

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

[ ] Pro Se: 6 paper copies – FCR 25(c)(2)(B)      [ ] Counselor Case: E-file Brief + 6 paper copies – FCR 25(c)(1)(A)  
 [ ] Briefs in En Banc Hearing: E-file Brief + 30 copies – FCR 35(f)

Brief Type	Appellant/ Petitioner	Appellee/ Respondent	Aple Principal and Response (Cross Appeal)	Aplt Response and Reply (Cross Appeal)	Reply	Amicus
<b>FORMAT</b>						
Cover Colors	Blue	Red	Red	Yellow	Gray	Green
Securely Bound	FRAP 32(a)(3) Preferred Binding: Practice Note 32					
Single-sided (except attached addendum/appendix)	FRAP 32(a)(1)(A); FCR 30(c)(3); FCR 32(d)					
Length Pages/Words/Lines <sup>1</sup>	30/14,000/1,300 FRAP 32(a)(7)(A); FCR 32(a)	30/14,000/1,300 FRAP 32(a)(7)(A); FCR 32(a)	35/16,500/1,500 FCR 28.1	30/14,000/1,300 FCR 28.1	15/7000/650 FRAP 32(a)(7)(A); FCR 32(a)	15/7000/650 FRAP 29(a)(5)
Page Numbering Double-spaced (except quotes, headings, footnotes) Margins (1 inch all sides)	FRAP 32(a)(4)					
Typeface and Legibility (14 pt. proportional or 10.5/in)	FRAP 32(a)(5)					
Type Style (plain, Roman)	FRAP 32(a)(6)					
Proper Appendix Citations	FRAP 28(e); FCR 30(c)(2); FCR 30(b)(4)(E)					
Addendum Material Paginated w/ Corresponding Appendix #s (Does not apply to material under FRAP 28(f))	FCR 28(a)(11)	N/A	Recommend attachment of order appealed from if different from Appellant.	N/A	N/A	N/A
Complies with Confidentiality Requirements FCR 28(d): <ul style="list-style-type: none"> <li>• ECF filing of both versions</li> <li>• Confidential material under this rule bracketed/highlighted</li> <li>• Nonconfidential has legends on each confidential page.</li> <li>• Nonconfidential has description in table of contents of general nature of material.</li> </ul>	FCR 28(d)					

<sup>1</sup> FRAP 32(f) & FCR 32(b): Headings, footnotes, and quotations **count** towards length. Items that **do not** count towards length: Cover page, COI, table of contents, table of authorities, statement of related cases, oral argument statement, addendum material, certificates, signature block, proof of service.

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Brief Type	Appellant/ Petitioner	Appellee/ Respondent	Aple Principal and Response (Cross Appeal)	Aplt Response and Reply (Cross Appeal)	Reply	Amicus
<b>CONTENTS: FCR 28(a) - Must contain the items below in the order listed.</b>						
<b>Cover Page:</b>						Must comply with FRAP 29(a)(4) and FCR 29(a) & (c)
Court Name/Case# (centered at top)	FRAP 32(a)(2)					
Formal Caption						
Court Appealed From						
What party filed/Brief Type						
Combined Appendix noted (if allowed)	FCR 30(d), (e), (f), or Leave of Court					
(Non)Confidentiality noted (if applies)	FCR 28(d)(2)(A)					
"Corrected" noted (if applies)	FCR 32 Practice Note – Corrected/replacement brief should indicate on cover.					
Attorney Information	FRAP 32(a)(2)					
<b>Certificate of Interest (COI)</b>	FCR 47.4(b)					
<b>Table of Contents (w/page references)</b>	FRAP 28(a)(2); FCR 28(a)(2)	FRAP 28(b)	FCR 28.1(c)(2)	FCR 28.1(c)(3)	FRAP 28(c); FCR 28.1(c)(4)	FRAP 29(a)(4)(B)
<b>Table of Authorities (w/page references)</b>	FRAP 28(a)(3); FCR 28(a)(3)	FRAP 28(b)	FRAP 28.1(c)(2)	FRAP 28.1(c)(3)	FRAP 28(c); FRAP 28.1(c)(4)	FRAP 29(a)(4)(B)
<b>Statement of Related Cases</b>	FCR 28(a)(4); FCR 47.5	FCR 47.5	FCR 47.5	N/A	N/A	N/A
<b>Oral Argument Statement</b>	Not Required					
<b>Jurisdictional Statement (subject matter and appellate jurisdiction, timeliness, and final order)</b>	FRAP 28(a)(4) FCR 28(a)(5)	FCR 28(b) Not included absent disagreement	FRAP 28.1(c)(2)	FRAP 28.1(c)(3) Not included absent disagreement	FCR 28(b) Limited to areas of disagree- ment	N/A
<b>Statement of the Issues</b>	FRAP 28(a)(5) FCR 28(a)(6)	FCR 28(b) Not included absent disagreement	FRAP 28.1(c)(2)	FRAP 28.1(c)(3) Not included absent disagreement	FCR 28(b) Limited to areas of disagree- ment	N/A
<b>Statement of the Case</b>	FRAP 28(a)(6) FCR 28(a)(7)	FCR 28(b) Not included absent disagreement	FRAP 28.1(c)(2) Optional	FRAP 28.1(c)(3) Not included absent disagreement	FCR 28(b) Limited to areas of disagree- ment	N/A

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Summary of the Argument	FRAP 28(a)(7); FCR 28(a)(8)	FRAP 28(b)	FRAP 28.1(c)(2)	FRAP 28.1(c)(3)		FRAP 29(a)(4)(F) Optional
Argument and Standard of Review	FRAP 28(a)(8); FCR 28(a)(9)	FRAP 28(b) Standard of Review Not included absent disagreement	FRAP 28.1(c)(2)	FRAP 28.1(c)(3) Optional Standard of Review	FRAP 28(c); FCR 28(b) Standard of review limited to areas of disagree- ment.	FRAP 29(a)(4)(F) Optional Standard of Review
Conclusion and Relief Sought	FRAP 28(a)(9); FCR 28(a)(10)		FRAP 28(c)(2)			
Addendum with Opinion/Order Appealed From. May Include Patent.	FCR 28(a)(11)	N/A	Recommend attachment of order appealed from if different from Appellant.	N/A	N/A	N/A
Proof of Service	FRAP 25(d); FCR 28(a)(12)	FRAP 25(d)	FRAP 25(d)	FRAP 25(d)	FRAP 25(d)	FRAP 25(d)
Certificate of Compliance (Word Count) (Form 19)	FRAP 32(g); FCR 28(a)(13)	FRAP 32(g)	FCR 28.1(c); FRAP 32(g)	FCR 28.1(c); FRAP 32(g)	FRAP 32(g)	FRAP 29(a)(4)(G); FRAP 32(g)
Certificate of Compliance (Confidential Words) (Form 31)	FCR 28 Practice Note					
Statement of Authority to File (Amicus Only)	N/A	N/A	N/A	N/A	N/A	FCR 29(c); FRAP 29(a)(2), 29(a)(3), 29(a)(4)(D)
Statement of Interest (Amicus Only)	N/A	N/A	N/A	N/A	N/A	FRAP 29(a)(4)(D)
Authorship/Funding of Brief Statement. (Amicus Only)	N/A	N/A	N/A	N/A	N/A	FRAP 29(a)(4)(E)

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.