

U.S. Court of Appeals for the Federal Circuit

CM/ECF FAQ'S

Registration

1. Who may register for ECF at the Federal Circuit?

Only members of the Federal Circuit bar and attorneys of the federal, state, and local governments may register as ECF filers at the Federal Circuit.

To be eligible for ECF, filers must have established the necessary accounts through the Pacer Service Center. Both a Pacer account and an ECF account are required. For more information on obtaining the required accounts, please visit the Pacer Service Center at www.pacer.gov.

Individuals who are not attorneys, including those representing themselves in cases pro se, may not register as ECF filers at the Federal Circuit.

Non-attorneys may register for CM/ECF as "not a public filer" which enables the individual to receive electronic notification in specific cases. Refer to www.pacer.gov for more information on how to register as a non-filer and the options available to view CM/ECF case information as a non-filer.

2. Where do I go to register for ECF at the Federal Circuit?

Registration is through the Pacer Service Center at www.pacer.gov. This link is also available on the Federal Circuit's website.

3. If I am already registered for ECF at another appellate court, what do I need to do to use ECF at the Federal Circuit?

Use your appellate ECF login and password to access your registration information at <https://www.pacer.gov/psco/cgi-bin/cmecf/ea-login.pl>. After logging in, select "Register for Additional Court(s)" under "miscellaneous" in the lower right portion of the screen. Select the Federal Circuit and resubmit your registration information.

4. What if I cannot remember my existing Pacer account information?

You must contact the Pacer Service Center, not the court, regarding Pacer and CM/ECF login and password information. www.pacer.gov

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5. What if I'm not admitted to the Federal Circuit bar?

All attorneys other than government attorneys must be active bar members at the Federal Circuit before the court can approve the attorney's ECF filer request. The court's bar application and instructions are available at <http://www.cafc.uscourts.gov/images/stories/rules-of-practice/forms/form21.pdf>.

Attorneys should also refer to Federal Circuit Rule 46. Bar applications must be sent in original paper form directly to the court; they may not be submitted electronically. Questions about the bar application process may be directed to the Clerk's Office at 202-275-8000.

A non-attorney may not register as an ECF filer at the Federal Circuit but may register as "not a public filer". Contact the Pacer Service Center for additional information on how to register as a non-filer. www.pacer.gov.

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Initiating an Appeal or Petition

1. How do I file a notice of appeal and petition for review?

Petitions for review and notices of appeal filed pursuant to Federal Rule of Appellate Procedure 15 shall be submitted to the court in paper form only. After the case is opened in the CM/ECF system by the clerk, all other subsequent filings in the case shall be made using ECF.

2. How do I pay my filing and docketing fees?

No electronic payment system is available at the Federal Circuit. Payment of filing and docketing fees for appeals and petitions should be made by cash, check, or credit card transmitted to the clerk simultaneously with the paper copies of the notice of appeal or petition.

3. How do I correct or amend a petition for review?

A petition for review which was originally submitted to the court in paper form which has been amended or corrected by counsel may be filed using the event: Amended Notice of Appeal

4. How do I amend a notice of appeal?

An amended notice of appeal must be filed with the trial court. It is not necessary to submit a courtesy copy to the court of appeals.

5. How do I file a petition for permission to appeal?

Petitions for permission to appeal and petitions for writ of mandamus or prohibition filed pursuant to Federal Rules of Appellate Procedure 5 and 21, respectively, including any accompanying documents, shall be submitted to the court in paper form. An original and three copies shall be submitted, along with an electronic version on CD-ROM.

6. How do I file a petition for writ of mandamus or prohibition?

Petitions for writ of mandamus or prohibition filed pursuant to Federal Rules of Appellate Procedure 21, including any accompanying documents, shall be submitted to the court in paper form. An original and three copies shall be submitted, along with an electronic version on CD-ROM.

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Attorneys will need to file an Entry of Appearance electronically once the case is opened in CM/ECF, but a paper copy should be included with the filing and an electronic copy Entry of Appearance should be included on the CD-ROM.

After the case is opened in the CM/ECF system by the clerk, all other subsequent filings in the case shall be made using ECF.

NOTE: Attorneys should call ahead to inform the Clerk's Office that a petition for writ of mandamus or prohibition will be filed shortly.

7. If my case has been opened in CM/ECF, how do I file a writ or other petition?

If a case has already been opened in CM/ECF, a writ or other petition must be filed using ECF using the Motion filed event.

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Emergency Filings and Motions for Extraordinary Relief

1. How do I file a motion for stay and emergency relief?

Motions for stay and emergency relief pursuant to Federal Rules of Appellate Procedure 8 and 18, including any accompanying documents, shall be submitted to the court in paper form only for cases which are not yet opened in ECF. An original and three copies shall be submitted, along with an electronic version on CD-ROM.

Attorneys will need to file an Entry of Appearance electronically once the case is opened in CM/ECF, but a paper copy should be included with the filing and an electronic copy of the Entry of Appearance should be included on the CD-ROM.

After the case is opened in the CM/ECF system by the clerk, all other subsequent filings in the case shall be made using ECF.

NOTE: It is helpful when attorneys call ahead to inform the Clerk's Office that a Rule 8 or Rule 18 motion will be filed shortly.

2. If my case has been opened in CM/ECF, how do I submit an emergency filing or motion for extraordinary relief?

If a case has already been opened in CM/ECF, an emergency filing or motion for extraordinary relief must be filed using ECF. See "Motions".

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Official Caption

1. What should I know about the official caption?

The official caption for each appeal is issued separately by the clerk at the time of case opening (as part of the initial case opening event). The caption may be revised from time to time and entered on the docket by the clerk.

2. Is the Caption on the docket sheet considered the Court's official caption?

The caption generated by the ECF system and appearing on the face of the ECF docket sheet is NOT the court's official caption.

3. What if I object to the caption generated by ECF?

If there are clear errors in the caption (i.e. misspellings, incorrect designations, etc.), use the Notice of Objection to Caption event to object to the caption. For more substantial findings, such as missing or misidentified parties, a motion should be filed.

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Forms and Certificates

1. Should forms and certificates be signed?

Forms and certificates must contain the electronic signature of an attorney who has properly entered an appearance in the case, and must be accompanied by a certificate of service. For more information regarding electronic signatures see ECF-3 of the May 17, 2012 Administrative Order.

2. How do I file an Entry of Appearance?

The entry of appearance form must identify each individual party represented by counsel. The use of “et al.” is prohibited. If additional space is required to list all parties by name, attach an addendum to the EOA form.

An individual EOA form is required for each attorney and must contain that attorney’s electronic signature or be accompanied by an affidavit of signature authority. Each entry of appearance requires an individual event. Use event entry of appearance filed.

Only one attorney may serve as principal counsel (LD) for a party; all other counsel will be entered as of-counsel (COR) for the party.

Attorneys will not appear on the electronic docket until the clerk takes action to process the EOA. A rejected EOA may be re-filed in ECF upon correction of any deficiency identified by the clerk. When an EOA is successfully processed and accepted by the clerk, the attorney will be added as counsel in the case, and no electronic notification will be sent by the clerk.

3. How do I file an Entry of Appearance for non-parties?

A party filing a motion to intervene or a motion to participate as amicus curiae must file entries of appearance for counsel at the time the motion is filed. The clerk will not process the EOAs until the motion has been acted on by the court.

4. How do I file a Certificate of Interest?

Filers must use the “Certificate of Interest Filed” event in CM/ECF. All statements on the certificate of interest form must be completed. If a statement does not apply, “not applicable” or “none” should be indicated. If the form contains insufficient space for a party’s response, attach an addendum to the form. For statement 4 on the certificate of interest, all counsel must be identified individually by name and firm.

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A rejected COI may be re-filed in ECF upon correction of any deficiency identified by the clerk. When a COI is successfully processed and accepted by the clerk, no electronic notification will be sent by the clerk.

5. How do I file a Certificate of Interest for non-parties?

A party filing a motion to intervene or a motion to participate as amicus curiae should not file a certificate of interest until the motion has been granted by the Court and the party or parties have been added to the case (this requirement is in addition to the certificate of interest which is imbedded within the motion document as required by Rule 27).

6. What can I do if my docketing statement is rejected?

A rejected docketing statement may be re-filed in ECF upon correction of any deficiency identified by the clerk. When a docketing statement is successfully processed and accepted by the clerk, no electronic notification will be sent by the clerk.

7. How do I file docketing statements for non-parties?

A party filing a motion to intervene or a motion to otherwise participate in the appeal as a party should not file a docketing statement until the motion has been granted by the court.

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Briefs and Appendices

1. Do I need a cover letter for my brief?

When filing briefs in ECF, omit unnecessary cover letters or transmittal letters.

2. Do I need a brief cover for my electronic brief?

The electronic version of the brief is not required to have the color cover required by Fed. R. App. P. In all other respects, the cover of the electronic brief must comply with Fed. R. App. P.

3. How do I file a confidential brief or appendix with the Court?

A confidential brief or appendix must be submitted to the court using the Brief/Appendix or Joinder Tendered Confidential event. The event will not allow parties to view the brief attached to the event. The confidential brief must be served on parties by alternate method. Electronic access to a confidential brief is restricted to the court only.

NOTE: The confidential version of a brief or appendix must contain the non-confidential as well as the confidential material. The confidential version may not contain only the confidential documents or text. See FCR 28(d) and 30(h)(1).

4. How many volumes can I upload in an event?

Up to four electronic files (or volumes), up to 20MB each, may be attached to each event. Use a second Brief/Appendix or Joinder Tendered or Brief/Appendix or Joinder Tendered Confidential event to upload additional volumes.

5. What does brief/appendix tendered mean?

A tendered brief is not considered accepted (or filed) until review by the Clerk's Office is completed. ECF filers will receive electronic notice from the clerk when the brief has been reviewed and processed (either filed or rejected). A tendered brief which has not been processed by the clerk or which has been rejected for filing will not be available for access through PACER.

6. Can I use the Brief/Appendix or Joinder tendered events to file a petition?

No. The Brief Tendered events should not be used for en banc or rehearing petitions or for writs or extraordinary petitions or responses.

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7. How many paper copies of my brief am I required to submit?

In addition to filing electronically, counsel shall submit to the court six paper copies of each formal principal brief, response or reply brief, supplemental brief, or amicus brief permitted or ordered by the court. Paper copies of briefs shall be in the format specified by the Federal Rules of Appellate Procedure and the Federal Circuit Rules and shall be filed within five days of the court's acceptance of the brief in ECF unless another time is specified by the court. For further details, see ECF-10.

8. What event do I use to file the principal brief, response brief, reply briefs, and appendix?

Briefs and appendices are filed using the Brief/Appendix or Joinder tendered event. Use the Brief/Appendix or Joinder Tendered Confidential event for confidential briefs.

9. What event do I use to file a brief with an attached appendix?

A brief with an attached appendix is filed using a single Brief/Appendix or Joinder Tendered or Brief/Appendix or Joinder Tendered Confidential event.

10. What event do I use to file a brief with a separate appendix?

If the brief and appendix are not bound together within one PDF, the documents must be tendered to the court using two separate brief tendered events.

11. What event do I use to file a supplemental brief?

A supplemental brief or appendix is filed using the Brief/Appendix or Joinder Tendered or Brief/Appendix or Joinder Tendered Confidential event.

12. What event do I use to file a corrected brief or appendix?

A corrected brief or appendix can be filed using the Brief/Appendix or Joinder Tendered event. For confidential briefs or appendices, use or the Brief/Appendix or Joinder Tendered Confidential event. Use the Notice of Correction to the Brief only if Counsel is submitting a correction to a brief previously filed by the clerk.

13. How do I file a brief or appendix submitted with a motion for leave?

A motion for leave to file a brief, accompanied by the proposed brief requires two events: 1) Brief/Appendix or Joinder Tendered [do this event first] and 2) Motion Filed. These instructions apply to motions for leave to file supplemental or corrected briefs and appendices, as well as amicus briefs.

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14. How do I file a Notice of Joinder?

To file a Notice of Joinder use the Brief/Appendix or Joinder Tendered event.

Confidential or Sealed Documents

1. What if I need to file a confidential or sealed document (other than a brief or appendix?)

A sealed or confidential version of a document must be submitted to the court using the Sealed or Confidential Document Submitted event. The document attached to the event is not accessible by the parties. Additionally, the confidential document must be served on parties by an alternate method. Electronic access to a confidential document is restricted to the court only.

NOTE: The confidential version of a document must contain the non-confidential as well as the confidential material. The confidential version may not contain only the confidential documents or text. See FCR 28(d) and 30(h)(1).

2. How do I file a confidential brief with the Court?

A confidential brief or appendix must be submitted to the court using the Brief/Appendix or Joinder Tendered Confidential event. The event will not allow parties to view the brief attached to the event. The confidential brief must be served on parties by alternate method. Electronic access to a confidential brief is restricted to the court only.

NOTE: The confidential version of a brief or appendix must contain the non-confidential as well as the confidential material. The confidential version may not contain only the confidential documents or text. See FCR 28(d) and 30(h)(1).

3. What if I accidentally file confidential material in a non-confidential filing?

Once you file a document, you cannot retract the filing or limit access to the filing. For this reason, it is essential that the appropriate confidential document event is selected for all confidential filings. If an error is made, immediately contact the Clerk's Office and request that access to the document be restricted. The Clerk's Office will instruct you what actions are needed to address the error. Depending on the circumstances, a motion may be required. Please note that if the error is made outside the Clerk's Office working hours, nothing can be done to block access to the information until the Clerk's Office opens.

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Motions, Letters and Other Documents

1. How do I file a motion?

For step-by-step instructions on filing a motion, please refer to the CM/ECF User Guide. For a listing of associated reliefs, refer to the Relief list, which is available on the court's website. A motion may require the selection of more than one category and relief. The title of a motion should identify all reliefs being requested. In order to accurately file the motion in ECF, all reliefs identified in the motion title should be selected during the event. If you cannot decide which category/relief applies to a motion, contact the clerk's office for assistance.

2. What if my motion asks for alternative relief if the primary relief in the motion is not granted?

In addition to the primary relief requested, all alternative relief(s) identified in the motion's title should be selected.

3. How many volumes can I attach to my motion?

Up to four electronic files (or volumes), of 20MB each, may be attached to each motion event. If additional volumes are required, upload the additional files using the event: Additional Volumes.

4. How do I file a motion for leave to file a brief?

A motion for leave to file a brief, accompanied by the proposed brief requires two events: 1) Brief/Appendix or Joinder Tendered [do this event first] and 2) Motion Filed. These instructions apply to motions for leave to file supplemental or corrected briefs and appendices, as well as amicus briefs.

5. How do I file a motion for leave to file a document?

A motion for leave to file a document that is not a brief (such as a sur-reply or other document not allowed by the rules) should be prepared as two separate PDF files (the motion and the proposed document). Both documents should be uploaded to the motion event.

6. How do I file a motion to correct or supplement a document?

A motion for leave to file a corrected or supplemental document that is not a brief should be prepared as two separate pdf files (the motion and the proposed document). Both documents should be uploaded to the motion event.

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7. How do I file a motion to consolidate cases, or to consolidate cases for the purposes of argument?

For motions to consolidate cases, or to consolidate cases only for the purposes of argument, the motion should be filed in each case for which consolidation is sought. Also, see Filing an Identical Document in Multiple Cases.

8. How do I file a motion to deconsolidate cases?

The motion to deconsolidate cases should only be filed in the lead case.

9. How do I reinstate an appeal?

File a motion to reinstate the appeal by selecting “Reopen appeal” from the “Reopen” relief category

10. How do I request reconsideration of an order that terminated the appeal?

File a motion to reconsider the order terminating appeal by selecting “Reopen appeal” from the “Reopen” relief category.

11. How do I request that the Court waive rejection of a brief or document?

To request that the Court waive a requirement that was the basis for rejecting a brief, file a motion, select “reconsider rejected brief” from the “Reconsider” relief category. To request that the Court waive rejection of a document, file a motion, select “waive other requirement” from the “Waive Requirement” category.

12. How do I file a motion for leave to proceed In Forma Pauperis?

Under Motions, select “Motion Filed In Forma Pauperis.” This will limit the viewership of the motion to the attorneys participating in the appeal.

13. How do I file motions related to a cross or consolidated appeal?

Motions should be filed in the lead appeal only, except that a motion to terminate a cross- or consolidated appeal should be filed only in the cross- or consolidated appeal.

14. How do I file a response/reply with an imbedded cross-motion?

If a cross-motion is imbedded within a response/reply or opposition, multiple events are required: Response/Reply [upload the document as a response] and Motion Filed [upload the document again as a motion].

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15. How do I file letters or notices requesting relief?

Letters or notices from parties requesting specific relief should be filed as motions unless otherwise directed by Fed. R. App. P. or the court's local rules. Use the Motion Filed event.

16. How do I file a status report with an imbedded motion?

If a status report contains a motion imbedded within the 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.

17. How do I file a correction to a motion, response or other document?

To submit a corrected motion, response, or other document (not a corrected brief), you must refile the document.

18. How do I file identical documents on multiple dockets in ECF?

In related, but non-consolidated, cases, identical motions or other documents must be filed in each individual case. A document filed using this method must contain the official captions for all of the cases to which the document applies.

19. What if I need to file a confidential or sealed document (other than a brief or appendix)?

A sealed or confidential version of a document must be submitted to the court using the appropriate event.. The confidential document must be served on parties by alternate method. Electronic access to a confidential document is restricted to the court only.

NOTE: The confidential version of a document must contain the non-confidential as well as the confidential material. The confidential version may not contain only the confidential documents or text. See FCR 28(d) and 30(h)(1).

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Software Requirements

1. What version of Java is required?

Java Version 1.6x is required to run Appellate CM/ECF. Firefox users will need Java Version 1.6_10 or higher. CM/ECF WILL NOT WORK with Java 1.7.

Please do not upgrade to Java Version 1.7. To test your version of Java click to run the [Java Test](#). For a free version of Java 1.6, [click here](#).

2. I am having trouble with Adobe. What should I do?

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 the Advanced menu and choose PDF Optimizer. In the window that opens:

- in the Compatibility box: choose Acrobat 8 or below
- click the Save button and enter a name for this setting, e.g., CMECF
- 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, elect the Change Conversion Settings menu, and 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: CMECF 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.

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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 "CMECF" 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.