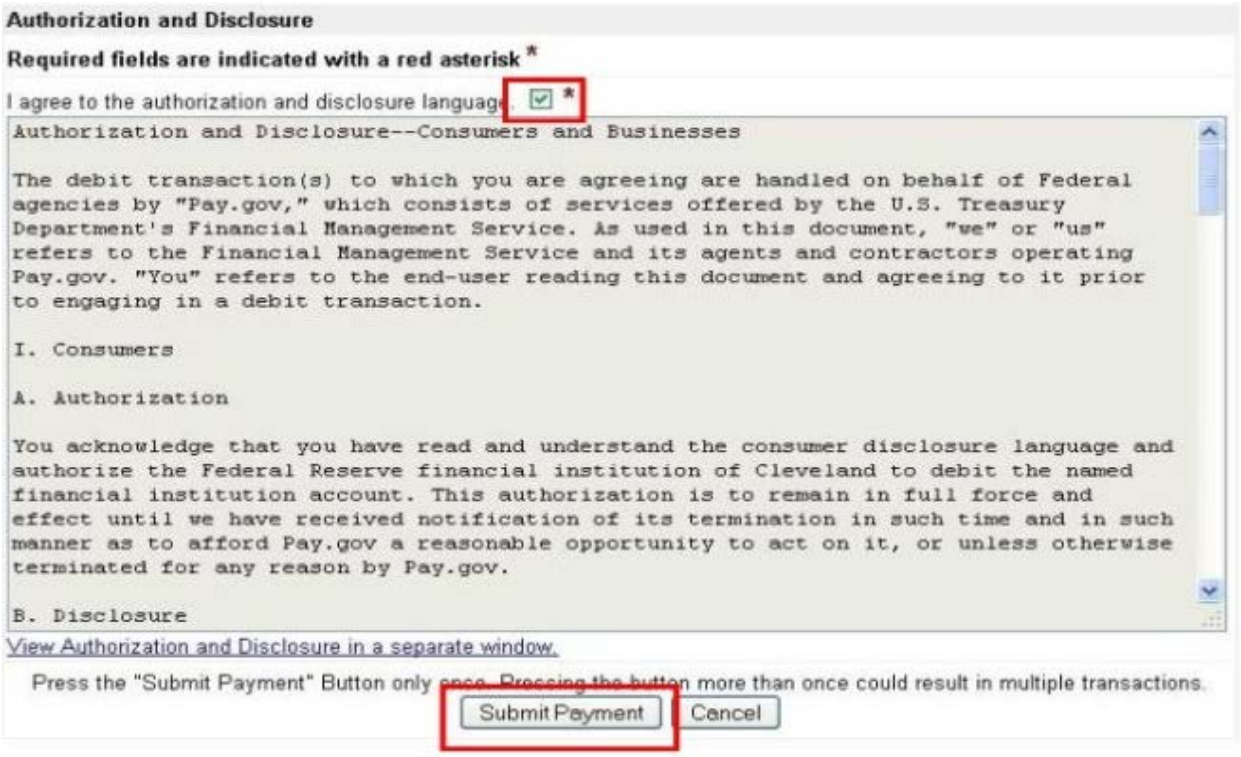
   To authorize the payment, click the payment authorization box located above the authorization and disclosure agreement.

Figure 28. Bar Admission Payment Authorization



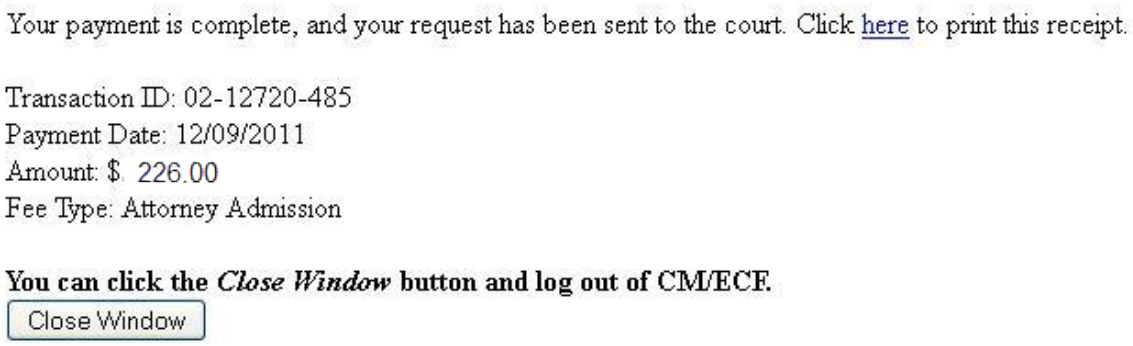
c. Scroll down to the 'Submit Payment' button below the authorization and disclosure agreement and click the 'Submit Payment' button to complete the fee Payment.

Figure 29. Bar Admission Payment Authorization and Disclosure



The next screen verifies that the payment is completed and your request has been submitted. To retain a record of the payment, click the hyperlink to print a receipt.

Figure 30. Bar Admission Payment Verification



d. Click the 'Close Window' button to close the browser and return to CM/ECF.

Paying by Credit Card or Debit Card

To pay using a credit or debit card, scroll down to **Option 2: Pay via Plastic Card (PC)** on Pay.gov's online payment page.

a. Enter all requested information under **Option 2: Pay via Plastic Card (PC).** Select the **Card Type** from the drop-down menu. Note: Fields marked with a red asterisk are required. Click the 'Continue with Plastic Card Payment' button.

b. The **Authorize Payment** screen opens. Review the information that has been entered to confirm accuracy. If any of the entered information needs to be corrected, click **Edit this information** to make the changes.

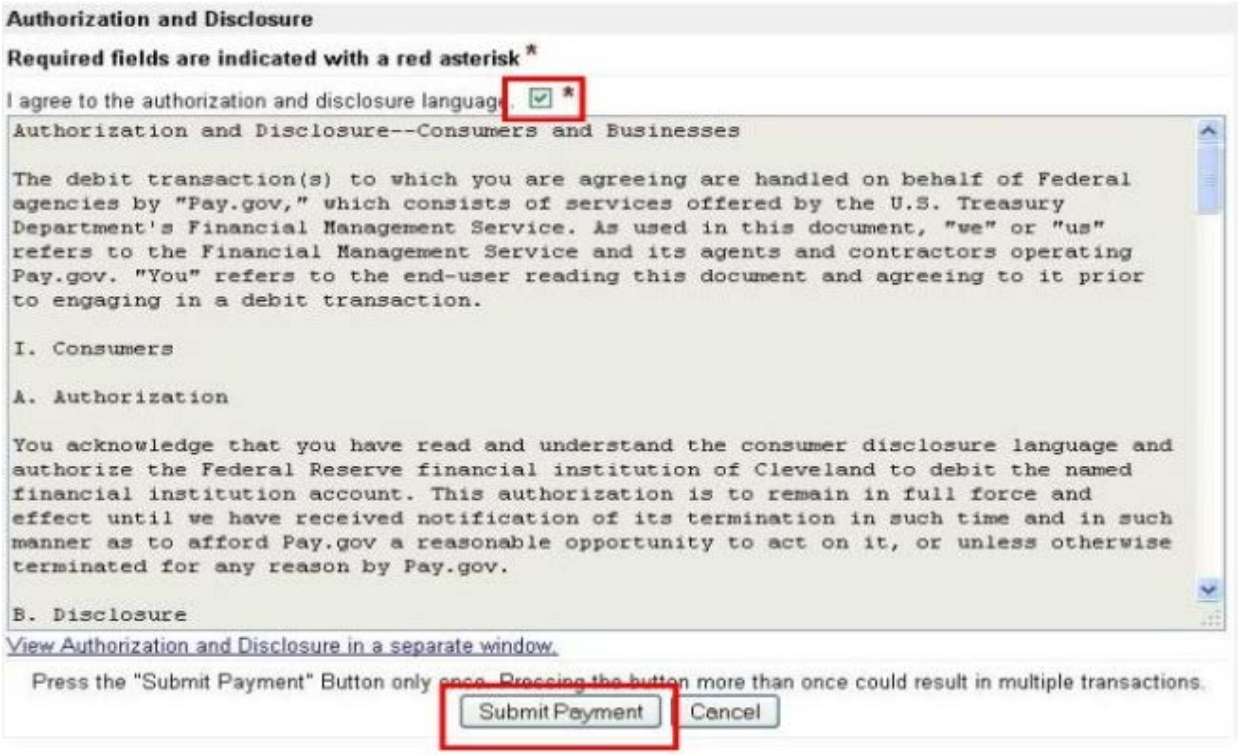
To receive an **Email Confirmation Receipt** of the payment, enter and confirm an email address in the email address fields located below the Payment Summary. An email will be transmitted to you from Pay.gov.

To authorize the payment, click the payment authorization box located above the authorization and disclosure agreement.

Figure 31. Bar Admission Debit/Credit Card Payment

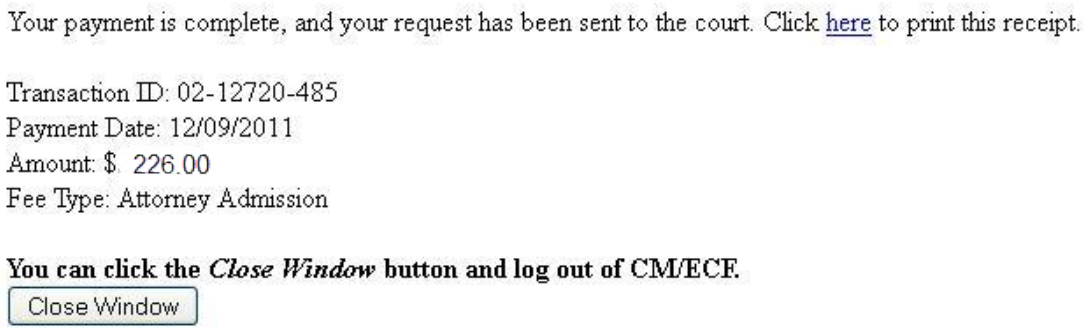
c. Click the 'Submit Payment' button below the authorization and disclosure agreement to complete the fee Payment.

Figure 32. Bar Admission Credit Card Payment Authorization and Disclosure



The next screen verifies that the payment is complete and your request has been submitted. To retain a record of the payment, click the hyperlink to print a receipt.

Figure 33. Bar Admission Credit/Debit Payment Verification



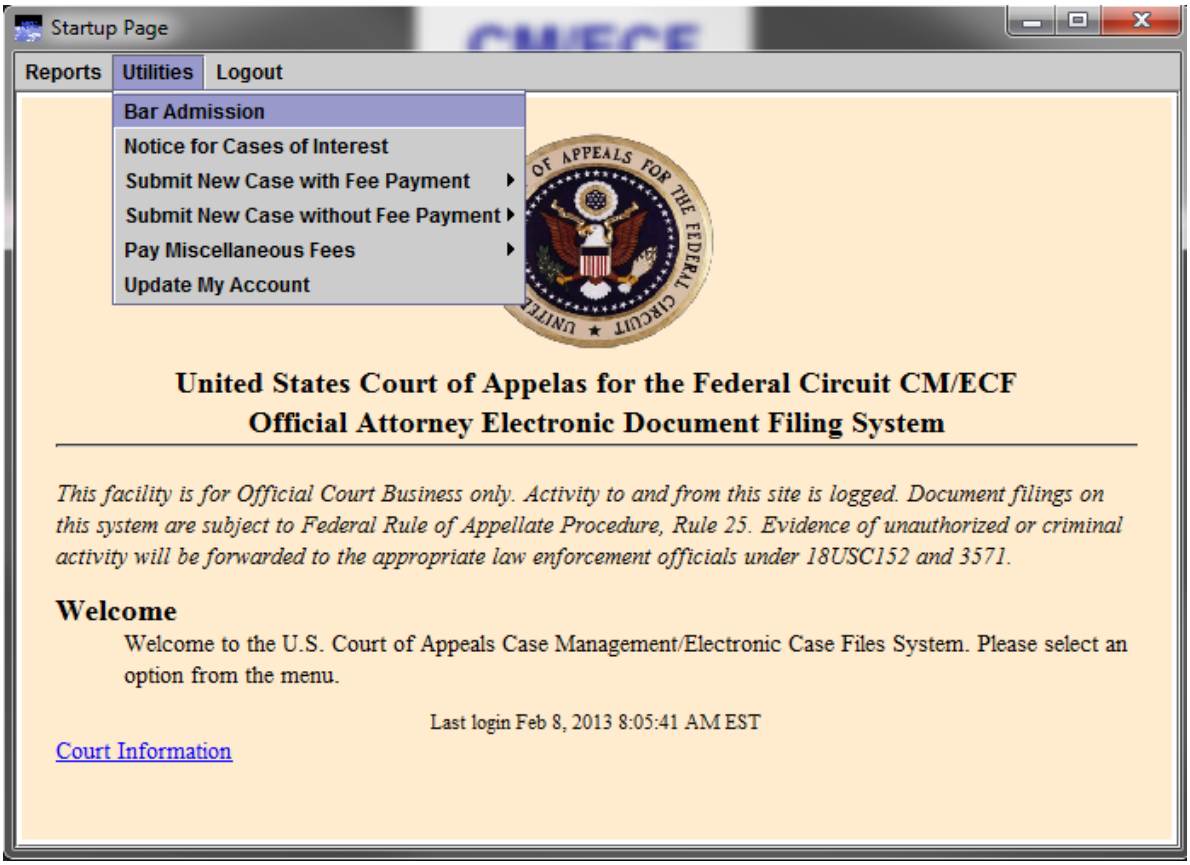
d. Click the 'Close Window' button to close the browser and CM/ECF.

Corrected Bar Admission

1. Click the Utilities tab on the CM/ECF home page. Select 'Bar Admission' from the drop-down menu.

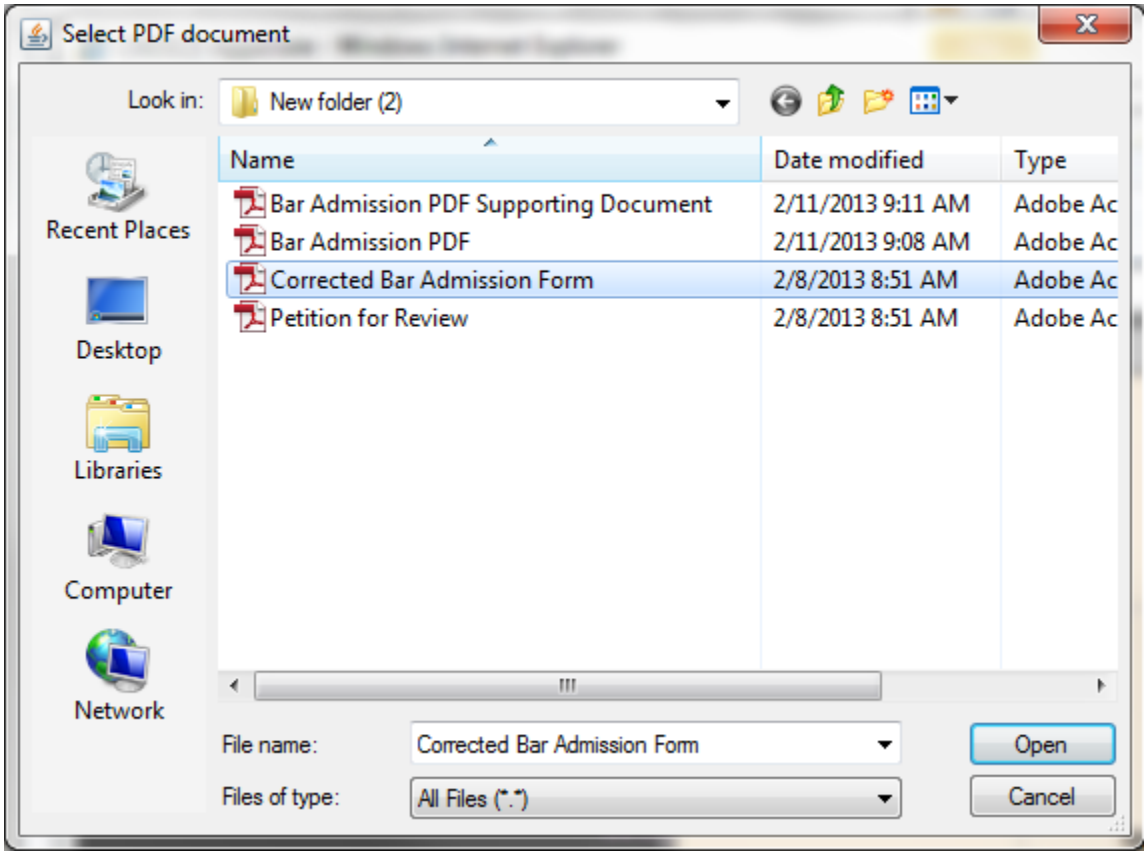
2. The **Bar Admission** screen opens. To upload the corrected attorney admission application PDF, click the Browse button to the right of the blank Document box.

Figure 34. CM/ECF Bar Admission Menu



3. The **Select PDF document** screen opens to select the document to upload. Click on the file name of the document so that the file name appears in the **File name** near the bottom of the screen. Click the **Open** button next to the file name drop-down arrow.

Figure 35. Corrected Bar Admission Document Selection

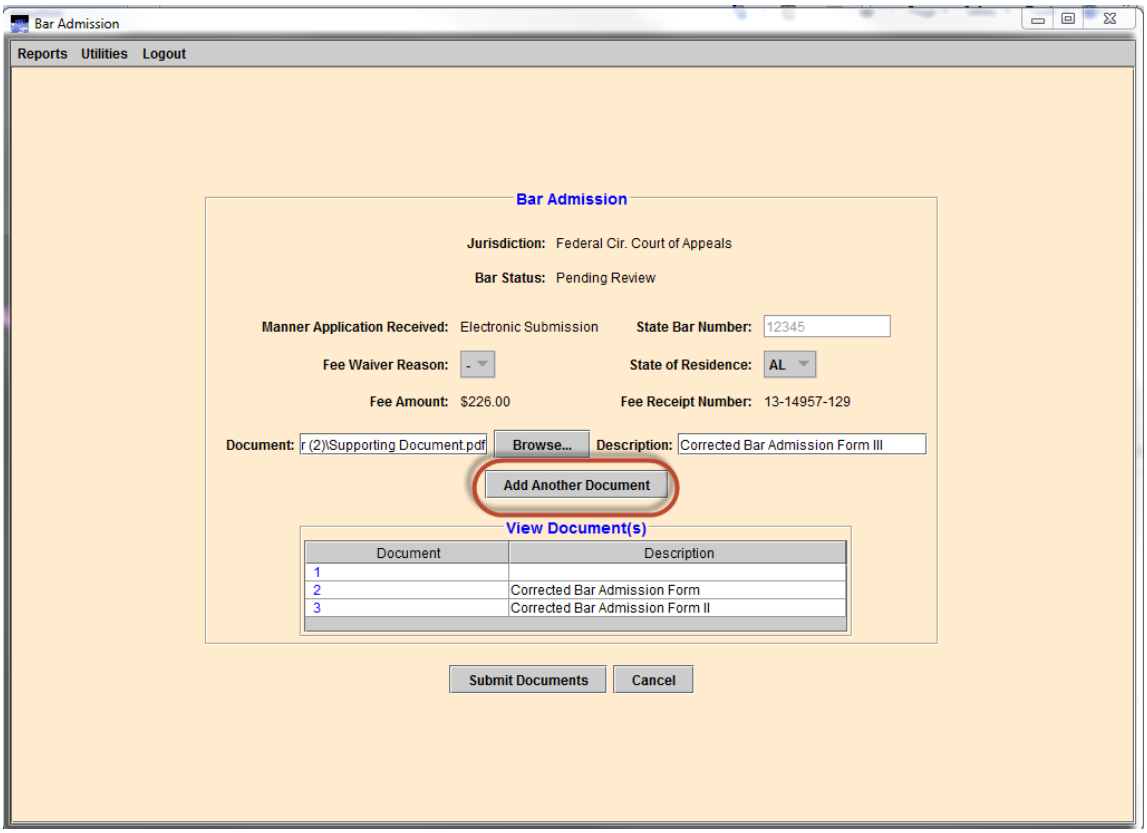


4. The file name appears in the Document box on the Bar Admission screen.

5. Type a brief description of the uploaded document in the **Description Box.**

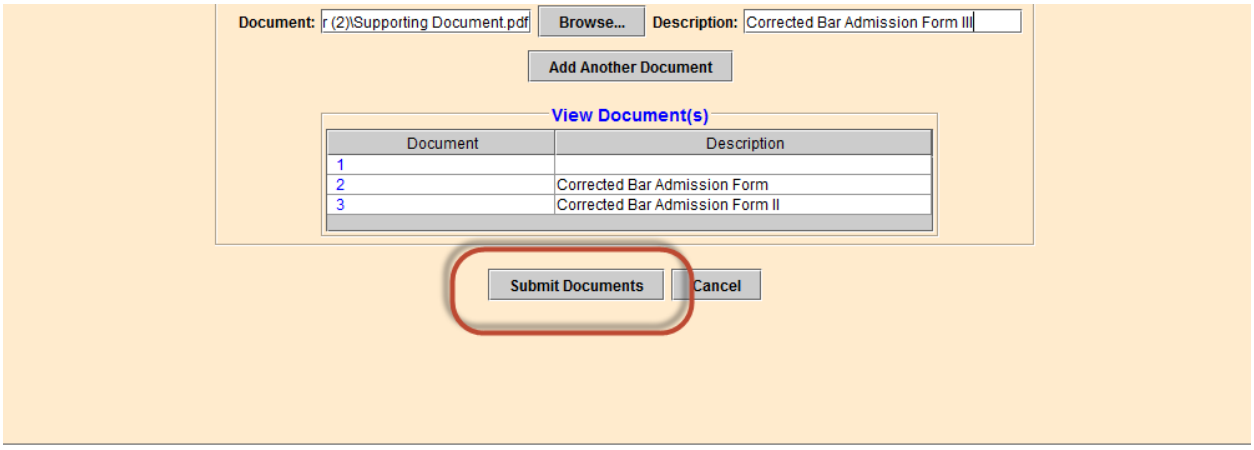
6. To upload supporting documents to the corrected admission application (e.g., attorney oath, sponsor's affidavit, certificate of good standing), click the **Add Another Document** button and repeat the steps above.

Figure 36. Add Document/Corrected Bar Admission



7. Once all supporting documents have been uploaded, click the **Submit Documents** button.

Figure 37. Additional Document Submission

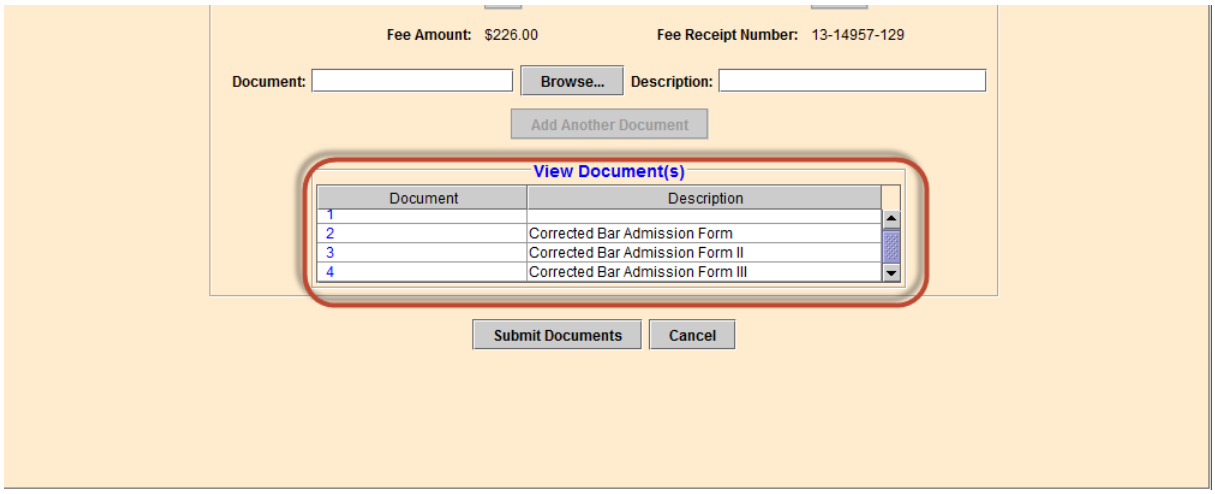


Note: If you fail to upload any document before clicking the 'Pay Now and Submit Application' button, the following message is displayed and you will not be able to proceed.

Figure 38. Document Required User Message

8. The corrected admission application and supporting documents now appear in the **View Document(s)** box. Click the red X in the upper right-hand corner of the screen to close the Bar Admission screen, or click **Logout** on the menu toolbar to exit CM/ECF.

Figure 39. View Document Box/Corrected Admission



MISCELLANEOUS FEES

All miscellaneous requests that require fee payments, with the exception of copy requests, must be processed via Pay.gov. You must attach a document describing the nature of the request and current contact information. **DO NOT** include any payment information, e.g. credit card, checking, or debit account information, on the uploaded document.

1. Select **Utilities>Pay Miscellaneous Fees**, then select the type of request that you are making.

2. Ensure that the correct fee type and amount are displayed before selecting a quantity, if applicable, and uploading a document that includes the nature of the request with current contact information.

3. If necessary, additional supporting documents pertaining to the request may be attached by clicking the *Add Another Document* button.

   NOTE: Multiple requests using a single transaction will not be accepted by the court.

4. Click the *Pay Now and Submit* button to proceed to the Pay.gov online payment screen. Follow the instructions for either making a payment using a bank account or payment using a credit or debit card.

5. If the court requires additional information regarding your request, you will be contacted using the information that has been provided with the document uploaded with the transaction.

COPY FEES

Copy fees are submitted via Pay.gov; however, it is very important to contact the clerk's office **first** to obtain the quantity (number of pages) before submitting the fee for copy related services.

1. Email the clerk's office, records@cafc.uscourts.gov, with the nature of the copy request. The request should include:
   a. Case number if applicable;
   b. Identifying document information, e.g. docket number, party that filed the document, the date that the document was filed;
   c. Contact information to be used to follow-up with the number of pages required to complete the copy request.

2. Upon a return email or call from the clerk's office, proceed to login to CM/ECF to complete the payment for the copy request.

3. Select **Utilities>Pay Miscellaneous Fees>Copy Fees.** Enter the number of pages (Quantity) obtained from the clerk's office. The fee amount will automatically update based on the value placed in the quantity field.

4. Convert and upload the initial email to the clerk's office AND the response email from the clerk's office as a PDF document.

5. Click the *Pay Now and Submit* button to proceed to the Pay.gov online payment screen. Follow the instructions for either making a payment using a bank account or payment using a credit or debit card.

CURRENT FEE SCHEDULE

Filing Fees	$500.00
Attorney Admission	$226.00
Duplicate Certificates	$25.00
Certificate of Good Standing	$18.00
Copies	
Copies per page	.50
Audio Recordings	$30.00
Record Reproduction	$83.00
Record Retrieval	$53.00
Archives Request	$64.00
Archives Request Multiple Boxes	$39.00
Certification of Documents	$11.00
Return Check Fee	$53.00

REQUESTING A REFUND

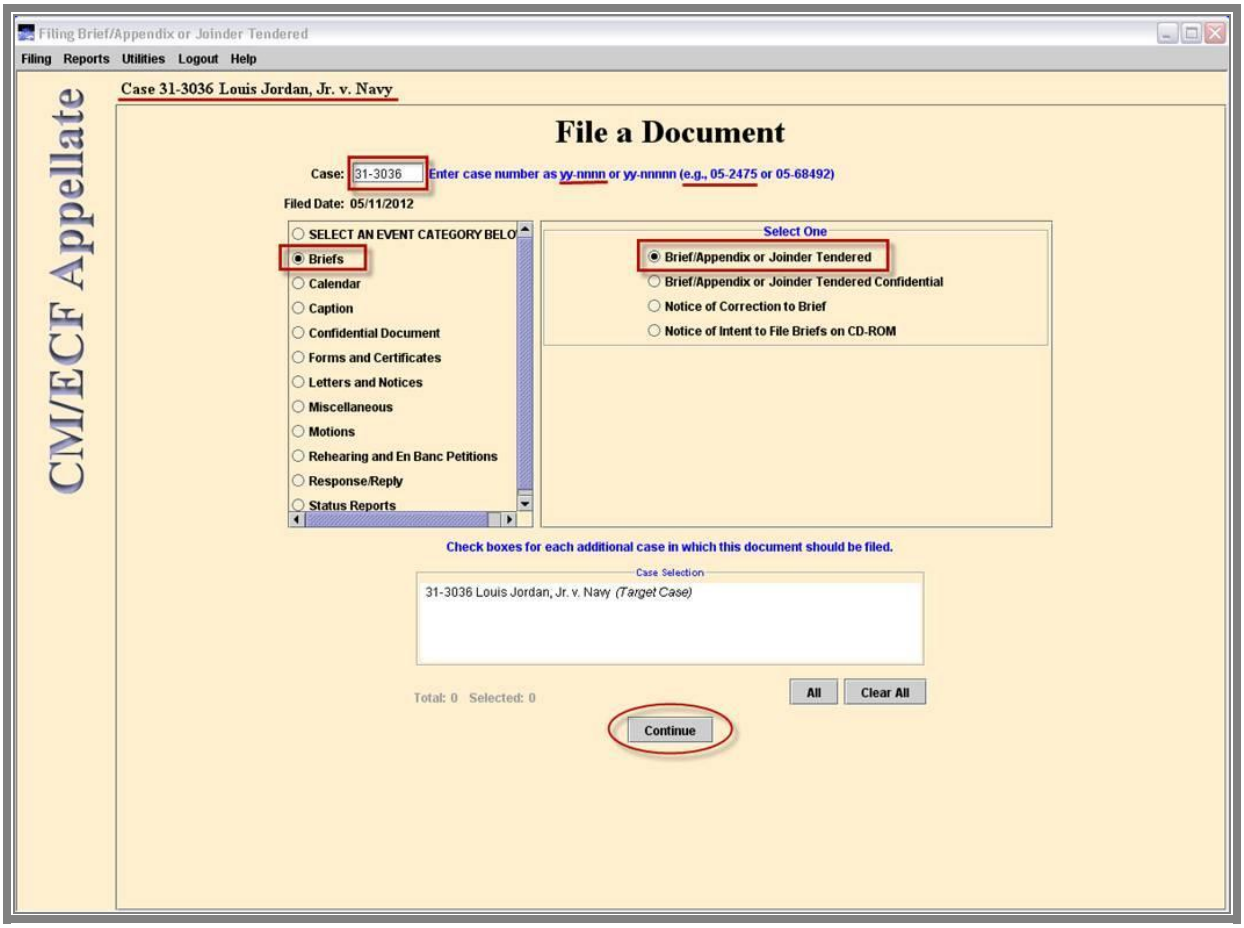
Generally, the court does not issue refunds; however, if it is found that a transaction was made in error or a technical malfunction warrants a refund the clerk's office will assist in a refund request. To request a refund for a Pay.gov transactions contact the clerk's office by phone at (202) 275-8000 or email ECFHelp@cafc.uscourts.gov Refunds for payments made by credit or debit card will be credited back to the purchasing card. ACH payment refunds may be subject to

time limitations. ACH Payments entered after 8:55 P.M. may be cancelled until 9:55 A.M. the following day. Refund requests for payments made after 9:00 A.M. must be made as soon as possible within the same hour that the payment was made. When contacting the clerk's office for a refund request have the Tracking ID number provided on the Pay.gov generated receipt.

HOW TO FILE A BRIEF/APPENDIX OR NOTICE OF JOINDER

1. Select "**File a Document**" from the Filing menu at the top of the Startup Page. The screen below will appear:

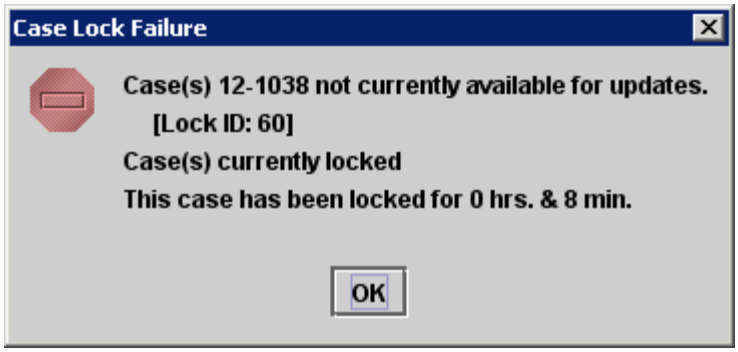
Figure 40. Filing a Brief/Appendix or Joinder tendered



2. Enter a case number in the Case field (make sure to use the correct format: yy-nnnn when entering the number in the field). Click out of the box or click "Tab" on your keyboard.

NOTE: Case Lock. This is a feature that locks the case and does not allow you to access the case if it is being used by a case manager. If you receive a Case Lock error, please try again after 30 minutes; if you continue to receive an error contact the Clerk's Office.

Figure 41. Case Lock Failure



3. Next, you will need to select an Event Category from the menu on the left side of the screen. Selecting a category will bring up a number of corresponding filing event options on the right side. Select the corresponding event option for the item you wish to file.

4. Click '**Continue**' at the bottom of the screen.

Figure 42. Case Selection

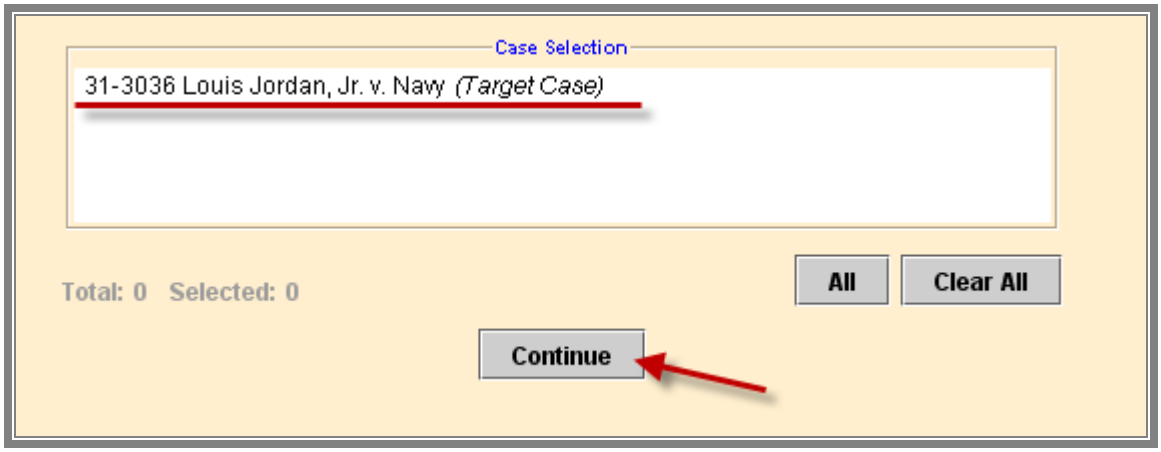


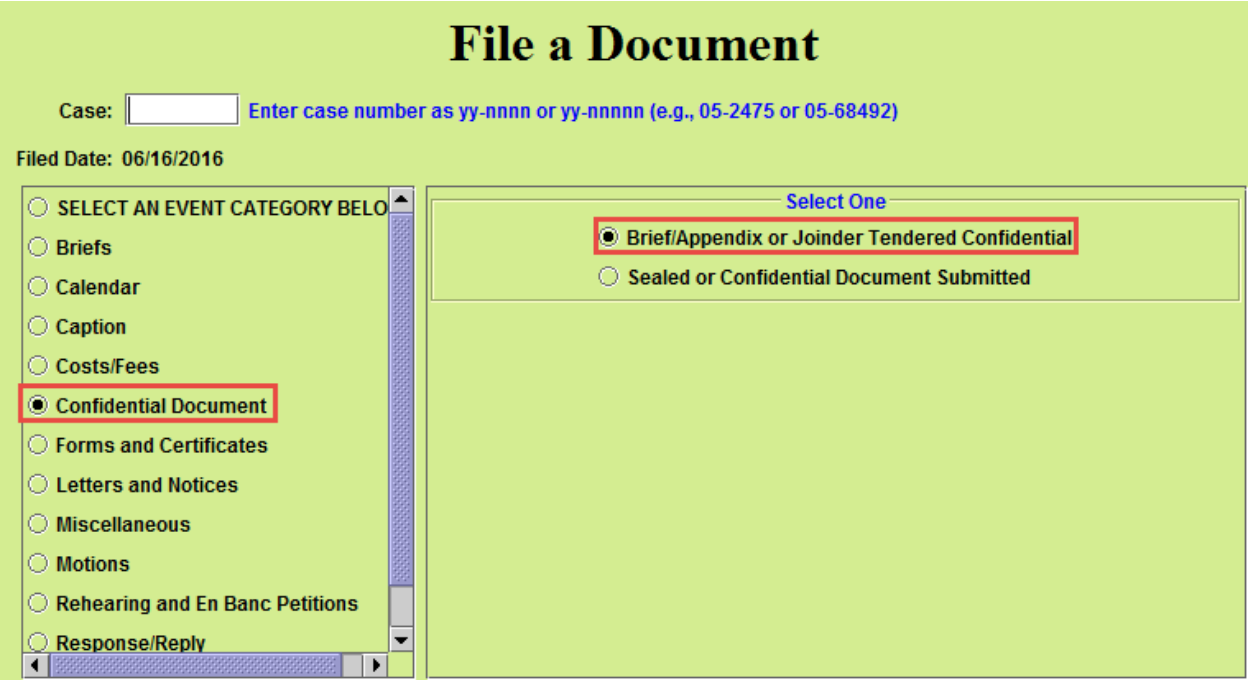
Figure 43. Non-Confidential Docketing Brief/Appendix Tendered

5. **Confidential Material** Fed. Circ. *Rules 27(m) and 28(d): N*o material in a brief, motion, response, or reply shall be marked confidential – The exceptions are as follows: Each brief, motion, response, or reply **may mark confidential up to**

fifteen (15) words if the information (1) was treated in the matter under review as confidential pursuant to a judicial or administrative protective order and (2) such marking is authorized by statute, administrative regulation, or court rule (such as Federal Rule of Civil Procedure 26(c)(1)). A **50-word limit** applies in cases arising under 19 U.S.C. § 1516a or 28 U.S.C. § 1491(b).

a. If you are filing a confidential brief/ appendix, select the event category 'Confidential Document', then 'Brief/Appendix or Joinder Tendered Confidential'.
b. You will also want to submit a completed Form 31 (Certificate of Compliance with Confidentiality Requirements).

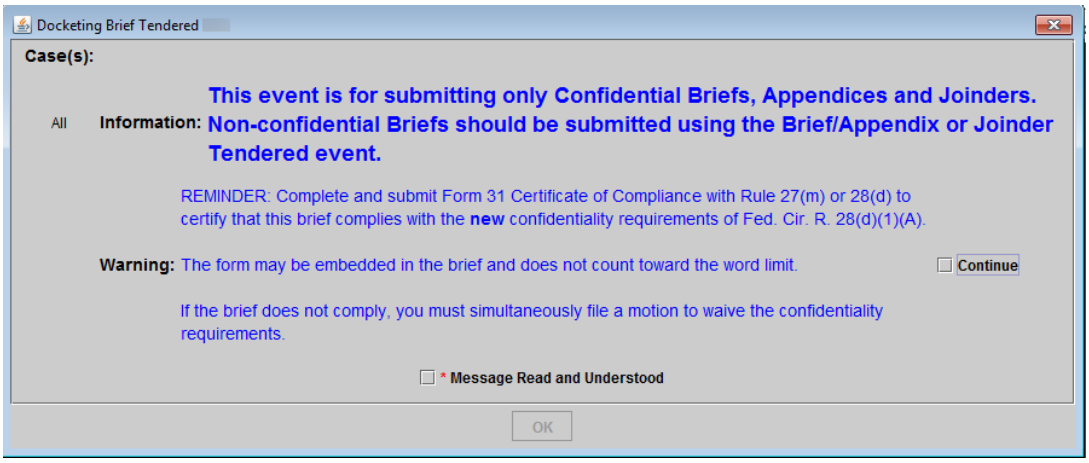
Figure 44. Brief/ Appendix or Joinder Tendered Confidential



c. **When you file a *confidential* document in CM/ECF, you will be asked to confirm that your document is compliant with all confidentiality requirements and/or that you have simultaneously filed a motion to waive the confidentiality requirements, if applicable.**

To confirm, simply select the check box as indicated below and then select **OK**.

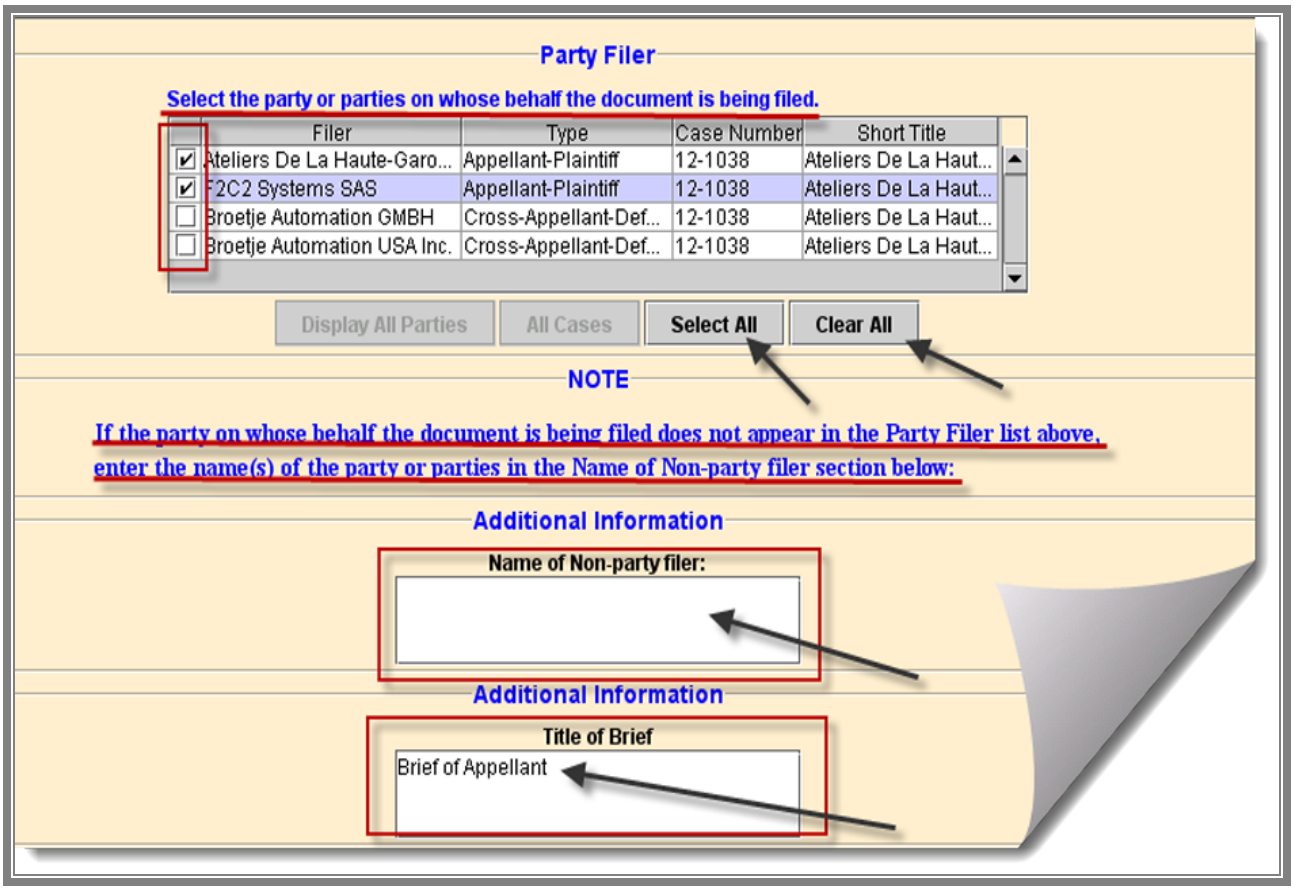
Figure 45. Confidential Brief Tendered Event



6. On the next screen, you will be prompted to select the party filer, attach the PDF for the pleading, and select the names of the party or parties that must be served, enter the service date and select the method of service. If the party filing the brief does not appear in the Party Filer list, enter the name of the party or parties in the Name of Non-party Filer box located in the Additional Information section of the screen. Depending on the type of pleading you are filing, you may be required to enter additional information e.g. Name of Non-party filer, and Title of Brief. Examples of what you should enter in the Title of Brief box include the following: Brief of Appellant, Brief of Petitioner, Informal Brief of Appellant, Informal Brief of Petitioner, Brief of Respondent, Brief of Appellee, Brief of Cross-Appellant, Reply Brief of Petitioner, Reply Brief of Cross-Appellant, Appendix, Supplemental Appendix, Amicus Brief, and Notice of Joinder.

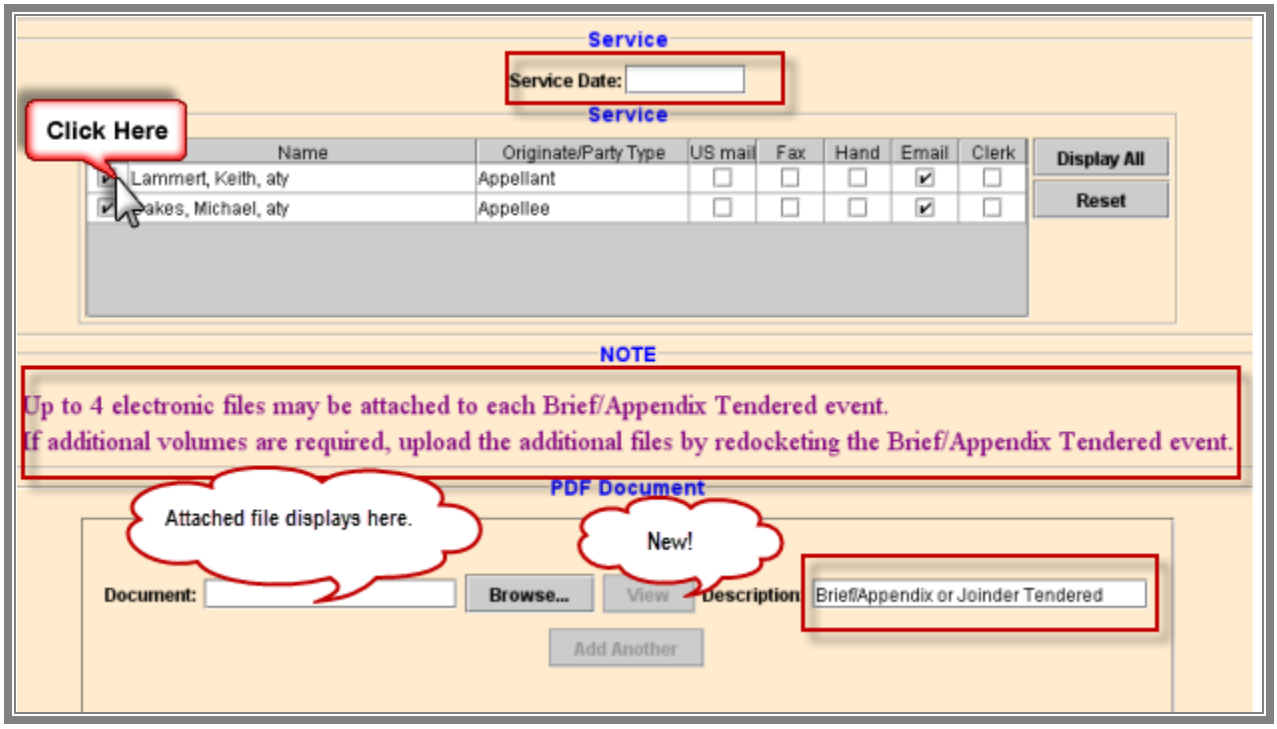
7. Under the Additional Information section, enter the non-party name or names in the Non-party filer text box if there is not a Party on the appeal e.g. Amicus Brief of Flubber Rubber Company.

Figure 46. Party Filers



8. Enter the date of filing into the **Service Date** field. Also, enter the method of service and check the party that you would like to be served.

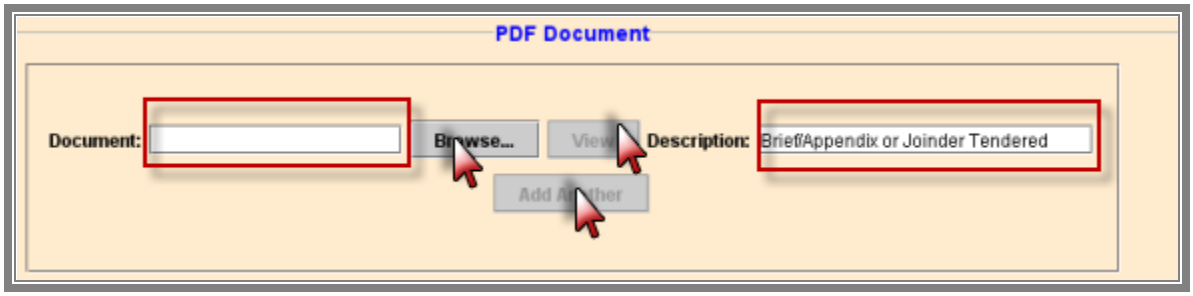
Figure 47. Service



TIP: If the information is incorrect, use the "**Back**" button or **"Cancel"** the filing and start over. Click the "**Continue**" button to move to the next screen if the information is correct. Review the **Brief Checklist** that appears under the PDF Document Section.

8. To attach a PDF to your entry, click the '**Browse**' button in the PDF Document section on the screen. This will cause a pop-up screen to appear. Locate the appropriate PDF on your computer and select it. To ensure the correct file will be uploaded prior to committing the transaction, you may view the document by clicking the "**View**" button. Clicking the "View" button launches the selected file. You may also edit the "**Description**" field to state what you are filing (for example, "Docketing Statement," "Appellant's Brief," etc.). After selecting "**Continue**" the docket text pop up will appear with the service information, this will display how your entry will appear on the court's docket, verify the information before clicking "Continue."

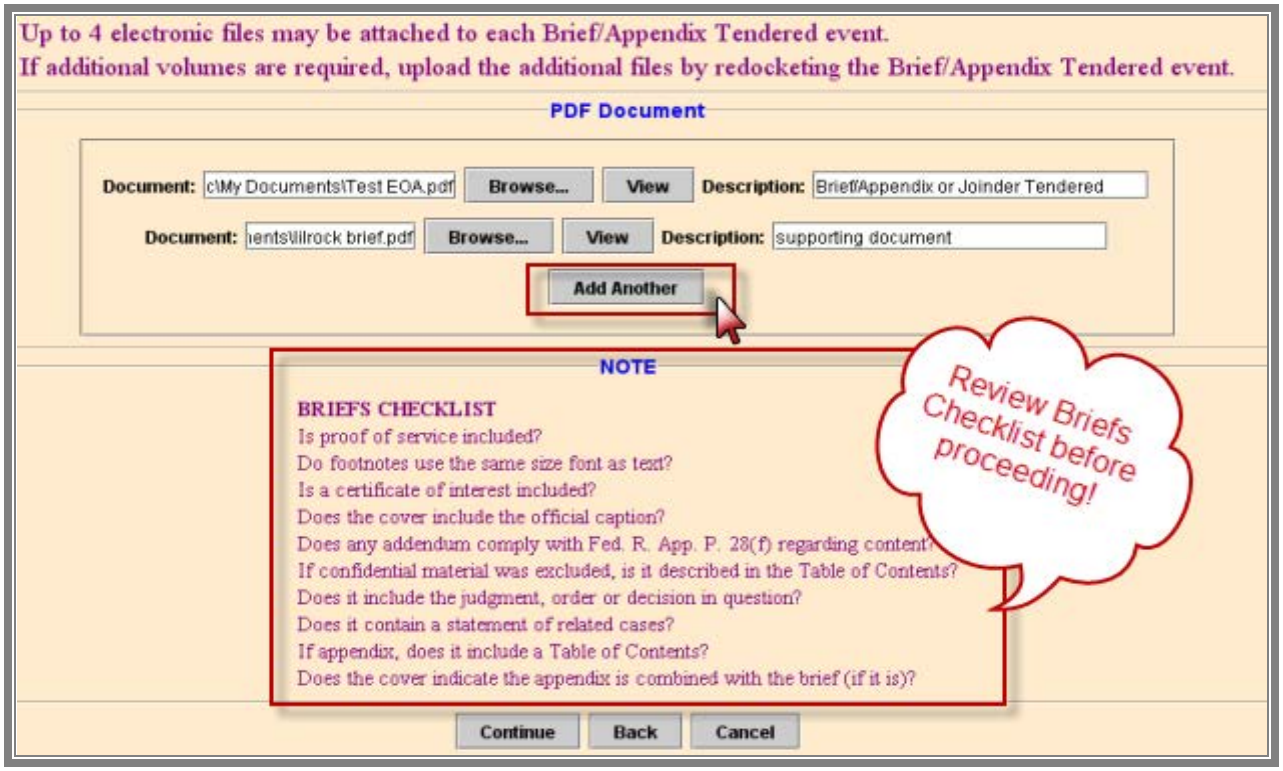
Figure 48. PDF Document



9. To file additional documents select "**Add Another**" and complete the "**Description" Field**.

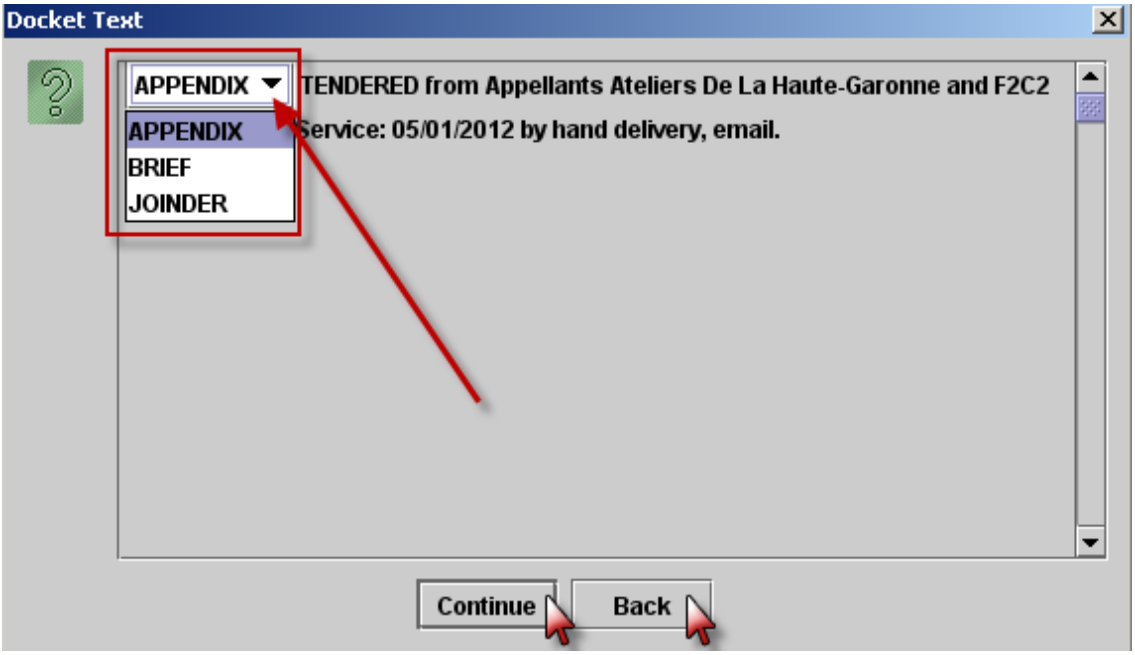
IMPORTANT NOTE: If you are filing an addendum as an attachment to a brief that is being submitted to the clerk's office for review, use the above step (9) so it is known by the clerk's office that these two documents belong together. **DO NOT** complete a separate CM/ECF transaction for an attachment/addendum, use 'Add Another.'

Figure 49. Add an Additional PDF Document



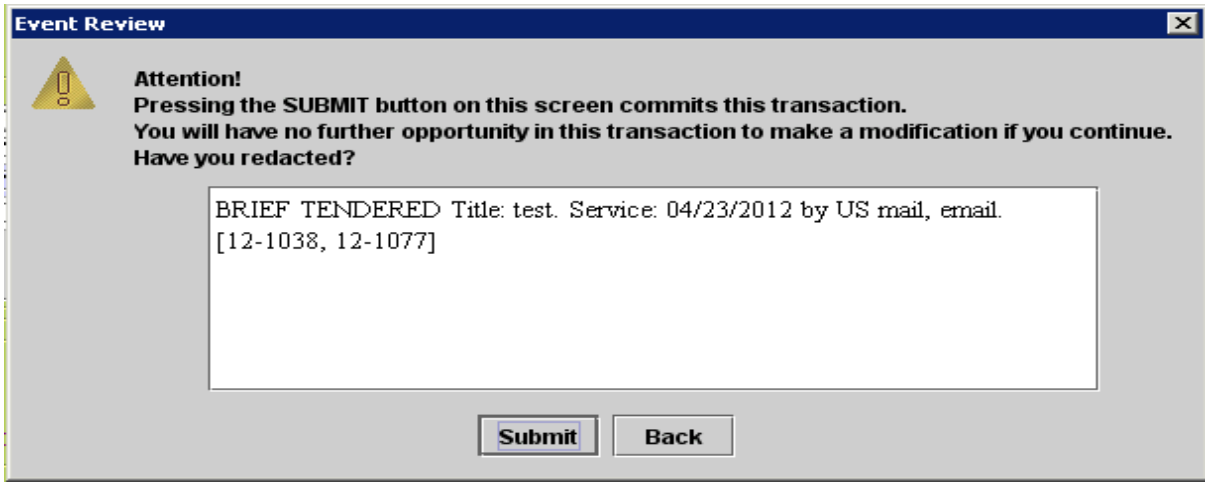
10. Review the Docket text, if it is incorrect, select the "**Back**" button to correct.

Figure 50. Docket Text



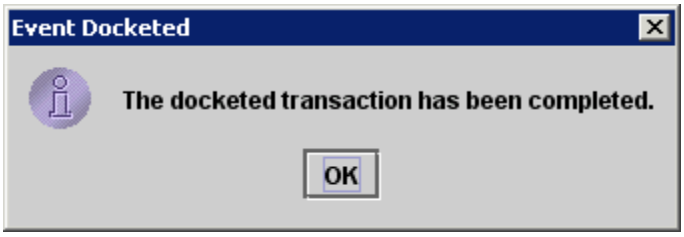
11. This is your last opportunity to review the text prior to filing the document on the docket. Again, this text cannot be edited here. If the text is incorrect, click the ***Back*** button. If correct, select ***Submit*** to file the document on the docket report. This is the Event Review screen. The pop up will appear, select "**Submit**" to complete the transaction.

Figure 51. Event Review



12. After selecting Submit, an event confirmation will pop up confirming that the docketed transaction has been completed:

Figure 52. Event Docketed



TIP: A new browser window will launch displaying the Notice of Docket Activity (NDA). We highly recommend that you print the NDA and the embedded document hyperlink content for your records. The Notice of Docket Activity is equivalent to service by e–mail (see Fed. Cir. R. 26(c) and Fed. Cir. R. 25(e)(1)). .

Under the conditions set forth in the paragraph below, recipients of Notices of Electronic filing will be allowed one (1) "**free look**" at the document and may view, print, or download it. After the one "free look," normal PACER usage fees apply. The hyperlink to access the document will expire after the earlier of these two events: the first use or 15 days.

(**CAUTION:** double clicking the hyperlink instead of single clicking it will use up the one "free look."). You may close this screen after you are done.

Figure 53. Notice of Docket Activity

NOTE TO PUBLIC ACCESS USERS Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing.

United States Court of Appeals for the Federal Circuit

Notice of Docket Activity

The following transaction was en 012 at 9:00:41 PM EDT and filed on 05/03/2012

Select the Hyperlinks to view /Print

Case Name: Ateliers De L v. Broetje Automation GMBH
Case Number: 12-1038
Document(s): Document(s)

Docket Text:
BRIEF TENDERED Title: Appellant Brief. Service: 05/03/2012 by US mail, email. [9846]

Notice will be electronically mailed to:

Attorney Harrington, Attorney: harringtonm@cafc.uscourts.gov

Notice will not be electronically mailed to the following persons. If appropriate, notice will be delivered by other means to:

Patrick J. Kelleher, -
Drinker Biddle & Reath LLP
191 N. Wacker Drive
Suite 3700
Chicago, IL 60606

Scott G. Lindvall, -
Kaye Scholer LLP
425 Park Avenue
New York, NY 10022

The following document(s) are associated with this transaction:
Document Description: Appellant Brief
Original Filename: Brief.pdf
Electronic Document Stamp:
[STAMP acecfStamp_ID=1222887174 [Date=05/03/2012] [FileNumber=9846-0]
[37d2538988af3a94dd11c7dba455c495327fb5e487fe86373a36283a515ac34f4e30330f7685a50fb26888bc781f38eb7d096b43c84683ecdffb0de76aa49d90]]

Cc:
Subject: 12-1038 Ateliers De La Haute-Garonne v. Broetje Automation GMBH "Brief/Appendix or Joinder Tendered" (09-CV-0598)

NOTE TO PUBLIC ACCESS USERS Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing.

United States Court of Appeals for the Federal Circuit

Notice of Docket Activity

The following transaction was entered on 05/03/2012 at 9:00:41 PM EDT and filed on 05/03/2012

Case Name: Ateliers De La Haute-Garonne v. Broetje Automation GMBH
Case Number: 12-1038
Document(s): Document(s)

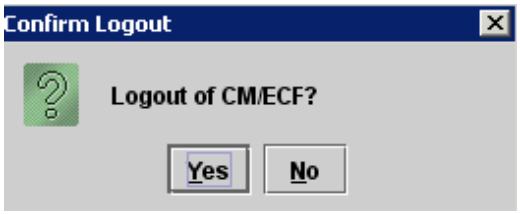
Docket Text:
BRIEF TENDERED Title: Appellant Brief. Service: 05/03/2012 by US mail, email. [9846]

Notice will be electronically mailed to:

Attorney Harrington, Attorney: harringtonm@cafc.uscourts.gov

13. Remember to logout when you are finished.

Figure 54. Logout of CM/ECF



NOTE: If your computer is idle for 50 minutes you will receive a warning message, you may click OK to remain logged in. The warning will display for 5 minutes, if you do not click OK you will be automatically logged out.

TIP: Six bound paper copies of all briefs, in the format specified by the Federal Rules of Appellate Procedure and the Federal Circuit Rules, must be filed with the court within 5 days after the brief has been accepted for filing by the court.

HOW TO FILE A MOTION

(Example: Motion for extension of time to file a brief and appendix.)

1. From the Filing menu, select **File** a Document.
2. In the upper left part of the window, type the case number in the **Case** box and press the Tab key.

TIP: The case number and title now appear below the menu bar in the "File a Document window." In addition, the case number and title appear in the Case Selection box in the lower part of the window.

Figure 55. Filing a Motion

3. In the categories list on the left, select the **MOTIONS** button. The window on the right is updated to show a list of all possible filing types, (**MOTION FILED, MOTION FILED IN FORMA PAUPERIS AND STATUS REPORT WITH MOTION FILED**).
4. In the list of filing types, labeled **Select One**, select the type of document to be filed.

TIP: To file a combined status report and motion, select Status Report with Motion Filed; to file a motion to proceed In Forma Pauperis, select Motion Filed In Forma Pauperis; for all other motions select Motion Filed.

Below is an example of this screen with the filing category **MOTIONS,** and the filing type **MOTION FILED** selected.

Figure 56. Event selected, Motions and Motions Filed

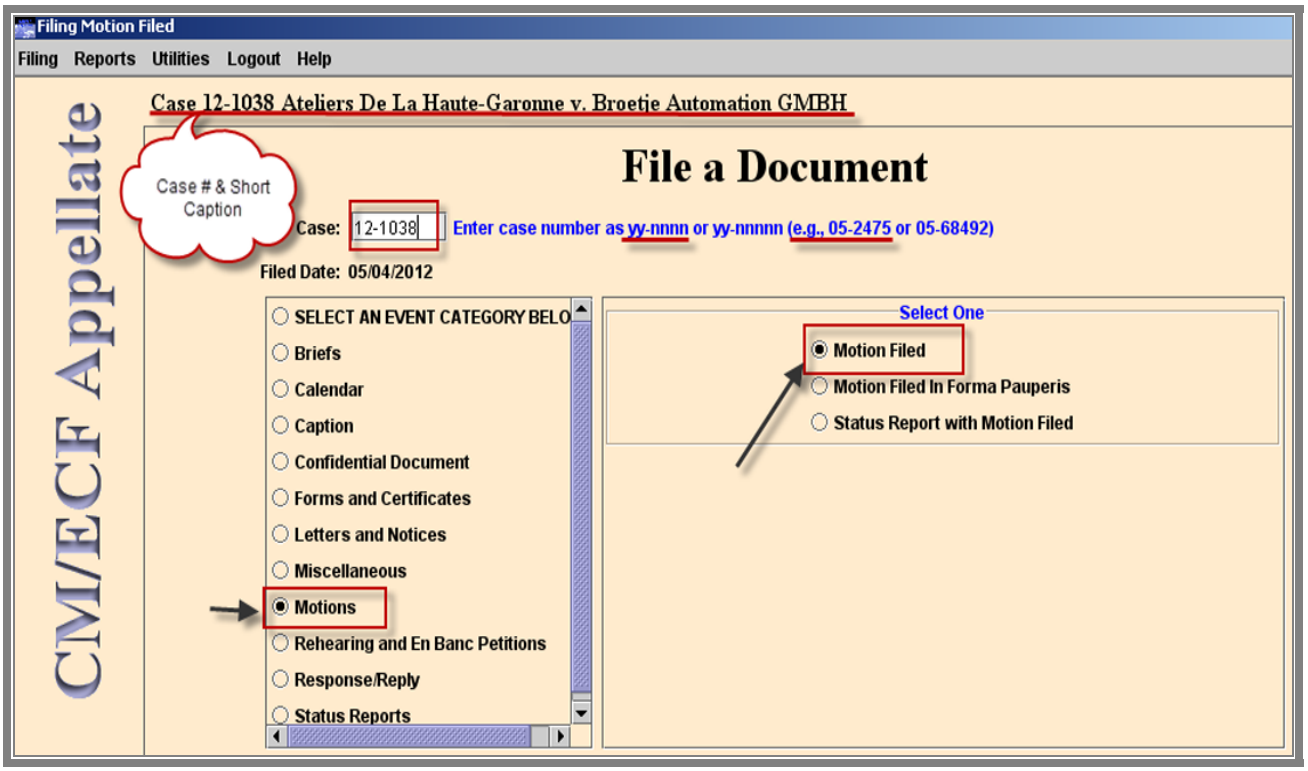
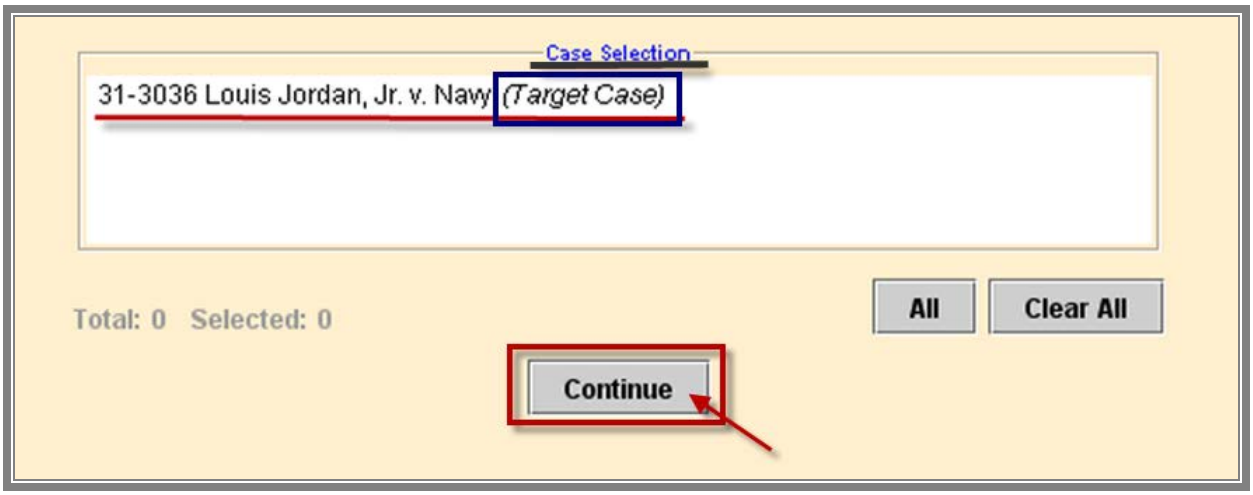
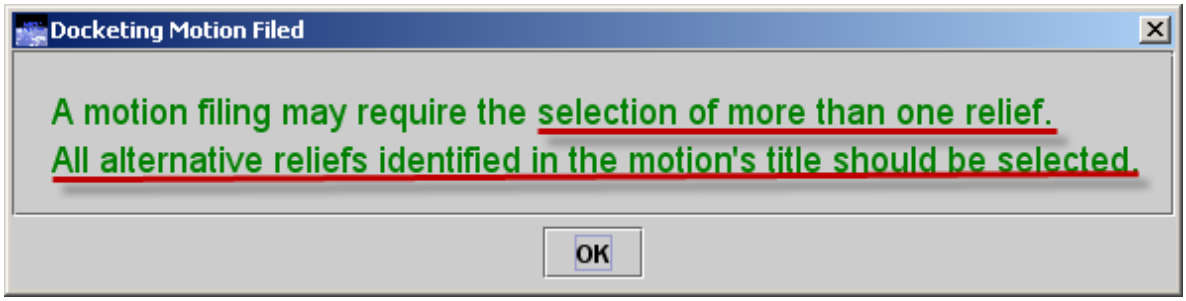


Figure 57. Target Case Information



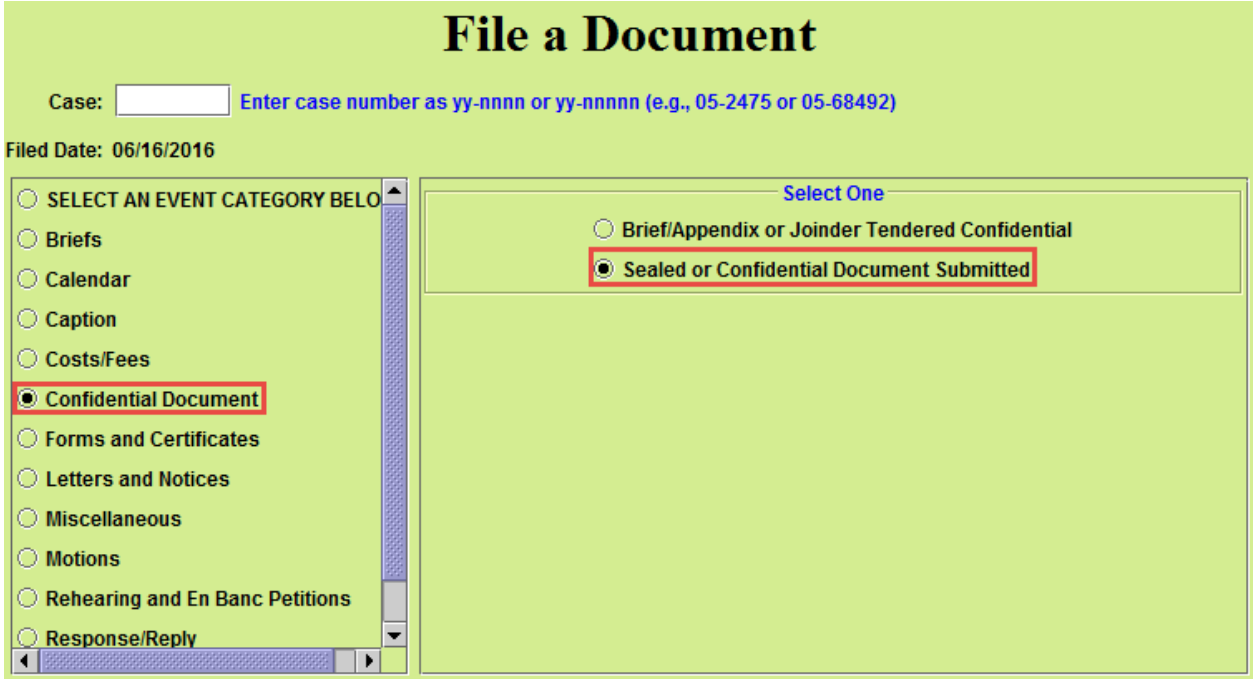
1. Select **Continue.**
2. A Docketing Motion Filed Window will appear to remind you that you may need to select more than one relief**.**
3. **Click OK**.

Figure 58. Message – "selection of more than one relief"



4. **Confidential Material** *Fed. Cir. Rules 27(m) and 28(d): N*o material in a brief, **motion**, response, or reply shall be marked confidential – The exceptions are as follows: Each brief, motion, response, or reply **may mark confidential up to fifteen (15) words** if the information (1) was treated in the matter under review as confidential pursuant to a judicial or administrative protective order and (2) such marking is authorized by statute, administrative regulation, or court rule (such as Federal Rule of Civil Procedure 26(c)(1)). A **50-word limit** applies in cases arising under 19 U.S.C. § 1516a or 28 U.S.C. § 1491(b).
    a. If you are filing a confidential motion, select the event category 'Confidential Document', then 'Sealed or Confidential Document Submitted'.

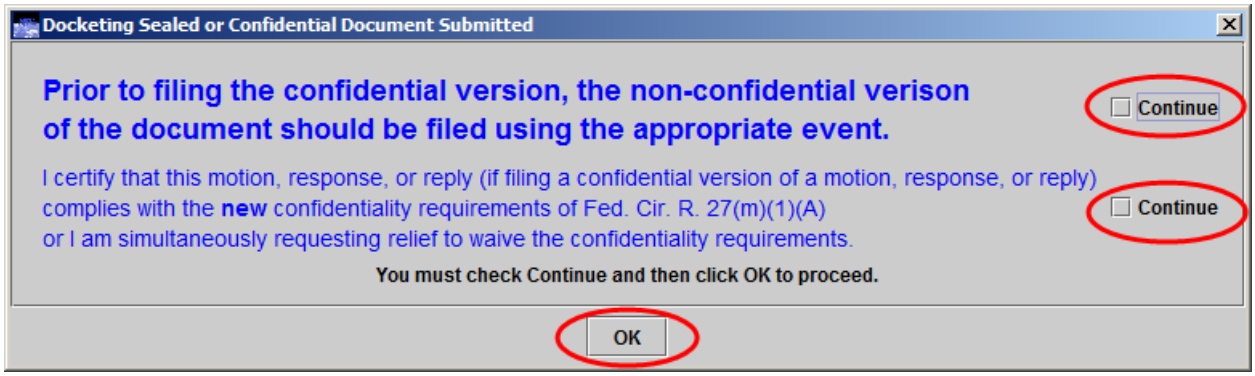
Figure 59. Sealed or Confidential Document Submitted



b. When you file a confidential or sealed document in CM/ECF, you will be asked to confirm that your document is compliant with all confidentiality requirements and/or that you have simultaneously filed a motion to waive the confidentiality requirements, if applicable.

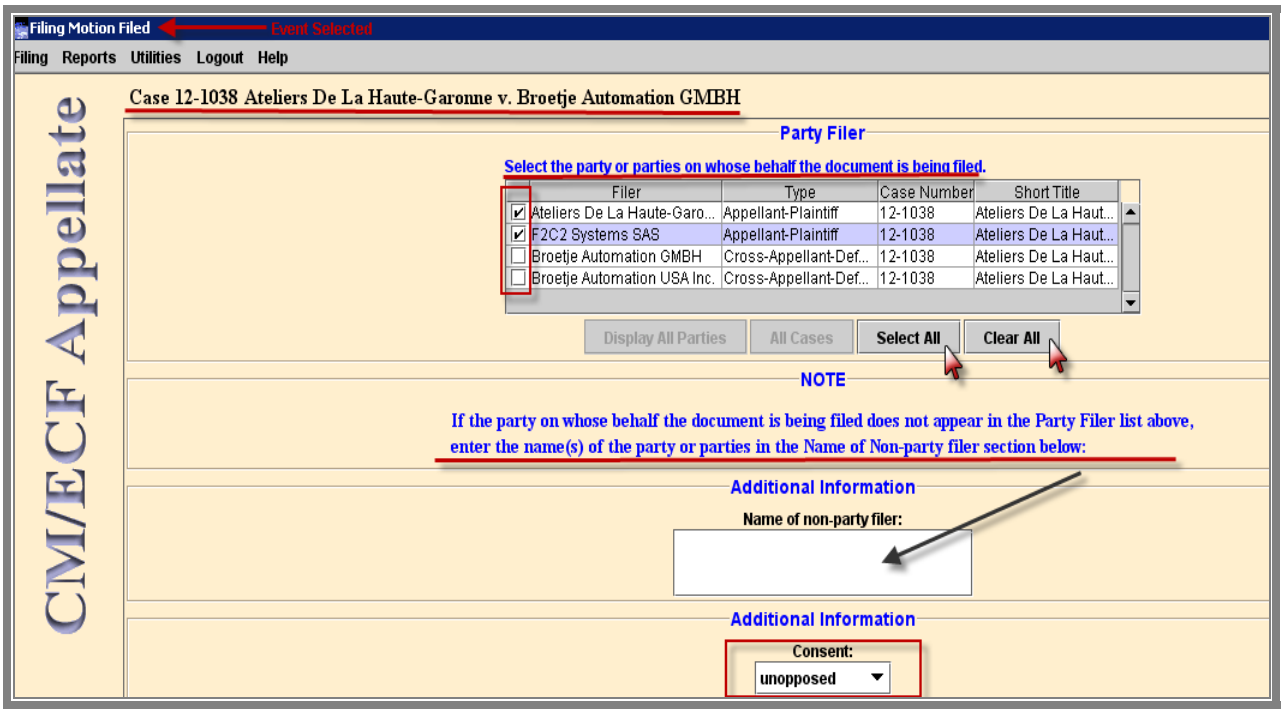
To confirm, simply select the check boxes as indicated below and then select **OK**.

Figure 60. Sealed or Confidential Document Submitted



5. In the Party Filer section, select the party or parties on whose behalf the motion is being filed. Click in the appropriate checkbox to the left of the Filer column in the Party Filer area. A pro se filer must select her or his name from the list.

Figure 61. Party Filer



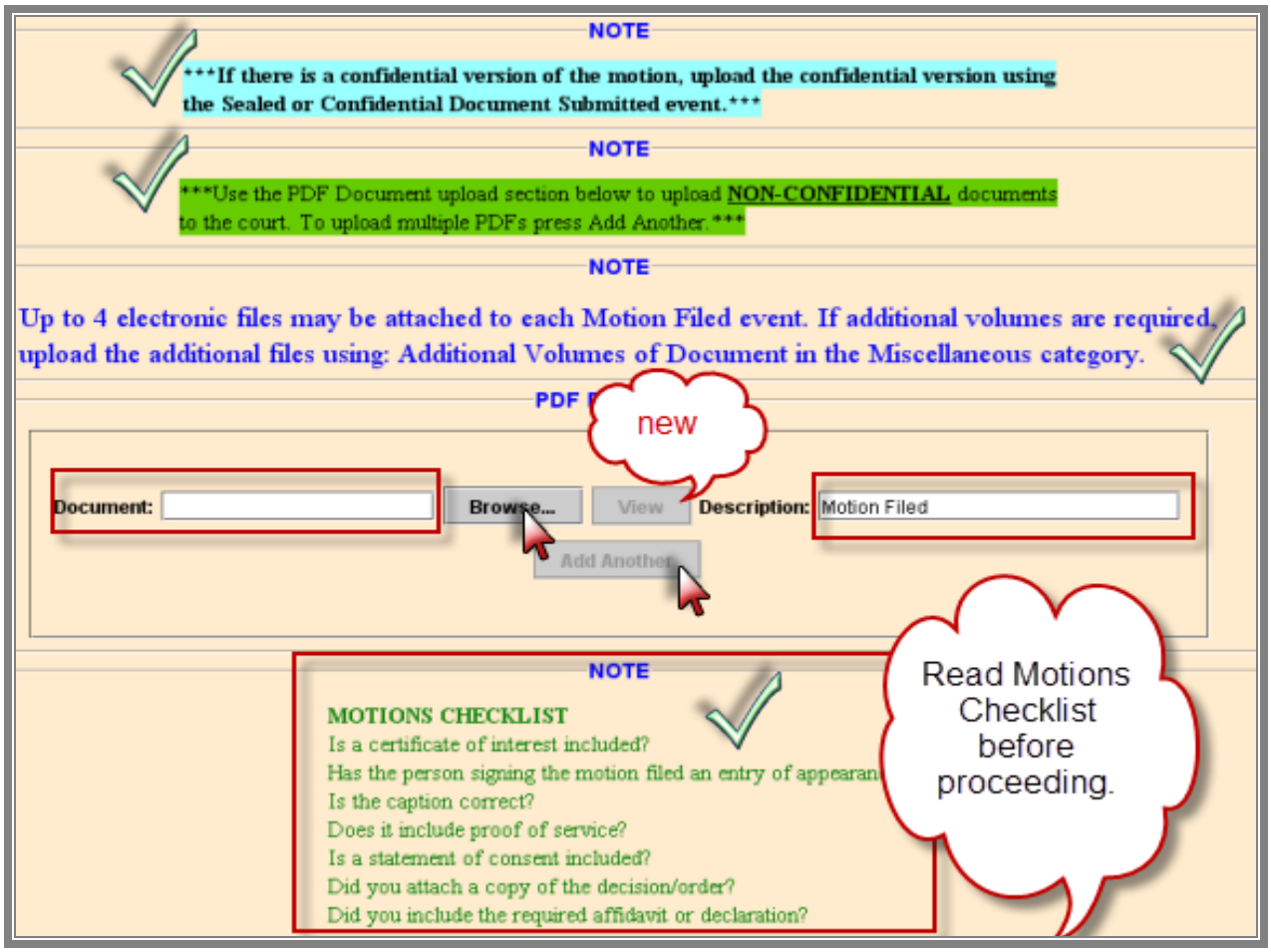
6. **NOTE:** If the party on whose behalf the document is being filed does not appear in the Party Filer list above, enter the name(s) of the party in the name of non-party filer: section which can be found under "Additional Information."

7. Select the type of **CONSENT** field from the drop-down menu (Unopposed, Opposed, Partial consent, Not Addressed).

8. Enter the **SERVICE DATE** of the filing. This date should be the same date on your certificate of service.

(TIP: "Right Click" in the **SERVICE DATE** field then click on **Select Date from Calendar** to generate a calendar from which you can choose the appropriate date). Also, check the means of service by using the checkboxes beneath the Service Date box to select the method(s) of service. For example, if service is made through the CM/ECF system you should select **Email**.

Figure 62. Filing a Motion Checklist



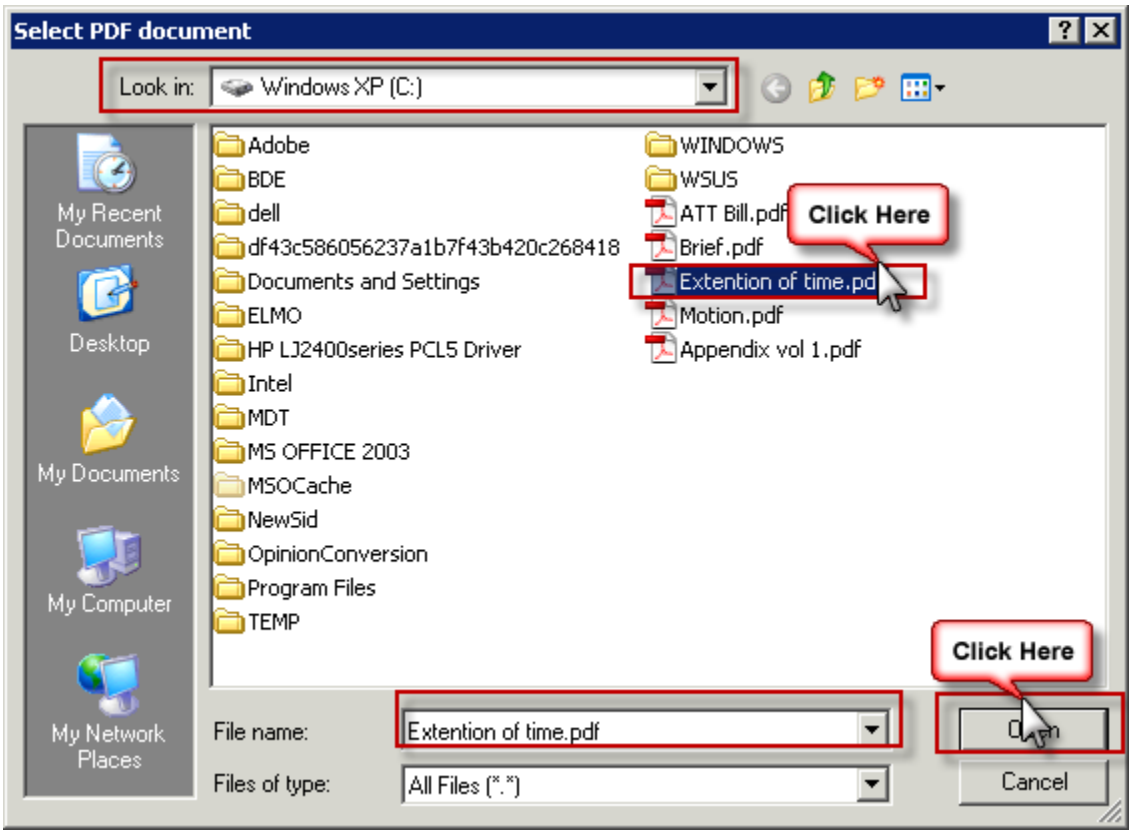
9. Attach your motion by clicking on the "Browse" button.

10. View all document(s) prior to attaching to ensure it is the correct document(s). Also, check the file size of each document. You can check the file size by resting your cursor over the filename and a box will appear with the file size, or you can right click your mouse over the highlighted filename, select properties and view the file size. The maximum file size for a document is 60 MB.

TIP: To double-check the document before attaching it, select "**Browse**" and locate the file you believe to be the correct one. Right-click on the file and use the "Open with …" option to view it in your .pdf program.

11. Click **Open** to attach the document to the event.

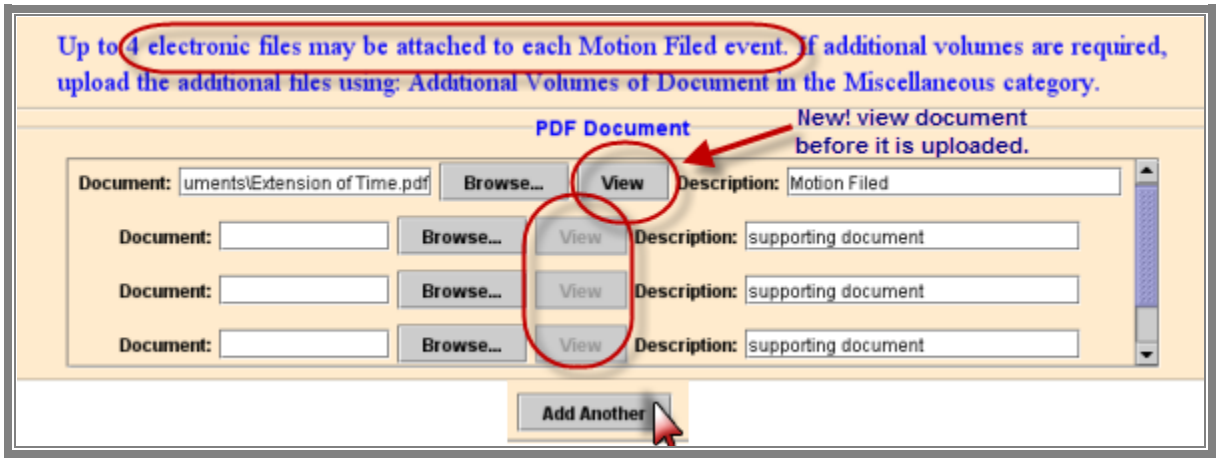
Figure 63. Add PDF to a Case



12. If you wish to add another document, click Add Another and follow the directions as indicated above.

IMPORTANT NOTE: If you are seeking relief to file something, e.g. a supplemental brief, letter, etc. DO NOT attach the document in which you are seeking leave to file to the motion being submitted. Submit the document separately from the motion using the correct event that corresponds with what is actually being filed, e.g. Brief/Appendix or Joinder Tendered, or Letter or Notice From Party.

Figure 64. Add Another PDF



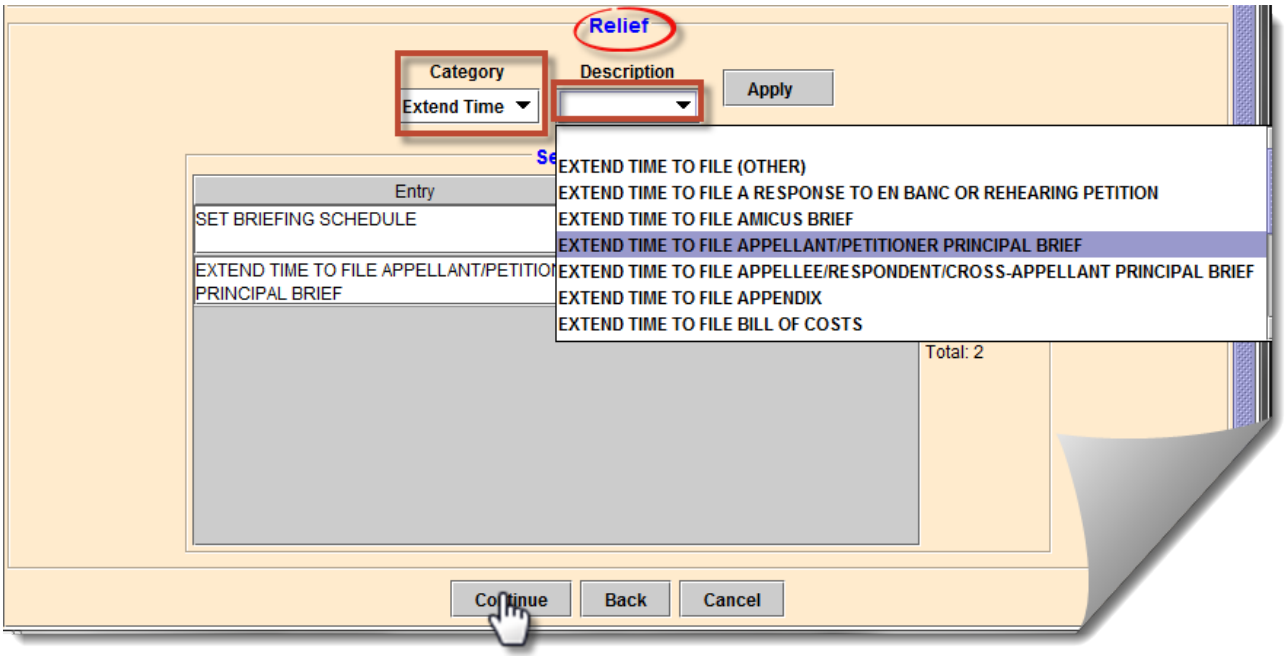
13. Select relief from drop down (You must include a description for any additional document(s) attached (e.g.: exhibits).

14. Choose the appropriate relief category and description from the drop-down menus. For this example, the Briefing category is selected and the relief description is extend time to file appellant/petitioner principal brief. Click **Apply**.

15. Your selection will appear in the box below. If your document includes an additional relief, please repeat directions from step 11.

16. Click **Continue** when all of your types of reliefs have populated in the Selected Reliefs box.

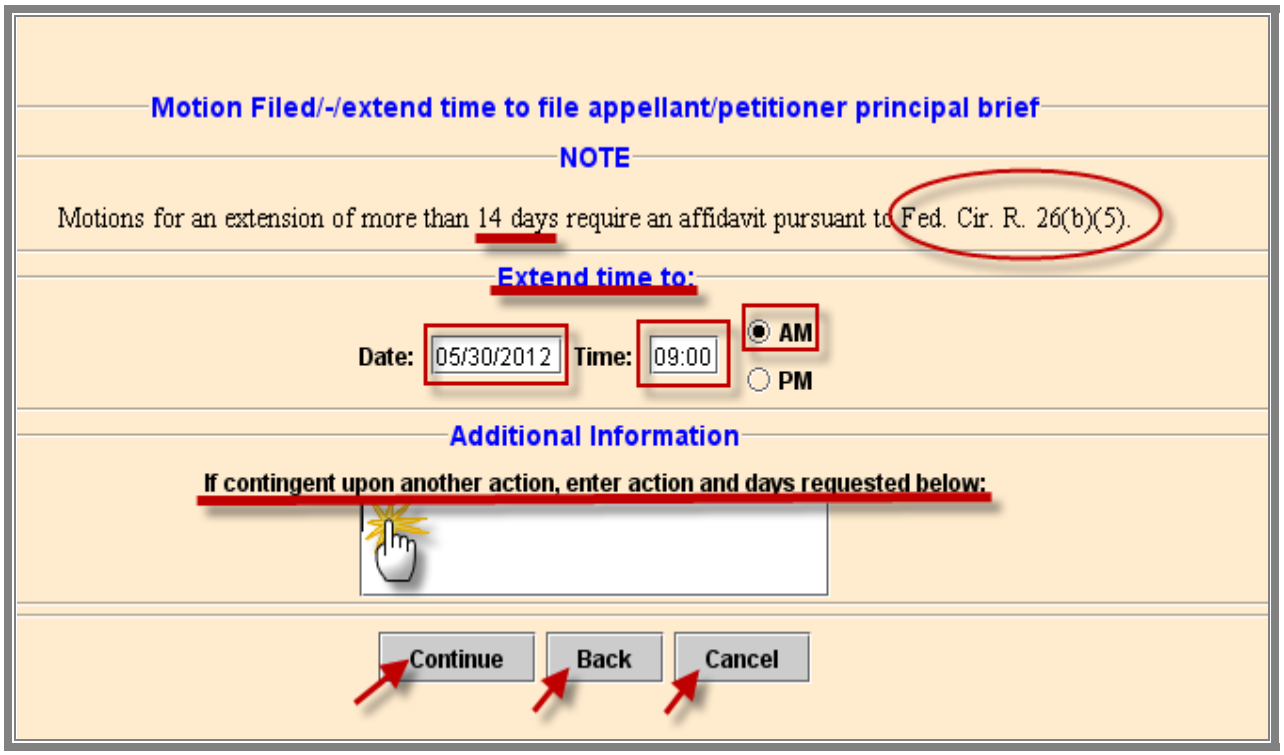
Figure 65. Relief Category and Description



17. Enter the Date and Time you would like to "**Extend the Time to.**"

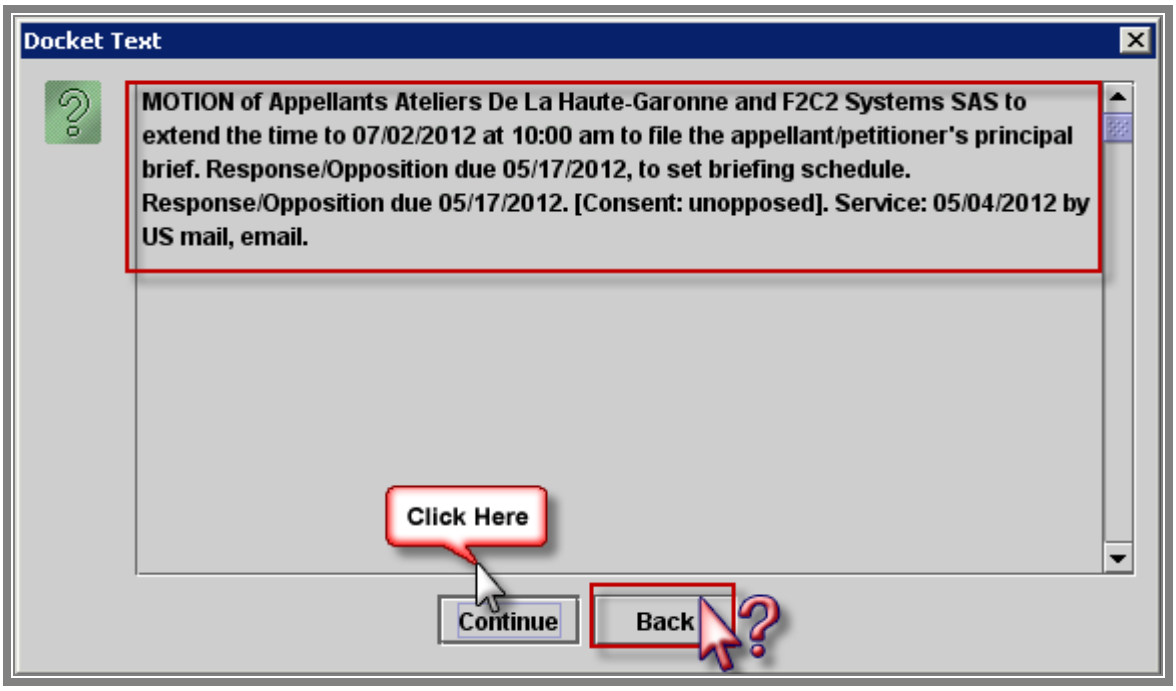
TIP: Motions to extend beyond 14 days require an affidavit. Select **Continue** to file your Motion.

Figure 66. Motion Filed to Extend Time



18. The docket text will appear for your review. The text cannot be edited. If the information is incorrect, use the **Back** or **Cancel** buttons to start over. Click the **Continue** button to move to the next screen if the text is correct.

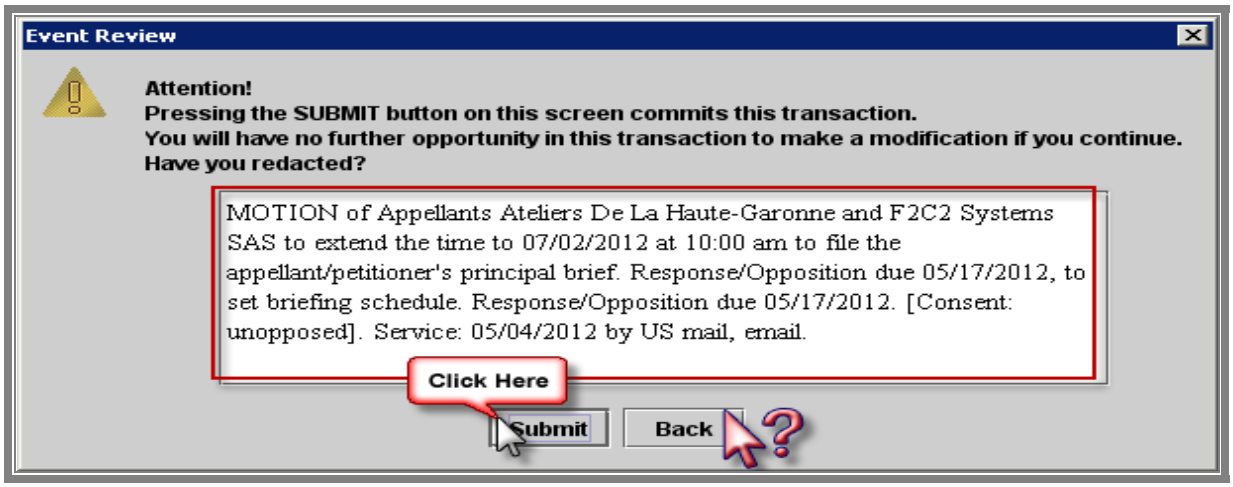
Figure 67. Motions Docket Text



19. **Event Review**. This is your last opportunity to review the docket text prior to filing the document on the docket. Again, this text cannot be edited. If the text is incorrect, click the **Back** button and return to the entry to start over. If correct, select **Submit** to file the Motion for Extension of Time.

CAUTION: Clicking **Submit** commits the user to filing the motion. Click the **Back** button to make any necessary changes.

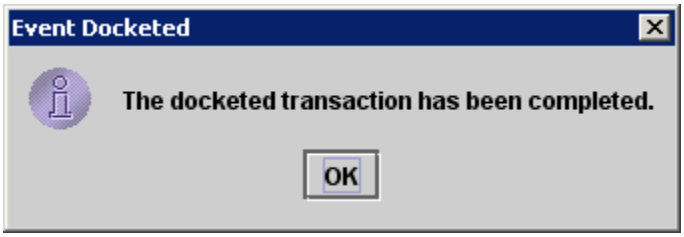
Figure 68. Motion Event Review



20. The transaction confirms that the event has been completed and placed on the Court's docket. Click **OK** to receive your NDA.

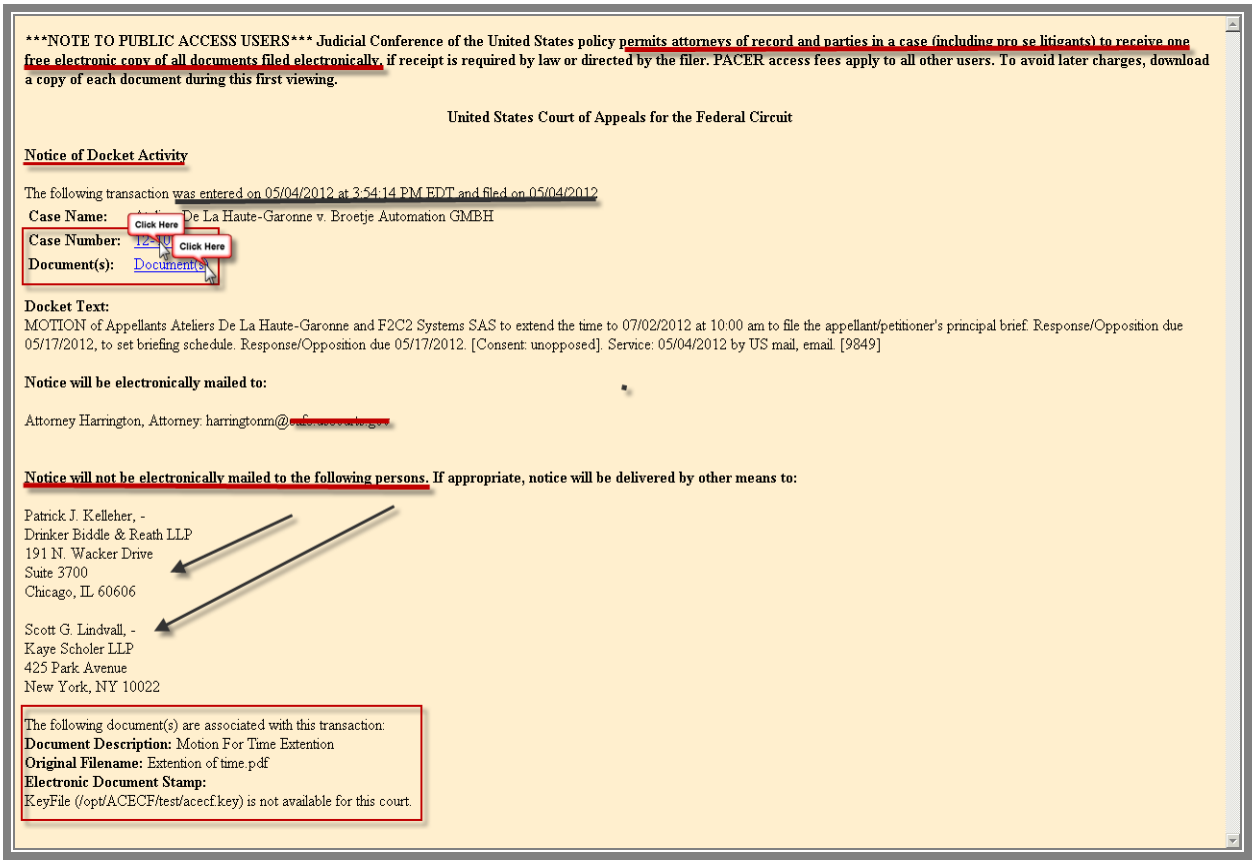
TIP: If the notice does not appear in a new browser window, check the browser's pop-up blocker settings. Pop-ups from the Court's site must be allowed.

Figure 69. Confirmation Screen, Event Docketed



21. Select **OK** to generate your NDA. You will receive an email message containing the Notice of Docket Activity.

Figure 70. NDA for Motions



NOTE TO PUBLIC ACCESS USERS Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing.

United States Court of Appeals for the Federal Circuit

Notice of Docket Activity

The following transaction was entered on 05/04/2012 at 3:54:14 PM EDT and filed on 05/04/2012

Case Name: Ateliers De La Haute-Garonne v. Broetje Automation GMBH

Case Number: 12-[illegible]

Document(s): Document(s)

Click Here

Click Here

Docket Text:
MOTION of Appellants Ateliers De La Haute-Garonne and F2C2 Systems SAS to extend the time to 07/02/2012 at 10:00 am to file the appellant/petitioner's principal brief. Response/Opposition due 05/17/2012, to set briefing schedule. Response/Opposition due 05/17/2012. [Consent: unopposed]. Service: 05/04/2012 by US mail, email. [9849]

Notice will be electronically mailed to:

Attorney Harrington, Attorney: harringtonm@[illegible]

Notice will not be electronically mailed to the following persons. If appropriate, notice will be delivered by other means to:

Patrick J. Kelleher, -
Drinker Biddle & Reath LLP
191 N. Wacker Drive
Suite 3700
Chicago, IL 60606

Scott G. Lindvall, -
Kaye Scholer LLP
425 Park Avenue
New York, NY 10022

The following document(s) are associated with this transaction:
Document Description: Motion For Time Extention
Original Filename: Extention of time.pdf
Electronic Document Stamp:
KeyFile (/opt/ACECF/test/acecf.key) is not available for this court.

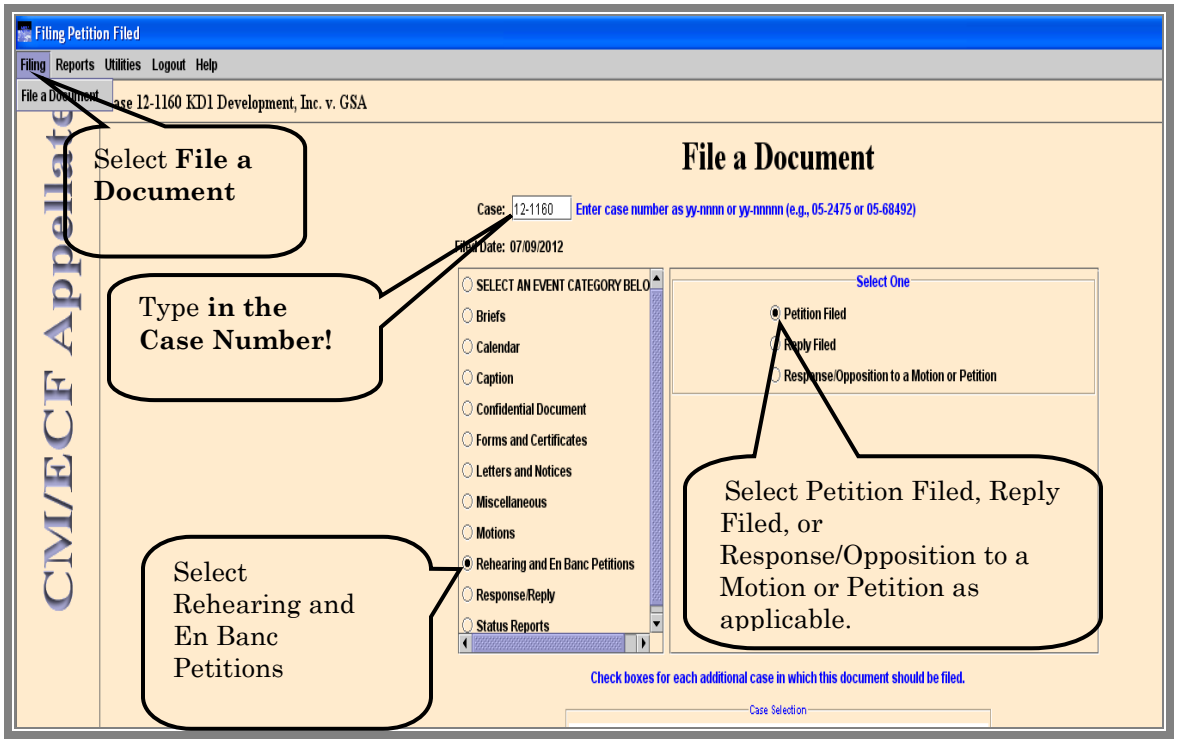
NOTE: The **File a Document** screen re-opens automatically to file another document. If no further documents are to be filed, log out of the **File a Document** page, or just close that screen and logout from the startup screen.

How To File A Petition For Rehearing Or Hearing/Rearing En Banc

Note: The Rehearing and En Banc Petitions Category should be used to file a Petition for Hearing En Banc.

1. From the Filing menu, select **File a Document.**
2. Enter the case number in the **Case** field and press Tab.
3. In the categories list on the left, select **Rehearing and En Banc Petitions.** The window on the right is updated to show a list of all possible filing types (**Petition Filed, Reply Filed, Response /Opposition to a Motion or Petition**).
4. Select **Petition Filed** from the right side of the screen.

Figure 71. Filing a Petition

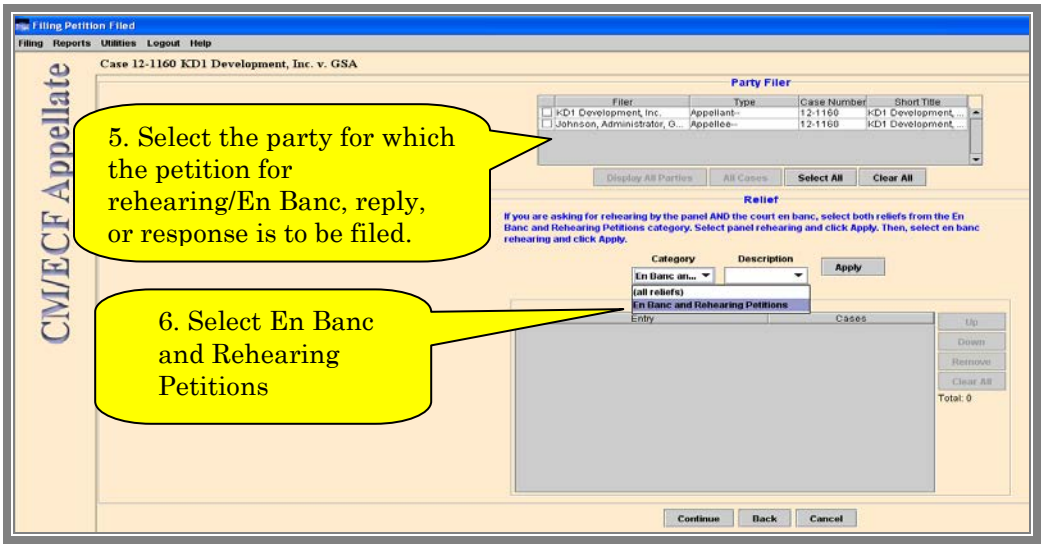


5. Click **Continue**.

6. In the Party Filer section, select the party or parties on whose behalf the petition for rehearing or En Banc petition is being filed. Click the appropriate checkbox to the left of the Filer column in the Party Filer area.

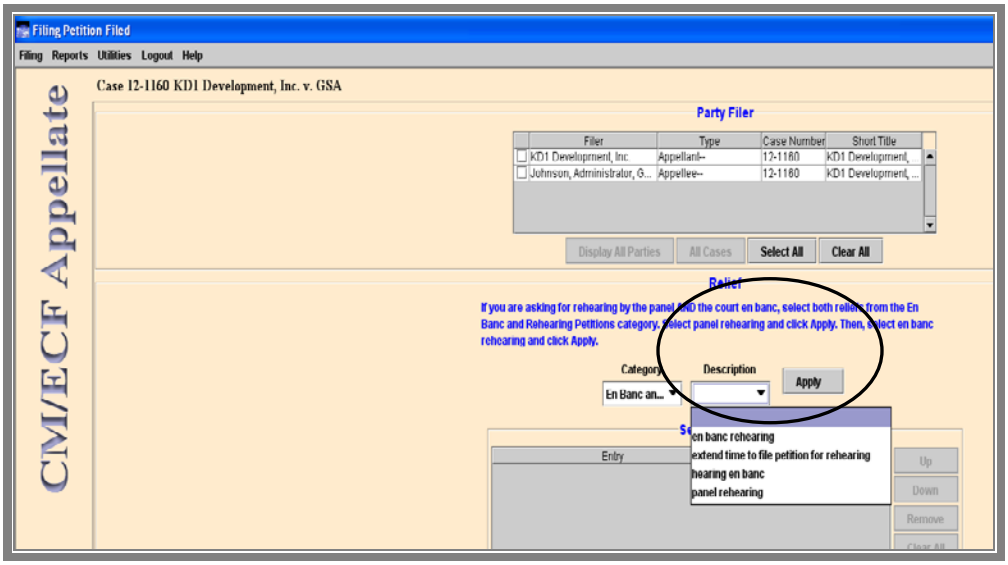
7. In the relief section, select **En Banc and Rehearing Petitions** from the category drop-down.

Figure 72. Selecting Parties for Petition



8. From the ***description*** drop-down, select the type of hearing and/or rehearing being filed. (Note: more than one relief or type of petition may be selected. After each selection, click apply. Your chosen options appear in ***Selected Reliefs*** box).

Figure 73. Selecting Relief or Petition Type



9. Click **Continue**.

10. In the service section, enter the **SERVICE DATE** of the filing. This date should be the same date on your certificate of service. Also, select who the document was served on and method of service.

11. Attach the petition by clicking on the **Browse** button. View all document(s) prior to attaching to ensure it is the correct document(s). Click **Continue**.

12. The docket text will appear for your review. The text cannot be edited. If the information is incorrect, use the **Back** or **Cancel** buttons to start over. If the text is correct, click the **Continue** button to proceed to the next screen.

13. **Event Review.** This is your last opportunity to review the docket text prior to filing the document on the docket. Again, this text cannot be edited. If the text is incorrect, click the **Back** button and return to the entry to start over. If correct, select **Submit** to file the petition.

    CAUTION: Clicking **Submit** commits the user to filing the petition. Click the **Back** button to make any necessary changes.

14. The transaction confirms that the event has been completed and placed on the Court's docket. Click **OK** to generate your NDA. You will receive an email message containing the Notice of Docket Activity. You may print or save the NDA as proof that the petition has been transmitted to the court.

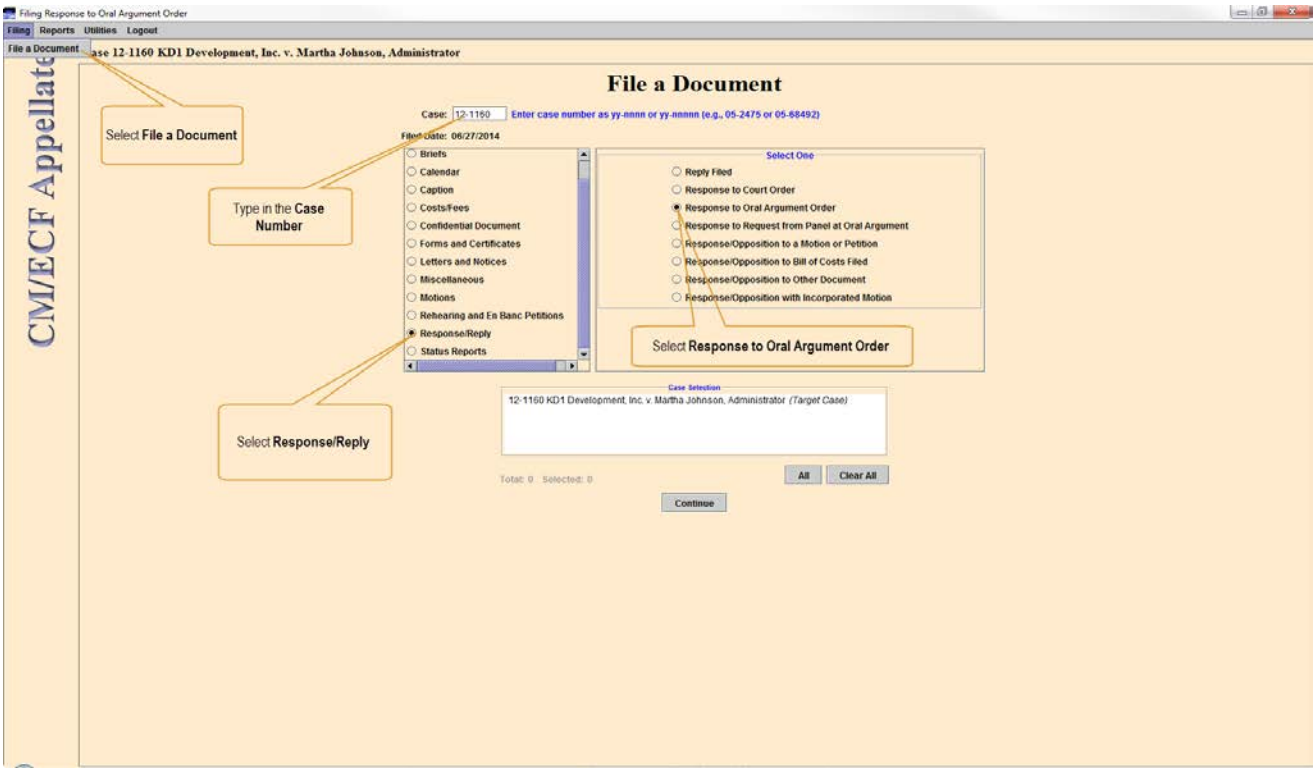
HOW TO FILE A RESPONSE TO ORAL ARGUMENT ORDER

1. From the Filing menu, select **File a Document.**

2. Enter the case number in the **Case** field and press Tab.

3. In the categories list on the left, select **Response/Reply or Calendar.** The window on the right is updated to show a list of all possible filing types. Select **Response to Oral Argument Order** from the right side of the screen.

Figure 74. Response to Oral Argument Order

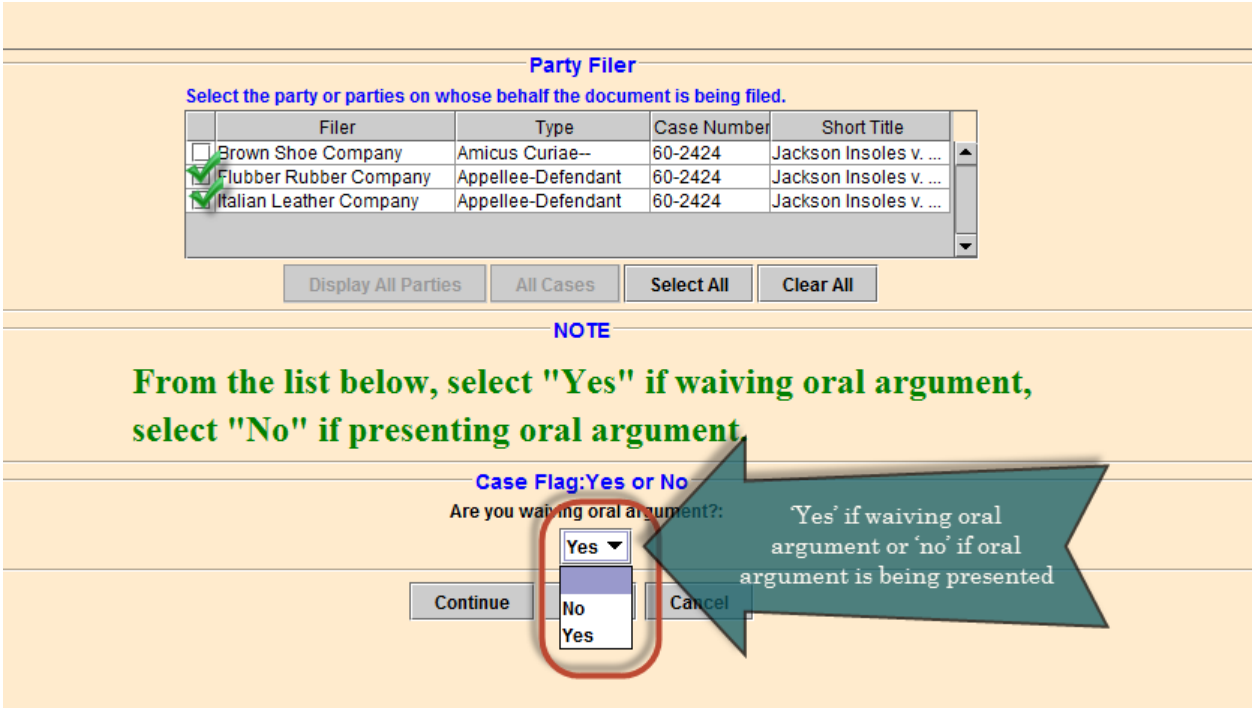


4. Click **Continue**.

5. In the Party Filer section, select the party or parties on whose behalf the response to oral argument is being filed by placing a check in the box to the left of the Filer column.

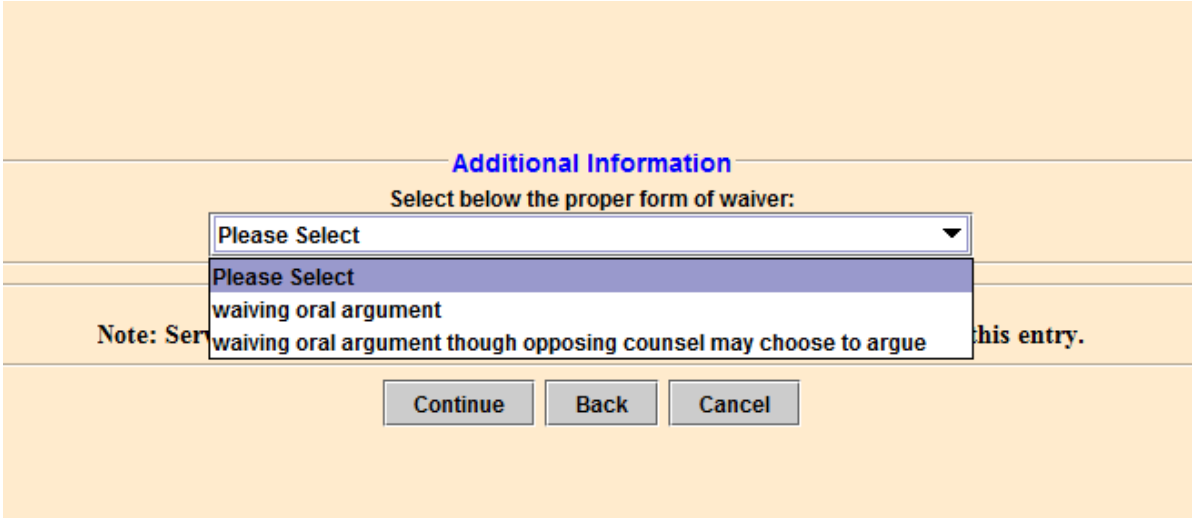
6. From the drop-down list in the Case Flag section, select either 'Yes' if waiving oral argument or 'no' if oral argument is being presented. Click Continue

Figure 75. Response to Oral Argument Order Party Filer/Argument Waiver



7. Oral Argument
   a. If oral argument is being **waived**:
      i. Select the proper form of waiver from the drop-down list:
         1. Waiving Oral Argument, OR
         2. Waiving Oral Argument thought opposing counsel may choose to argue

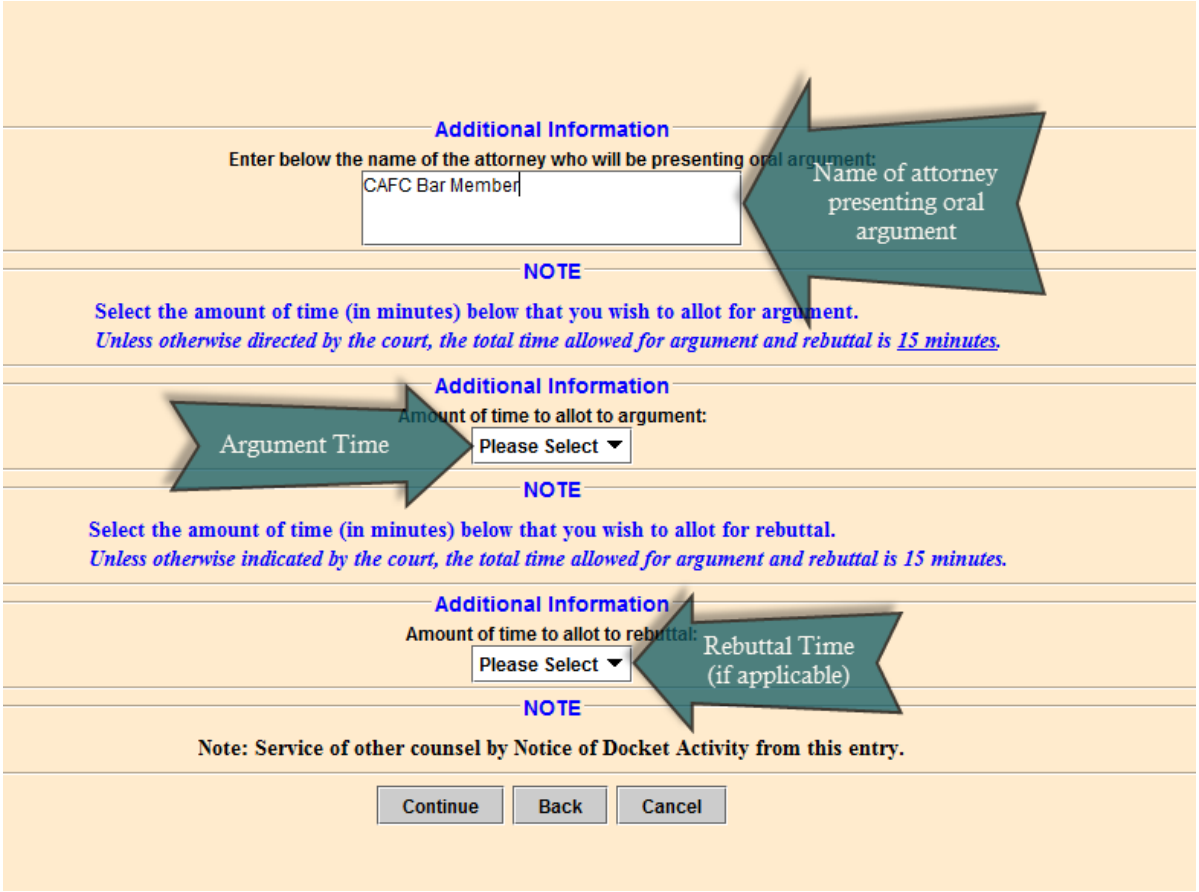
Figure 76. Proper Form of Waiver



ii. Click Continue.
iii. Review the docket text then click "Continue."
iv. Review the event that will be submitted to the court. If the information presented is accurate, click 'Submit' to transmit the Response to the Oral Argument order to the court.

b. If oral argument is being **presented:**
   i. Enter the name of the attorney who will be presenting oral argument;
   ii. Select the amount of time being allotted for argument.
   iii. If the party for which oral argument is being presented is allowed rebuttal time, select the amount of time being allotted for rebuttal from the available drop-down. Click Continue.
   NOTE: argument time is generally 15 minutes per side unless otherwise directed by the court.

Figure 77. Arguing person and argument time allotment



iv. Review the docket text then click continue.

v. Review the event that will be submitted to the court. If the information presented is accurate, click 'Submit' to transmit the Response to the Oral Argument order to the court.

EVENTS AND EVENT CATEGORIES

Event Category	Event	Comments
Briefs ***Note*: For instructions on how to add Bates numbering to briefs and appendices consistent with the new citation rules, see pages 108-111.**		
	Brief/Appendix Or Joinder Tendered	Omit unnecessary cover or transmittal letters; use event for all non-confidential briefs, appendices and joinders; the brief is not considered filed until it's accepted by the clerk's office.
	Brief /Appendix or Joinder Tendered Confidential	You must use this event for all **confidential** briefs/appendices and joinders; any PDFs uploaded using this event will not be available for viewing: you must serve the parties by alternate method.
	Notice Of Correction To Brief	This is required only if you are filing a correction to a brief previously accepted/filed by the clerk; this event should be used in conjunction with the brief tendered event. In other words, when filing a notice of correction, the corrected brief, appendix or joinder, should also be filed using the appropriate brief tendered event.
	Notice Of Intent To File Briefs On CD-ROM	
Calendar		
	Citation of Supplemental Authority	
	Memo In Lieu Of Oral Argument	
	Notice Regarding Conflicts with Argument Dates	
	Response To Oral Argument Order	Event can also be found in the Response/Reply category.
Caption		
	Notice Of Objection To Caption	Use only if there are clear errors in the caption (e.g., misspelling,

Event Category	Event	Comments
		incorrect designation); for more substantial findings, such as a missing party, a motion should be filed.
Confidential Document		
	Brief/Appendix or Joinder Tendered Confidential	You must use this event for all **confidential** briefs/appendices and joinders; this event will not send electronic notification, you must serve the parties by alternate method.
	Sealed Or Confidential Document Submitted	Use this event for any **Confidential** Document, other than a brief or appendix; any PDFs uploaded using this event will not be available for viewing and must be served on parties using an alternate method.
Forms and Certificates		
	Bill Of Costs Filed	The Bill of Cost Filed event should be used for stipulations as well.
	Cert Of Compliance Modification of Protective Order (R11/17)	Report agreement in trial court (Rule 11) or agency (Rule 17) regarding modification of protective orders.
	Certificate Of Compliance Transcript (R10)	
	Certificate Of Interest Filed	Government attorneys and pro se litigants are not required to file a certificate of interest; this filing should occur once per party OR group of parties represented by the same attorney.
	Corrected Certificate Of Service	
	Docketing Statement Filed	A docketing statement is **not** required in appeals where a pro se appears as a party.
	Entry Of Appearance Filed	Each attorney must file a separate entry of appearance and include all parties they represent in the appeal; use of "et al" is prohibited; only one attorney can be

Event Category	Event	Comments
		designated as principal counsel for the party.
	Statement Concerning Discrimination R 15c	Required in appeals from the Merit Systems Protection Board; due 14 days from the date of docketing.
	Statement Of Compliance With FCR 33	Settlement discussion
	Transcript Purchase Order Form Filed	
	USERRA Notification Form	For Merit System Protection Board appeals only (if applicable).
Letters and Notices		
	Letter Or Notice From Party	If Requesting Specific Relief, Use Motion Filed Event instead.
	Notice Of Correction To Brief	This is required only if you are filing a correction to a brief previously accepted/filed by the clerk; this event should be used in conjunction with the brief tendered event. In other words, when filing a notice of correction, the corrected brief, appendix or joinder, should also be filed using the appropriate brief tendered event.
	Notice Of Election Per 37 CFR Section 1.983(E)	
	Notice Of Intent To File Briefs On CD-ROM	
	Notice Of Objection To Caption	Use only if there are clear errors in the caption (e.g., misspelling, incorrect designation); for more substantial findings, such as a missing party, a motion should be filed.
	Notice Of Paper Filing	
	Letter or Notice Regarding Bankruptcy	
	Notice Re Conflicts With Argument Dates	
	Notice Re Post-judgment Motions (PN4)	
	Citation of Supplemental Authority	

Event Category	Event	Comments
Miscellaneous		
	Additional Volumes of Document	
	Agreed Statement In Lieu Of Certified List	
	Amended Notice Of Appeal	Use this event to file an amended notice of appeal or petition for review; An amended notice of appeal must first be filed with the district court, it is not necessary to file a courtesy copy with this court.
	Citation Of Supplemental Authority	
	Notice Of Joinder To Document	Used when joining in another party's document which has already been filed; do not use for joinders to briefs.
	Other Document Submitted	
	Request To Reissue Opinion/Order as Precedential	
Motions		
	Motion Filed	More than one relief may need to be selected, depending on nature of motion.
	Motion Filed In Forma Pauperis	This pdf on this event is restricted and is not available to the public.
	Status Report with Motion Filed	If a motion is imbedded within the status report, the title of the document should so reflect and the event required is: Status Report with Motion Filed. This event will allow the user to select the type of relief requested in the motion.
Rehearing and En Banc Petitions		
	Petition Filed	Use this event only for filing petitions for panel or en banc rehearing or en banc hearing.
	Response/Opposition to a Motion 1or Petition	Respond to a pending motion or petition.
	Reply Filed	Event can also be found in the Response/Reply category.
	Response/Opposition with Incorporated Motion	Respond to a pending motion or petition and file a motion. Event can also be found in the Response/Reply category.

Event Category	Event	Comments
Response/Reply		
	Reply Filed	Used to respond to a Response/Opposition which has already been filed.
	Response to Court Order	
	Response to Oral Argument Order	
	Response/Opposition to a Motion or Petition	Respond to a pending motion or petition.
	Response/Opposition To Bill Of Costs Filed	
	Response/Opposition to Other Document	
	Response/Opposition with Incorporated Motion	Respond to a pending motion or petition and file a motion. Event can also be found in the Rehearing and En Banc Petitions **c**ategory.
Status Reports		
	Status Report Filed	Only use when not accompanied by a motion.
	Status Report With Motion Filed	If a motion is imbedded within the status report, the title of the document should so reflect and the event required is: Status Report with Motion Filed. This event will allow the user to select the type of relief requested in the motion.

RELIEF AND RELIEF CATEGORIES

Relief Category	Relief	Comments
Amicus		
	amicus response to motion	
	file amicus brief on en banc or rehearing petition	Relief can also be found in the rehearing and en banc petitions category.
	leave to file an amicus curiae brief	Brief must be submitted with motion (2 separate events required).
Attorneys		
	appear pro hac vice	
	file Entry of Appearance of new counsel	If an entry of appearance is first submitted within 30 days of the scheduled argument, the attorney must file a motion for leave to file the entry of appearance.
	substitute attorney	If an attorney from another law firm has already filed an appearance as principal counsel, and an attorney from a separate firm wishes to be principal, a motion to substitute attorney must be filed. Counsel should indicate whether or not the previous counsel will or will not remain on the case.
	withdraw attorney	An attorney who has already entered an appearance and now wishes to withdraw his or her appearance from representation of the party or parties (relief can also be found in the withdraw category)
Briefing		
	adopt appendix	
	adopt brief	
	set briefing schedule	
Calendar/Argument		
	additional time at oral argument	

Relief Category	Relief	Comments
	allow argument	
	hear case before the same merits panel	For related or companion cases.
	in camera proceedings	
	recuse judge	Relief can also be found in the disqualify/recuse category.
	reschedule argument	
	schedule oral argument	
	treat as companion case	
	waive oral argument	
Caption		
	modify the official caption	Use for substantial findings in the caption, such as a missing party.
	substitute party	Relief can also be found in the withdraw category.
Case Termination		
	limited remand	
	terminate appeal	Use for opposed and unopposed motions, and for motions seeking to summarily affirm the decision of the originating court or tribunal.
	terminate cross/consolidated appeal	Motion filed in cross/consolidated appeal only.
Consolidation		
	consolidate appeals	Motion should be filed in each appeal.
	deconsolidate appeals	Motion only filed in lead case.
Correct or Supplement		
	correct document	Use for documents other than brief or appendix.
	correct/supplement other	
	correct/supplement record on appeal	
	file corrected appendix	
	file corrected brief	
	file supplemental appendix	
	file supplemental brief	
	supplement document	Motion to supplement a document that is not a brief/appendix; should be prepared as two

Relief Category	Relief	Comments
		separate PDF files and uploaded to the motion filed event.
Costs or Fees		
	allow costs under R.39	Refers to fees incurred for preparation of briefs/appendix.
	attorney fees and expenses	All other attorney fees (attorney rates/hours, analysis fees, etc.) Fed.Cir. R. 47.7
	EAJA attorney fees and expenses	
	waive fees	
Disqualify/Recuse		
	disqualify attorney	
	disqualify law firm	
	recuse judge	
Emergency Stay R.8/R.18		
	emergency stay pending appeal	Relief can also be found in the stay category; should be filed in paper form **only** if appeal has not been docketed prior to filing of motion.
	lift injunction	Relief can also be found in the stay category.
	lift stay pending appeal	Relief can also be found in the stay category.
	temporary injunction pending appeal	Relief can also be found in the stay category; should be filed in paper form **only** if appeal has not been docketed prior to filing of motion.
Exhibits		
	transmit physical exhibits	
Expedite		
	expedite appeal	
	expedite briefing schedule	
	expedite decision/ruling	
	expedite hearing	
	expedite response or reply	Relief can also be found in the response/reply category.

Relief Category	Relief	Comments
Extend Time		
	extend time to file (other)	
	extend time to file a response to en banc or rehearing petition	
	extend time to file amicus brief	Relief also used if filing brief out of time.
	extend time to file appellant/petitioner principal brief	Relief also used if filing brief out of time.
	extend time to file appellee/respondent/cross-appellant principal brief	Relief also used if filing brief out of time.
	extend time to file appendix	Relief also used if filing brief out of time.
	extend time to file bill of costs	
	extend time to file cross-appellant's reply brief	Relief also used if filing brief out of time.
	extend time to file intervenor's brief	Relief also used if filing brief out of time.
	extend time to file petition for rehearing	Used with Motion Filed, not Petition Filed.
	extend time to file reply brief	Relief also used if filing brief out of time.
	extend time to file response/reply	Relief can also be found in the response/reply category.
	extend time to file supplemental appendix	
	extend time to file supplemental brief	
	extend time to obtain counsel	
In Forma Pauperis		
	leave to proceed in forma pauperis	Access to the document is restricted and is only available to users associated with the case.
Intervene		
	intervene	
Judicial Notice		
	take judicial notice	
Mandate		
	issue mandate	
	recall mandate	

Relief Category	Relief	Comments
	reschedule mandate	
	stay mandate	
Other		
	clarify	
	deactivate appeal	Relief can also be found in the stay category.
	modify protective order	
	other relief	Use only when request cannot be described by another relief.
	reactivate appeal	Relief can also be found in the stay category.
	seal case	
	seal document	
	set briefing schedule	
	to vacate	
	unseal case	
	unseal document	
Precedential		
	reissue as precedential	
Reconsider		
	reconsider order	
	reconsider order en banc	
	reconsider rejected brief	
Rehearing and En Banc Petitions		
	extend time to file a response to en banc or rehearing petition	Relief can also be found in the extend time category.
	extend time to file petition for rehearing	Relief can also be found in the extend time category.
	file amicus brief on en banc or rehearing petition	Relief can also be found in the amicus category.
Reopen		
	reopen appeal	Use for motion to reinstate and motion for reconsideration of terminated appeal.
Response/Reply		
	expedite response or reply	
	extend time to file response/reply	Relief can also be found in extend time category.
	leave to file a response/reply	Only use when responding to document that does not already

Relief Category	Relief	Comments
		allow for response in accordance with rules.
Sanctions/Damages		
	sanction party	
	sanction person	
Stay		
	continue stay	
	deactivate appeal	
	emergency stay pending appeal	
	lift injunction	
	lift stay	
	lift stay pending appeals	
	reactivate appeal	
	stay appeal	
	temporary injunction pending appeal	
Strike		
	strike brief	Used by opposing party.
	strike document	Used by opposing party.
Waive Requirement		
	allow e-filing	
	exempt attorney from electronic filing	
	exempt case from electronic filing	
	exempt document from electronic filing	
	waive confidentiality requirements	Only use if party has filed a motion to waive confidentiality requirements and the motion was granted.
	waive other requirement	
	waive requirements of brief or appendix	
	waive requirements of rule 27(f)	Only use prior to submission of document.
Withdraw		
	substitute party	
	withdraw attorney	
	withdraw brief or appendix	Used by party who filed the brief or appendix and who now wishes

Relief Category	Relief	Comments
		to withdraw the filing.
	withdraw document	Used by party who filed the document and who now wishes to withdraw the filing.
	withdraw party	

APPENDIX

Redaction Methodology Suggestions

It is the responsibility of the party to redact any and all sensitive material from the documents submitted electronically or in paper to the court. *Sensitive material includes social security or taxpayer-identification numbers, dates of birth, names of minor children, and financial account numbers (See Fed. R. App. P. 25(a)(5)).* The items listed above, while not an exhaustive list, provide possible suggestions for redacting sensitive information from documents.

Completely delete sensitive information in the original word processing document and replace it with innocuous filler characters such as 'X', save it, then convert the document to a PDF.

Removing Sensitive Metadata in Word 2007 Documents:

1. Open the Office document that you want to inspect for hidden data or personal information.
2. Click the Microsoft Office Button, click Save As, and then type a name in the Filename box to save a copy of your original document.

Important: It is a good idea to use the Document Inspector on a copy of your original document because it is not always possible to restore the data that the Document Inspector removes.

1. In the copy of your original document, click the Microsoft Office Button, point to Prepare, and then click Inspect Document.
2. In the Document Inspector dialog box, select the check boxes to choose the types of hidden content that you want to be inspected.
3. Click "Inspect."
4. Review the results of the inspection in the Document Inspector dialog box. Click "Remove All" next to the inspection results for the types of hidden content that you want to remove from your document.

Removing Sensitive Metadata in Word 2010 Documents

1. Open the document and save a copy to prevent loss of metadata in your original. Click "File" and bring up "Backstage View." Under Prepare for Sharing and Check for Issues options, click Inspect Document.
2. This will bring up Document Inspector dialog, listing multitude of options for inspecting; Comments, Revisions, Version, Document Properties, Personal Info, XML Data, Headers, Footers, Watermarks, Invisible Content, and Hidden Text, etc. Enable desired options available in the list and click Inspect.
3. Once inspection is completed, you can remove the inspected elements from the document by clicking "Remove All" with each option selected.
4. On clicking Remove All, all the specified elements will be removed from the document.
5. Create the PDF.

Removing Metadata from WordPerfect 13 and WordPerfect 15

1. Select "File," and "Save Without Metadata."

Additional Redaction Information

1. Adobe Acrobat's redaction tool is effective for removing sensitive material directly from a PDF file. Please see your version of Acrobat's Help instructions regarding the proper use of this tool.
   - Redaction in Adobe Acrobat 8
   - Redaction in Adobe Acrobat 9
   - Redaction in Adobe Acrobat 10 (Adobe Acrobat X)

2. It is recommended that a redacted document be cut and pasted into another document. If the redaction succeeded, no redacted text should be transferred.

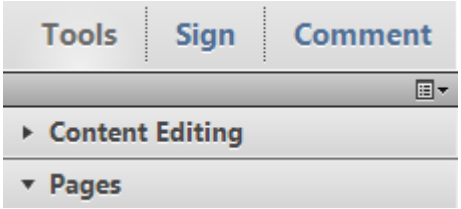
Adding Bates Numbering to Your Appendices

Federal Circuit Rules require the use of Bates numbering in both joint and supplemental appendices, per changes to Federal Circuit Rules of Practice 28(a)(11) and 28(f) as well as the addition of a new subsection, Rule 30(b)(4)(E). Bates numbering is a method of pagination that simplifies identification and retrieval and will replace the previous numbering method used for appendices. Bates numbering can be added to Portable Document Format (PDF) documents using an editor program. Included in this guide are instructions for Adobe Acrobat users. For users of other editor programs, please consult your application's user guide.

Adobe Acrobat Instructions

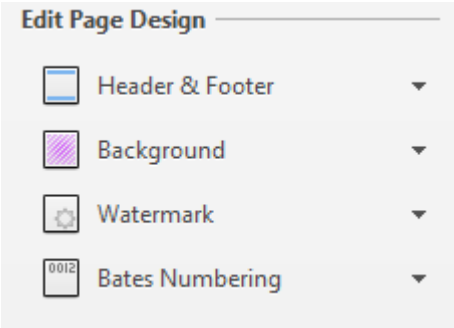
1. Open Adobe Acrobat, and then select the **Tools** pane. Select **Pages**:

Figure 78. Tools - Pages



2. Under *Edit Page Design*, select **Bates Numbering.** Select **Add Bates Numbering**:

Figure 79. Edit Page Design – Bates Numbering – Add Bates Numbering



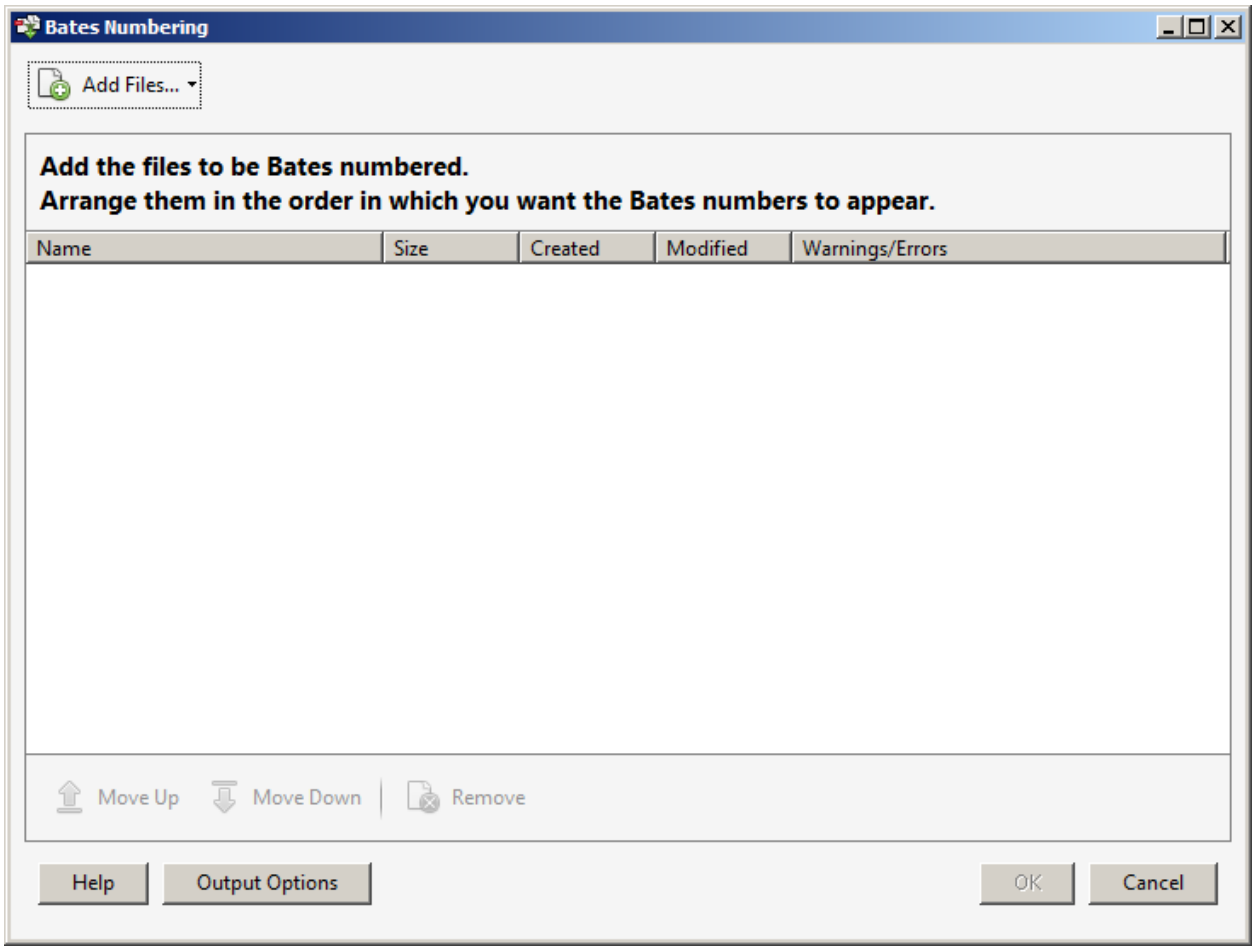
Note: To add *Bates Numbering* to your *Quick Tools Toolbar*, right select **Bates Numbering**, then select **Add to Quick Tools Toolbar**.

3. Select **Add Files**, then either **Add Files**, **Add Folders** or **Add Open Files** (select based on how you have the documents saved to have Bates numbers

inserted). Select the applicable joint or supplemental appendix file (or files if there are multiple volumes). Select **OK**.

Note: Be sure to arrange the appendix files *in the order you want the Bates numbers to be assigned.*

Figure 80. Bates Numbering - Add Files



4. The *Add Header and Footer* box will now populate. Select a *Footer Text* Box of your choice. Select **Insert Bates Number...**

5. Note: It is up to the user to determine what justification (left, center, right) they would like to assign to the footer.

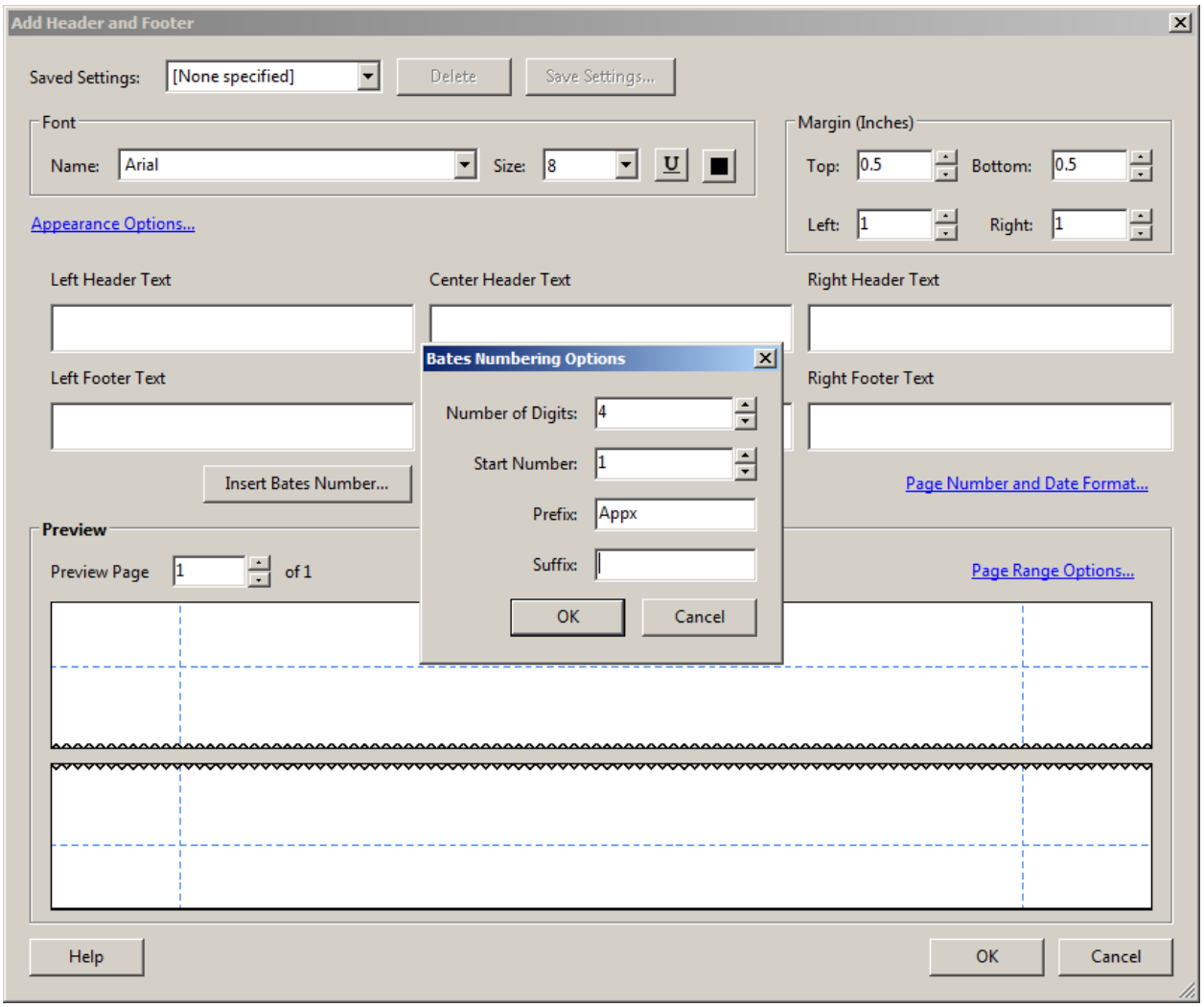
6. The *Bates Numbering Options* box will now populate. Select the **Number of Digits** for your document's Bates numbering. Select **Prefix** and insert the document's Bates numbering prefix, being sure to adhere to Federal Circuit Rule 30(b)(4)(E):

The pages of the appendix or supplemental appendix shall be numbered by the automated Bates numbering feature of the software used to convert the appendix to a .pdf document and must be ***in the format "Appx" or "SAppx" followed by the page number(s); e.g., "Appx134," "Appx3-17," or "SAppx1385"*** *[emphasis added].*

Note: It is up to the user to determine whether to include leading zeroes or not. For example, both: "Appx0123" and "Appx123" are acceptable.

Note: The prefix "Appx" is to be used for joint appendix documents; "SAppx", for supplemental appendix documents.

Figure 81. Add Header and Footer - Bates Numbering Options



7. Within the *Bates Numbering Options* box, select **OK**. Then, within the *Add Header and Footer* box, select **OK**.

8. All references in briefs to pages of the joint appendix should comply with Federal Circuit Rule 28(f):

Reference to Appendix. *Reference in the brief to pages of the joint appendix and, if permitted, of a supplemental appendix must be as short as possible consistent with clarity and must follow the numbering format specified in Fed. Cir. R. 30(b)(4)(E), e.g., "Appx134," "Appx3-17" or "SAppx1185."*

Note: An example of correct ways to reference an appendix document from a brief is shown below:

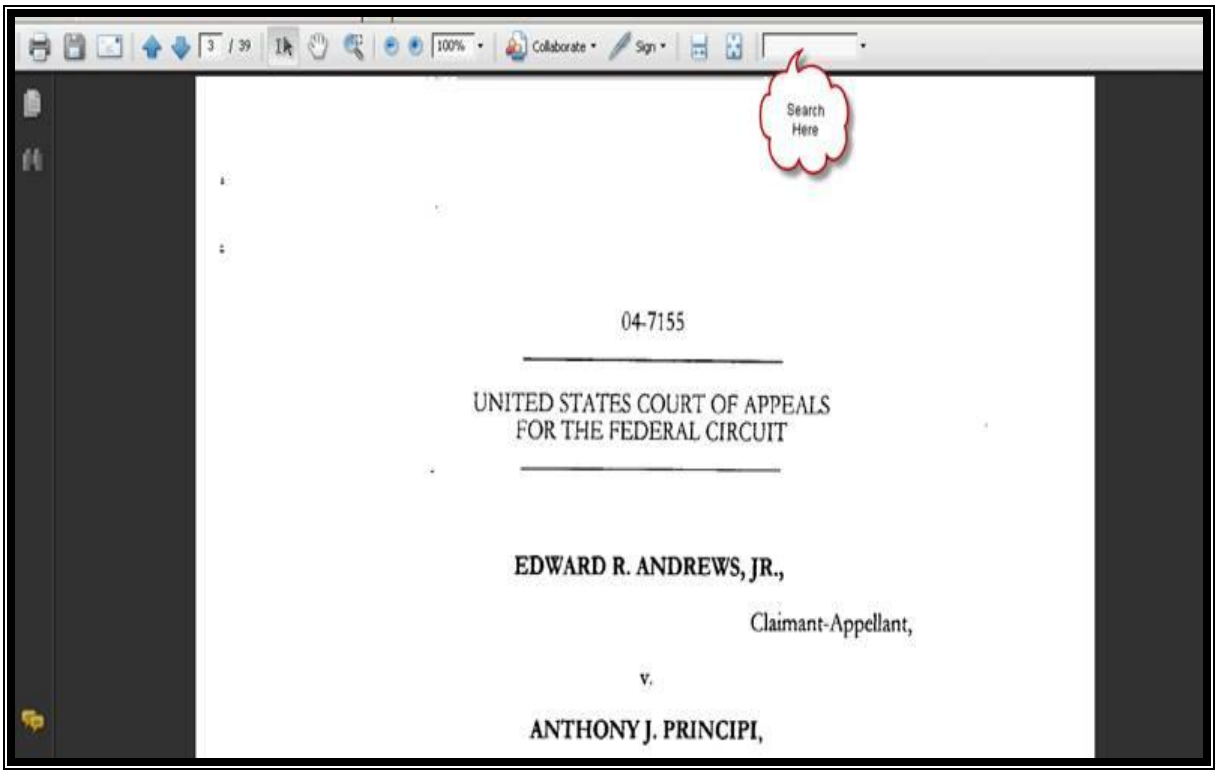
"Pursuant to Dreamer's contract with SouthEast, see Appx0989, Dreamer would not begin to deliver Nuevo mud to SouthEast until "May 15 of the year following the date that mud from the project is first available." SAppx0268. Dreamer was to provide written notification to SouthEast when mud became available, Appx0016."

Note: Do not create hyperlinks from your brief citations to your appendices – the correct format for references from briefs to appendix pages need only exist.

How to determine whether a PDF is text-searchable

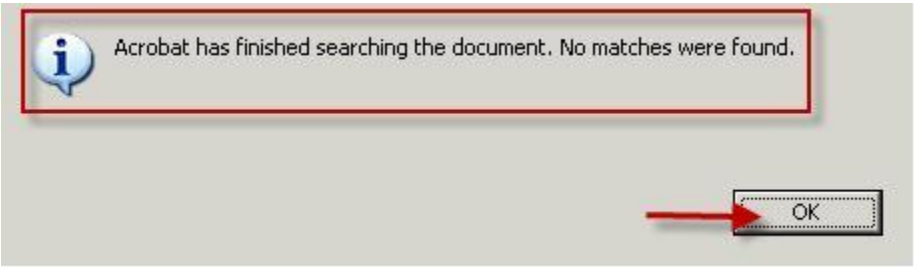
After opening the PDF, try searching for a word known to be in the document (preferably a word that appears on several different pages) by entering the word into the search box.

Figure 82. Determine if PDF is text searchable



If the message below appears, the document is not text-searchable.

Figure 83. Message - Non text searchable



Alternatively, use the mouse to highlight a word in the text. If a single word cannot be highlighted and the entire page turns blue to indicate it is an image, the text is not searchable.

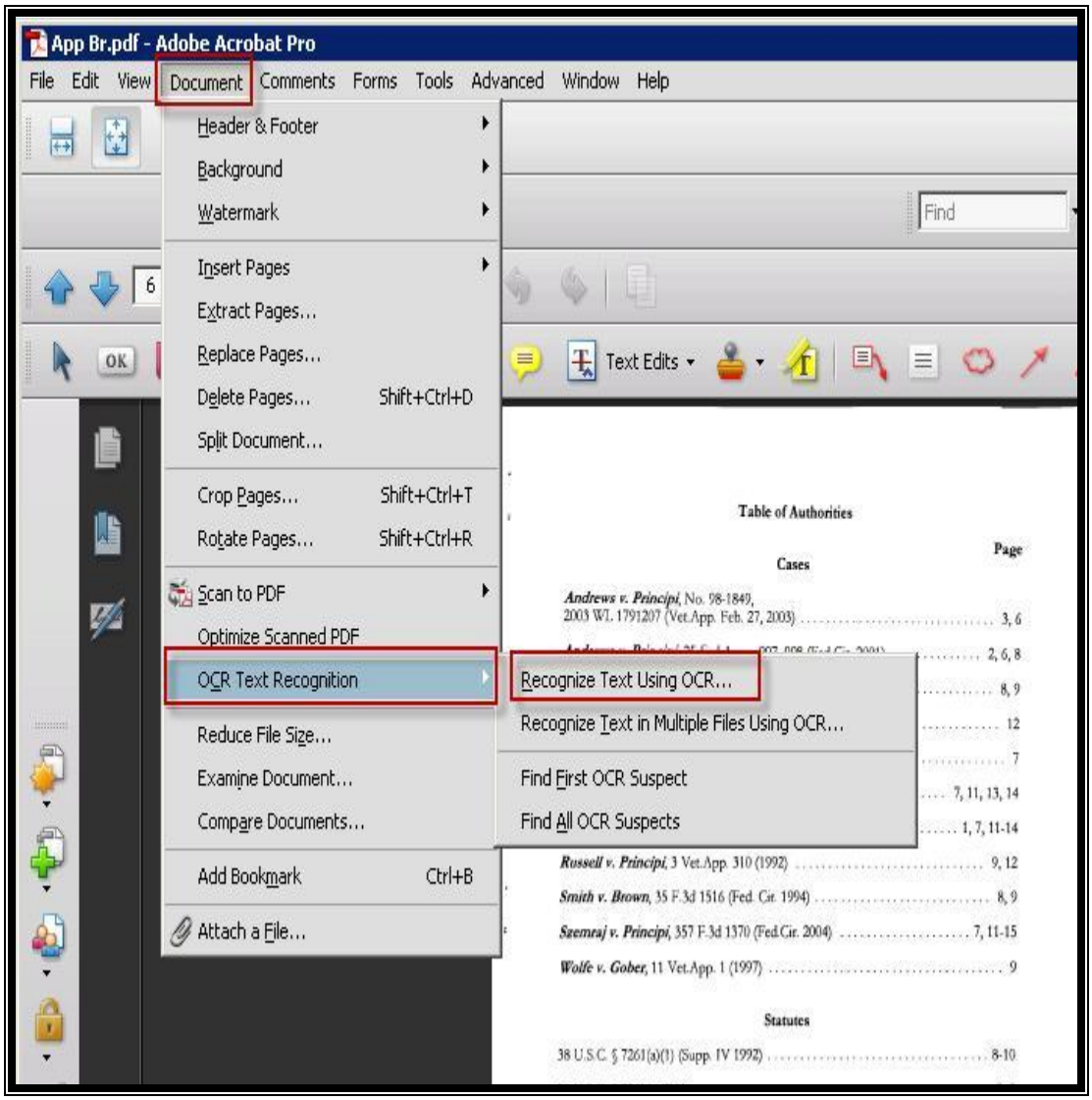
How to make a scanned PDF text-searchable

- Adobe Acrobat 8
- Adobe Acrobat 9
- Adobe Acrobat X

The following instructions apply to making a PDF text-searchable in Adobe Acrobat Professional or Standard:

Click on **Document > OCR Text Recognition > Recognize Text Using OCR.**

Figure 84. OCR Text Recognition



The text recognition process will proceed page by page. Please note that for a very long document the process may take several minutes to complete. Enabling text-

search ability in multiple documents at once can be accomplished through batch processing by following these instructions on the Adobe site.

When all the pages are processed, try the same search to verify that the document now is text-searchable.

Dividing a PDF

Dividing an oversized PDF
CM/ECF will not accept filing of a single PDF document that exceeds 60 MB in file size. An entire appendix will often exceed that size; therefore, it must be divided into smaller PDF documents unless there is no reasonable way to accomplish such division. See Fed. Cir. R. 25(c)(1)(H) for exceptions to requirements for electronic filing.

To determine the size of a PDF, open the document and click on **File > Properties. See below Adobe File Properties.**

Figure 85. Adobe File Properties

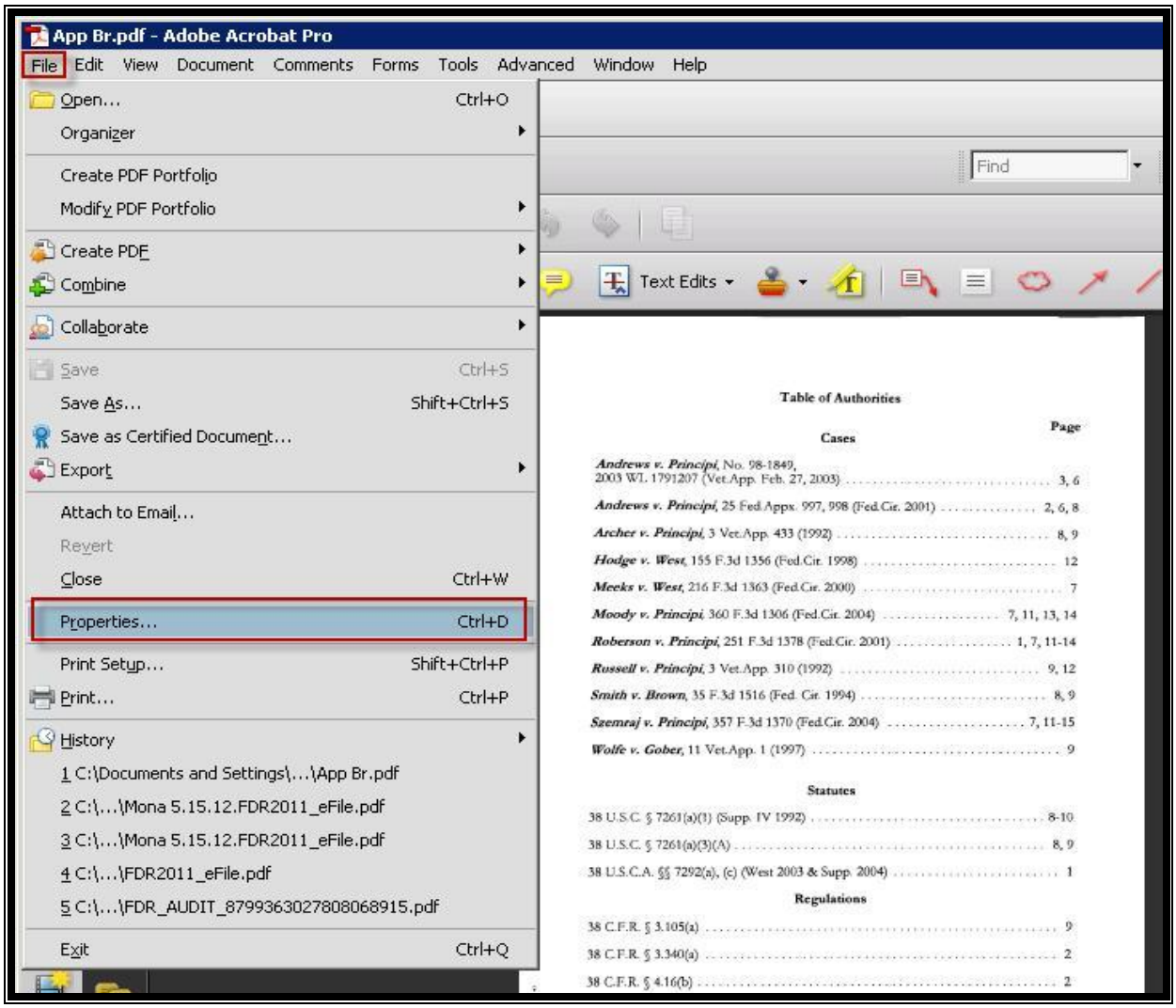
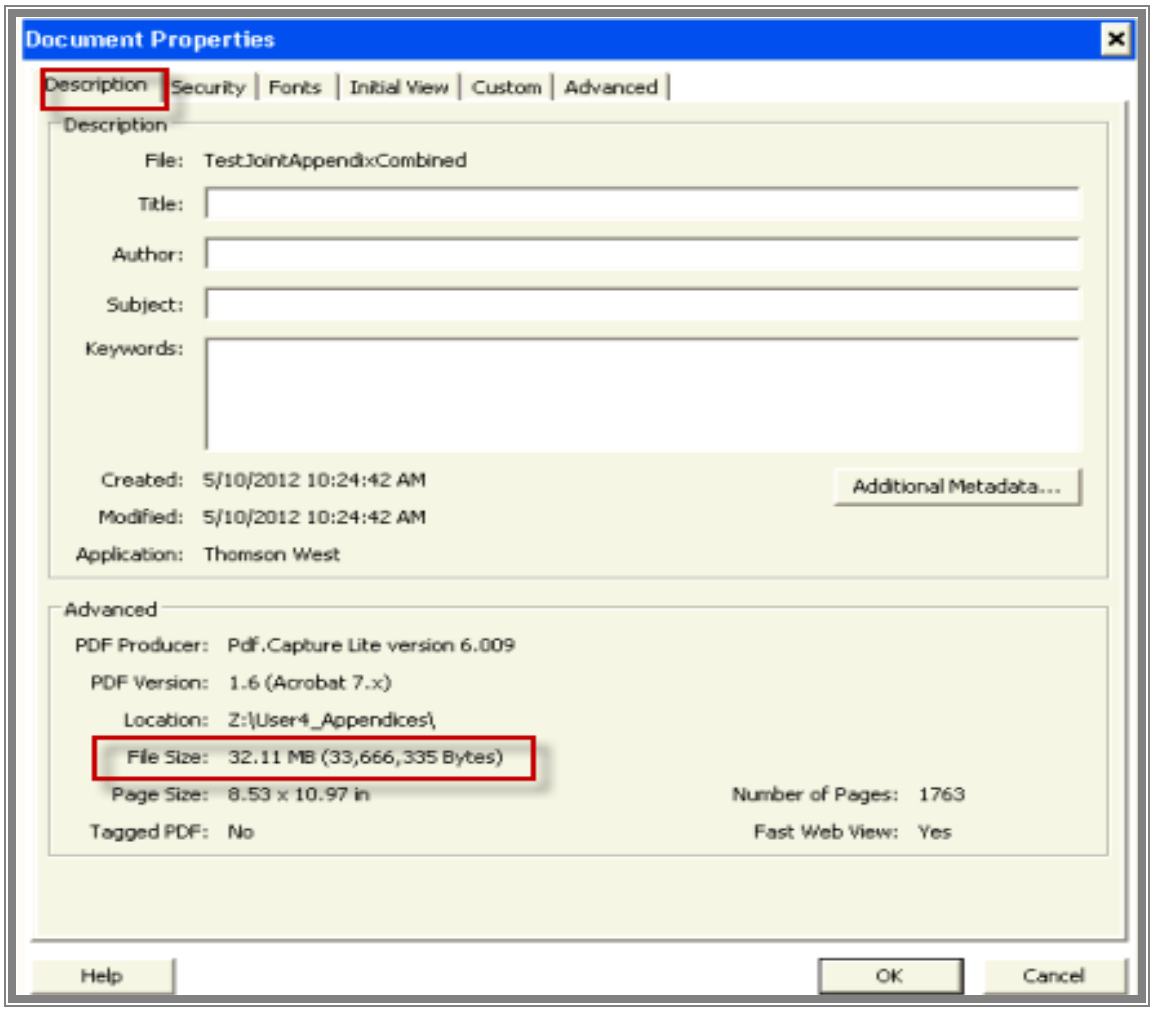


Figure 86. Adobe File Properties

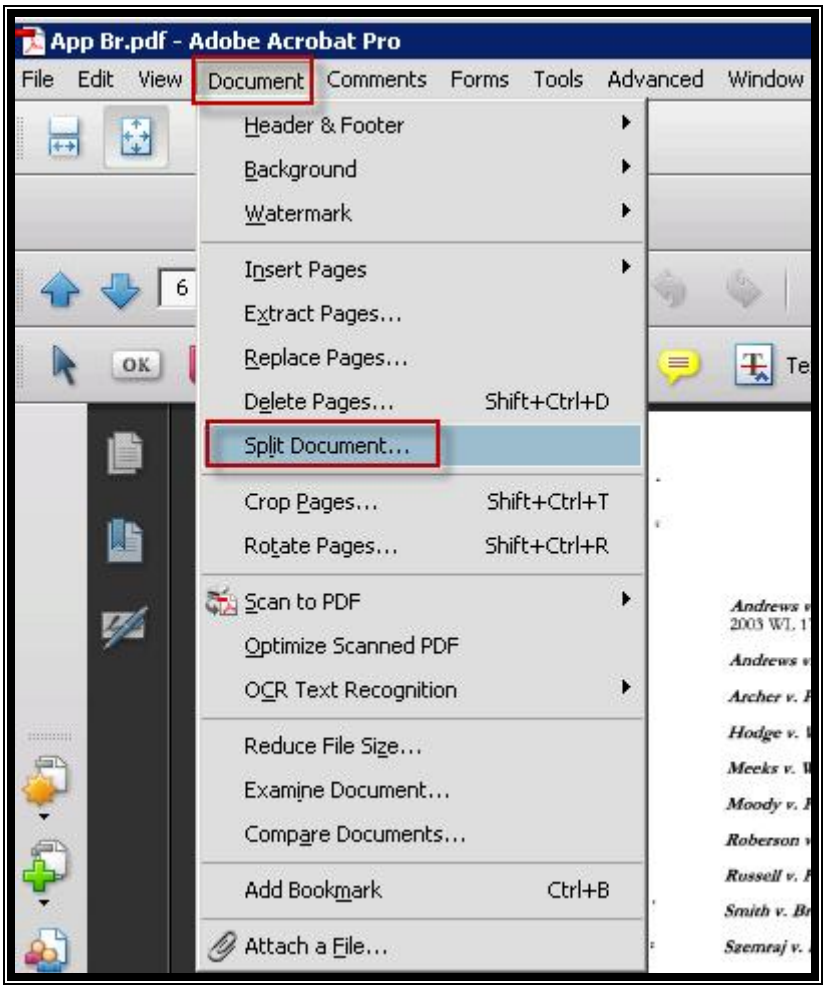


Open the **Description** tab at the top left of the dialog box that opens. The file size in MBs appears on the third line from the bottom of the dialog box. In the example below the 1763-page joint appendix is 32 MB), therefore it will not have to be split as it is below the 60 MB file size limitation. If a file size is larger than 60 MB the file will have to be split into multiple parts to upload it to CM/ECF. (See the instructions below.)

To use Adobe Acrobat Professional or Standard to split the oversized PDF into several parts, all smaller than 60 MB, follow the directions below. A filer using another software package to create PDFs must consult the software vendor for instructions on splitting documents.

1. Open the oversized PDF and click on **Document** in the menu bar at the very top of the document. Scroll down and click **Split Document.**

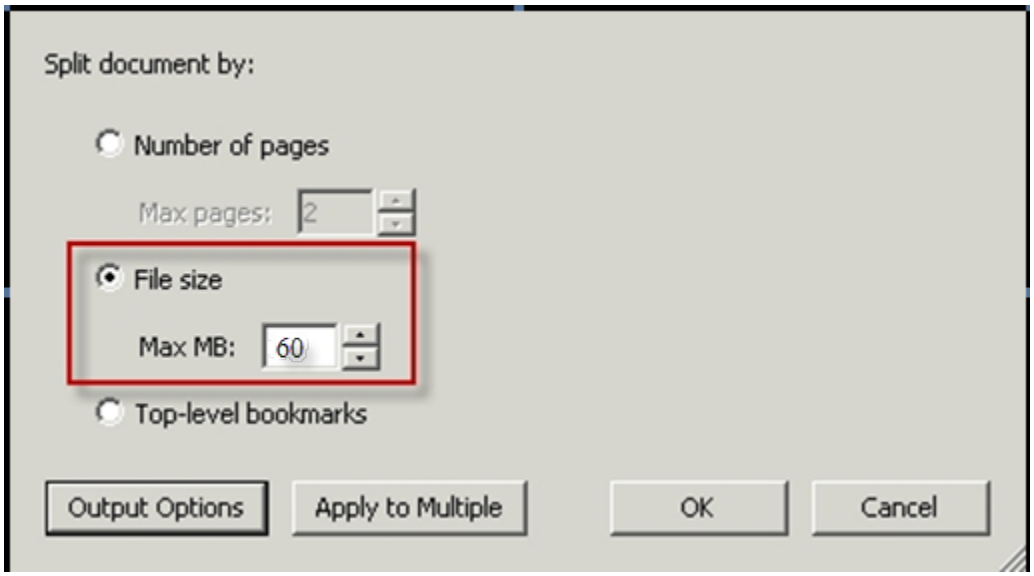
Figure 87. Splitting the PDF



2. In the dialog box that opens, select Split document by File size, and enter **60** in the **Max MB:** box). Then either click (1) **Output Options** to rename the separate files and save them in a different folder, or (2) click **OK** to use the automatic file-naming function.

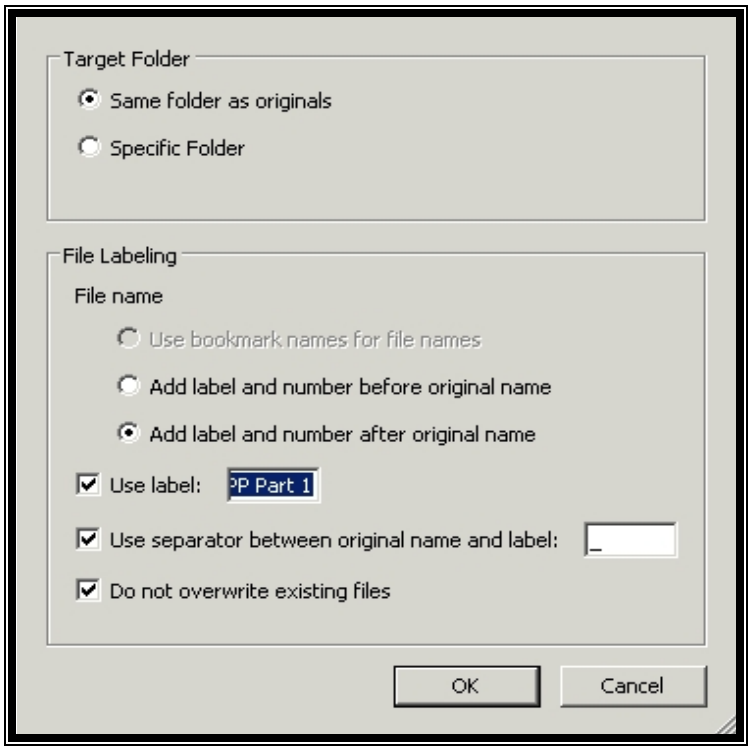
Note: Use **Output Options** only to save the separate files in a folder different than that containing the original document or to assign specific names to the separate files. If **Output Options** is not selected, the default folder and file names, as described below, are used.

Figure 88. Set the Max File Size



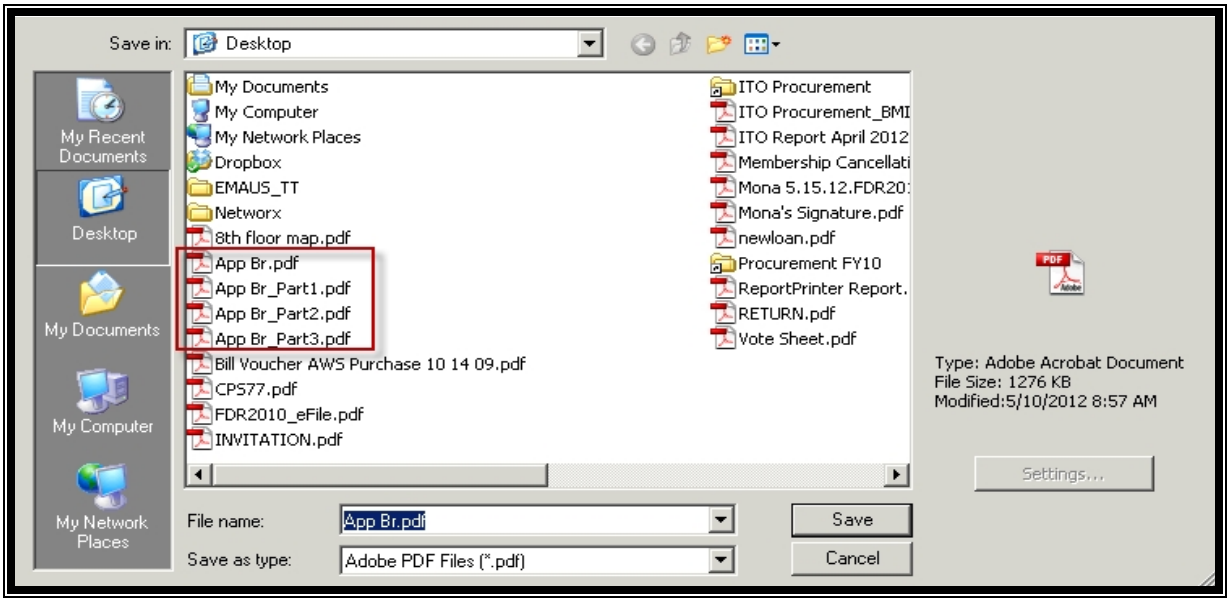
3. The Output Options dialog box, allows a filer to choose a target folder and add a label to the file name(s). A filer can decide whether to add the label and part number before or after the original name and type the selected label in the Use label: box.

Figure 89. Output Options



The split parts of the document are saved in the folder with the labels entered.

Figure 90. Display of Split parts



4. If the Output Options are not used, the split parts of the document automatically are saved in the same folder as the original, and the label "Part#" is added at the end of the original file name.

Figure 91. Display of Split parts

Solutions for Issues Reported with Adobe 9

A few attorneys are having problems when filing a document in appellate CM/ECF that had been created in Adobe 9. There is a compatibility problem with this version of Adobe and the CM/ECF program. This issue will probably not be resolved until the end of the year. Below are some suggested solutions when creating a PDF Document with Adobe 9.

1. If possible, create the document in Adobe 8 instead.

2. If that is not possible then do the following:

    - If using Adobe 9 to scan a document, go to the Advanced menu and choose PDF Optimizer.

    - In the window that opens:
        - Find the Compatibility box: choose Acrobat 8 or below.
        - Click the Save button and enter a name for this setting, e.g., CMCM/ECF.
        - Click the OK button; the optimizing steps will execute on the document that is open.

NOTE: These steps only have to be done once; thereafter, each time the attorney opens Adobe 9, it will remember this setting. So the next time a document is scanned, the attorney would go to the File menu, choose Save As and in the Save As Type drop-down, select Adobe PDF Files, Optimized. This will automatically save the file using the setting created above.

- For **Microsoft Word**, when the document is ready for PDF conversion, go to the Adobe PDF menu:

    - Select the Change Conversion Settings menu.
    - Click on the Advanced Settings button.
    - Find the Compatibility drop-down list, select Acrobat 8 or below -- click the OK button.
    - In the next window, in the File name box, type: CMCM/ECF and click the Save button.
    - In the next window, click the OK button.

- Then, again in the Adobe PDF menu, continue as you normally would and choose the Convert to Adobe PDF link. The steps above only have to be done once; Word will remember the Compatibility selection each time it is launched.

- For **WordPerfect**, when the document is ready for PDF conversion, follow the usual steps: go to the File Menu, select Publish To, and then choose PDF. This will bring up a window:
  - In the Compatibility box: choose Acrobat 8 or below.
  - Go to the PDF style drop-down, click the "+" button and add a "CMCM/ECF" style.
  - Click the OK button.

NOTE: The steps above only have to be done once; WordPerfect will remember the Compatibility style created above each time it is launched.

CM/ECF TRANSACTION SUBMISSION CHECKLIST

Check for these common mistakes before submitting a transaction.

CM/ECF Transaction Submission CHECKLIST

- ☐ **Attorney filer's firm, mailing address, and email address have been updated through PACER**
- ☐ **Attorney filer is properly registered as an active CM/ECF filer (has a user name and password)**
- ☐ **Attorney signing the document has properly entered an appearance in the appeal**
- ☐ **Document format complies with requirements in FRAP, FCR, and CM/ECF rules**
- ☐ **Document title reflects all relief requested**
- ☐ **Document includes the required electronic signature of an attorney who has entered an appearance in the appeal, or contains an affidavit of signature authority**
- ☐ **Document includes certificate of service**
- ☐ **Document redacts sensitive personal identifying information (or a confidential version is being filed)**

- ☐ **Document omits unnecessary cover letter or transmittal letter**
- ☐ **PDF complies with file size requirements and limits**
- ☐ **PDF is text searchable**
- ☐ **PDF is complete and legible. Filing is timely (before midnight Eastern Time on the date due)**
- ☐ **Filing is NOT being made on a cross- or consolidated appeal docket (NOTE: all filings in consolidated cases must be made on the docket of the LEAD case only, *except* for a motion to terminate a cross- or consolidated appeal)**
- ☐ **Select the correct event and/or relief (NOTE: a filing may require more than one event or relief)**
- ☐ **Review the list of events/reliefs, or call the Clerk's Office**
- ☐ **Select the proper CONFIDENTIAL event for filing confidential versions of documents**
- ☐ **Serve paper copies on non-CM/ECF filers (including those not represented by counsel)**
- ☐ **Serve confidential version on other parties by alternate method**
- ☐ **Transmit paper copies to the court, if required**
- ☐ **Correct your mistakes before submitting a transaction with the BACK and CANCEL buttons**

Summary of Previous Changes

CM/ECF User Guide version 1.1

Page22 Operating System (MAC Users). We have included new instructions for Mac users who install OSX Update 9.

Page 35 Item 10 was changed from "contact the case manager" to contact the Clerk's Office.

Page 29 Item 8 was changed to instruct the user how to view a document prior to committing the transaction.

Page75 The TIP was changed: Six "bound" paper copies of all briefs in the format specified by the Federal Rules of Appellate Procedure and the Federal Circuit Rules, must be filed with the court within 5 days after the brief has been accepted for filing by the court. See. CM/ECF-10, Paper copies of Electronic Filings of the Administrative Order.

Page88 New section on How to File a Petition for Rehearing or Hearing/Rehearing En Banc.
New Figure 64 – Filing a Petition.

Events and Event Categories

Page 91 Briefs – comments updated

Page 92 Confidential Documents – comments updated
Forms and Certificates – comments updated

Page 93 Letters and Notices – comments updated
Miscellaneous – comments updated

Page 100 Rehearing and En Banc Petitions – New Section

Page 95 Status Report – comments updated

Reliefs and Relief Categories

Page 96 Attorney – comments updated

Page 97 Captions – comments updated

Page 97 Correct or Supplement – comments updated

Page 98 Cost and Fees – comments updated

Page 99 In Forma Pauperis – comments updated

Page 101 Withdraw – comments updated

CM/ECF User Guide Version 1.2 / CM/ECF v. 5.1

Page 70 **Line Item #8 – New function:**
Clicking the "View" button launches the selected file.
Updated Figure 42 to show the new "view" button

Page 71 Updated Figure 43 to show the new "view" button.
Updated Figure 44 to show the new "view" button.

Page 79 Updated Figure 55 to show the new "view" button.

Page 81 Updated Figure 57 to show the new "view" button.

CM/ECF User Guide Version 1.3 / CM/ECF v. 5.2

Page 22 Message removed advising filers not to use Java 1.7

Page 93 Letters and Notices – list updated to add Citation of Supplemental Authority

CM/ECF User Guide Version 1.4 / CM/ECF v. 5.2

Page 22 Updated the minimum Java requirements to version 7 update 11.

Page 25 Replaced the 1-855-860-8240 CM/ECF help toll free number with the general clerk's office number.

CM/EFC User Guide Version 1.5/ CM/ECF v. 5.2
Page 23 Updated file size upload limit from 20 MB per upload to 60 MB per upload; Deleted 80 MB total upload limit.
CM/ECF User Guide Version 1.6 CM/ECF v. 5.2
Pages 88-89 Updated event list to include Response/Opposition with Incorporated Motion event.
CM/ECF User Guide Version 1.7 CM/ECF v. 5.2
Pages 36-60 User Guide updated to include instructions for completing fee payment(s) using Pay.gov.

CM/ECF User Guide Version 1.8 CM/ECF v. 5.2

Page 67 Important note added regarding submitting an addendum with a brief that is being filed.

Page 79 Important note added regarding attaching documents to motions when the relief that is being sought is permission to file those document(s).

Page 89 Forms and Certificates portion of the event list update to add note about filing a stipulated bill of cost using the Bill of Cost Filed Event.
Page 94 Note added to the comment section of the relief list for appeal termination, indicating that the terminate appeal relief should be used for summary affirmance motions.