

Quick Reference: Appendix Requirements in the United States Court of Appeals for the Federal Circuit

**FORMAT**

	<b>Requirements</b>	<b>Authority</b>
<b>Number of Copies</b>	E-filed and six paper copies.	FCR 30(a)(5); FCR 25(c)(1)(G)
	Two E-filed versions if confidential and nonconfidential versions are necessary. If two versions filed through CM/ECF, only six paper copies of the confidential version are required.	FCR 30(h)(2)
	No page proof copies.	FCR 30 Practice Note
<b>Cover Color</b>	White	FRAP 32(b)(1)
	Red if Separate or Supplemental Appendix	FCR 30(f)
<b>Legibility/Clarity</b>	Text must equal or exceed output of laser printer. Photographs, illustrations, and tables must result in good copy of original.	FRAP 32(a)(1); FRAP 32(b)
<b>Paper Size</b>	8 ½ by 11 or another size in order to facilitate inclusion of odd-sized documents.	FRAP 32(b)(3)
<b>Double sided</b>	Encouraged	FCR 32(d); FCR 30(c)(3)
<b>Binding</b>	Must be bound in any manner that is secure, does not obscure the text, and permits it to lie reasonably flat when open. Does not need to lie reasonable flat if it includes material covered under FRAP 32(b)(3).	FRAP 32(b) citing to FRAP 32(a)(3)
<b>Pagination</b>	<ul style="list-style-type: none"> <li>• Bates numbering in "Appx" or "SAppx" format.</li> <li>• Page numbers centered at bottom and must correspond to designated material.</li> <li>• Numerical order according to the page numbers assigned to designated material.</li> <li>• Other pagination marks must be redacted if necessary.</li> <li>• Omission of pages need not be noted.</li> <li>• Court prefers 14pt font for page numbers.</li> </ul>	FCR 30(b)(5) FCR 30(c)(2)
<b>Cover Page:</b>	<ul style="list-style-type: none"> <li>• Court Name/Case # (centered)</li> <li>• Formal Caption</li> <li>• Court Appealed From</li> <li>• What party filed</li> <li>• "Appendix" noted</li> <li>• Attorney Information</li> </ul>	FRAP 32(a)()
	"Confidential" and "Nonconfidential" noted (if required)	FCR 30(h)(2)
	"Corrected" noted (if required)	FCR 32 Practice Note
<b>Multi-Volume Appendix</b>	Volume number in roman numbers and pages included in volume listed at top of cover of each volume. (e.g., Volume II, Pages 542 to 813).	FCR (a)(6)

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<b>Appendices with Confidential Material</b>	In addition to the confidentiality noted on the cover page and two different versions filed with the court, the confidential and nonconfidential versions require the following:	
	<ul style="list-style-type: none"> <li>• Confidential                             <ul style="list-style-type: none"> <li>○ Each page with confidential material must enclose the material in brackets or highlighting.</li> </ul> </li> </ul>	FCR 30(h)(2)(A)
	<ul style="list-style-type: none"> <li>• Nonconfidential                             <ul style="list-style-type: none"> <li>○ Each page from which material subject to a protective order has been deleted must bear a legend so stating.</li> <li>○ Table of contents must describe the general nature of the confidential material that has been deleted.</li> </ul> </li> </ul>	FCR 30(h)(2)(B)
<b>Supplemental Video Appendix</b>	When record has been perpetuated in whole or in part on video in accordance with the rules of the court or agency, those video recordings would properly be included in the appendix if they were in documentary form and may be included as a supplementary video appendix. Four copies must be filed with the court.	FCR 30(j)
<b>Combined Brief and Appendix</b>	<ul style="list-style-type: none"> <li>• Cover of combined document must indicate.</li> <li>• Appendix material must be no greater than 100 pages to be combined with brief.</li> </ul>	FCR 30(d)

**CONTENTS<sup>1</sup>**

(Items starred \* below must be in the order listed.)

*Table of Contents (copy encouraged in each volume if multi-volume appendix filed)	FRAP 30(d) FCR 30 Practice Note
*Statute on confidentiality or judicial or administrative protective orders. (if required)	FCR 30(h)(2)(A)
*Judgment, order, or decision in question.	FRAP 30(a)(1)(C); FCR 30(b)(4)(C); FCR 30(c)(1)
Entire docket sheet	FCR 30(a)(2)(A)(i)
Relevant docket entries in proceeding below.	FRAP 30(a)(1)(A)
Relevant portions of pleadings, charge, findings, or opinion.	FRAP 30(a)(1)(B)
In a jury case, judge's charge, jury's verdict, jury's response to interrogatories.	FCR 30(a)(2)(A)(ii)
In an appeal involving a patent, that patent in suit in its entirety.	FCR 30(a)(2)(A)(iii)
Other parts of the record to which the parties wish to direct the court's attention.	FRAP 30(a)(1)(D); FCR 30(a)(2)(B) <sup>2</sup>
Any nonprecedential opinion or order cited in accordance with FCR 32.1(c)	FCR 30(a)(2)(A)(iv)
Mandatory Items included in PTO Appeals: (unless parties stipulate to less) <ul style="list-style-type: none"> <li>• All rejected claims in ex parte patent appeal.</li> <li>• All counts in patent interference appeal</li> <li>• A copy of the trademark sought to be registered or cancelled and a copy of any registration relief on to refuse or oppose registration or to seek cancellation of a registered mark in an ex parte or an inter partes trademark appeal.</li> </ul>	FCR 30(a)(3)

<sup>1</sup> FCR 30(b)(6) - Pages of the designated material not referenced in the briefs – other than items required by these rules – **must be omitted** from the appendix filed with the court.

<sup>2</sup> FCR 30(a)(2)(B) - Parts of the record authorized by FRAP 30(a)(1)(D) must not be included in the appendix unless they are actually referenced in the briefs, but the parties are encouraged to include in the appendix sufficient surrounding transcript pages to provide context for a referenced transcript excerpt.

**CONTENTS<sup>1</sup>**

**(Items starred \* below must be in the order listed.)**

<p><b>Must not be included without leave of court:</b></p> <ul style="list-style-type: none"> <li>• Briefs and memoranda in their entirety</li> <li>• Notices</li> <li>• Subpoenas (except if at issue)</li> <li>• Summonses (except if from Court of International Trade)</li> <li>• Motions to Extend Time</li> <li>• Jury Lists</li> </ul>	<p>FCR 30(a)(2)(E)</p>
<p><b>Nothing in FCR 30 prohibits the inclusion of the following:</b></p> <ul style="list-style-type: none"> <li>• Examiner’s answer in ex parte patent case.</li> <li>• Trademark examining attorney’s appeal brief in ex parte patent case.</li> <li>• Briefs and memoranda in their entirety if the only issue is propriety of summary judgment.</li> </ul>	<p>FCR 30(a)(2)(F)</p>
<p><b>Proof of Service</b></p>	<p>FRAP 25(d)</p>
<p><b>Appendix to Informal Brief Requires Only:</b></p> <ul style="list-style-type: none"> <li>• Judgment, order, or decision in question.</li> <li>• Initial MSPB decision. (if applicable)</li> </ul>	<p>FCR 30(i)</p>

Note: This quick reference guide is provided by the Clerk’s Office for the convenience of counsel and litigants for reference purposes only and does not constitute legal advice. Counsel and litigants remain responsible for independently reviewing and complying with the Federal Rules of Appellate Procedure and the Federal Circuit Rules.