



**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**
717 MADISON PLACE, N.W.
WASHINGTON, D.C. 20439

PETER R. MARKSTEINER
CLERK OF COURT

CLERK'S OFFICE
202-275-8000

November 27, 2018

Information Sheet

Revised Brief and Appendix Filing Procedures

On December 1, 2018, the Clerk's Office will implement two changes to its filing procedures for briefs and appendices: (1) discontinuation of the brief "tendering" practice and (2) deferment of filing of paper copies pursuant to new amendments to the Federal Circuit Rules of Practice.

Effective Date and Applicability

The new filing procedures and rules detailed below will apply to all cases and documents filed or pending on or after December 1, 2018.

New Procedure for Brief and Appendix Filing

Attorneys filing briefs or appendices pursuant to Federal Rule of Appellate Procedure 31, Federal Circuit Rule 30 and 31, or by order of the court, will continue to use the filing event **Brief/Appendix or Joinder** as described in the court's [Electronic Filing Procedures](#), § IV.E. All briefs and appendices submitted through the court's Case Management and Electronic Case Filing (CM/ECF) system will now appear as filed on the docket instead of tendered. Non-confidential briefs and appendices will be immediately available for public access.

Confidential Briefs or Appendices

Unless a filer uses the **Confidential Brief/Appendix or Joinder** event, all briefs and appendices will immediately be available for public access. Confidential briefs and appendices will continue to remain restricted to the court only, and they must be filed and served on other parties as required by Federal Circuit Rule 25(c)(1)(G). All parties are reminded that it is their responsibility to confirm that they are using the correct event to prevent the unintended public release of confidential or privileged information.

Filers should immediately contact the Clerk's Office to rectify any inadvertent release of confidential or privileged information due to erroneous filing.

Clerk's Office Compliance Review

Once a brief or appendix is filed, the Clerk's Office will review the submission for compliance with the federal appellate and circuit rules. Until such review is completed, the entry will reflect the document is "Pending Compliance Review." The Clerk's Office will edit and re-serve the docket entry when review is completed. If the document is found to be non-compliant, a notice of non-compliance will issue directing the party to correct the area of non-compliance as provided under Federal Circuit Rule 25(c)(4) (as amended Dec. 1, 2018) and the [Clerk's Office's Revised Document Compliance Review Procedure](#). Regardless of any pending review, the deadline for any responsive brief will continue to run from the date the initial document was filed and served in CM/ECF. *See* Fed. R. App. P. 31(a); Fed. Cir. R. 31(a) (briefs); Fed. Cir. R. 30(a)(4) (appendix).

Discontinued Listing of Due Dates

As part of this new procedure, docket entries for brief and appendices will no longer reflect the due dates for any responsive briefs or paper copies. Parties must refer to the Federal Rules of Appellate Procedure and Federal Circuit Rules to determine deadlines unless an order of the court specifies a different deadline.

New Procedure for Submitting Paper Copies:

As explained in the Practice Note to Rule 25 (as amended Dec. 1, 2018), the Clerk's Office will issue a notice requesting paper copies of all briefs and appendices shortly after briefing has completed. Upon issuance of the notice, paper copies of all outstanding briefs and appendices will be due within five business days. Parties should refrain from filing paper copies prior to the court's notice, unless ordered otherwise. Upon receipt, a notation will be made on the docket and the Clerk's Office will review the paper copies for compliance and if needed issue a notice of non-compliance as provided under Federal Circuit Rule 25(c)(4) (as amended Dec. 1, 2018) and the [Clerk's Office's Revised Document Compliance Review Procedure](#).

Corrected Paper Copies

Parties should note that pursuant to Federal Circuit Rule 25(c)(1)(K) (as amended Dec. 1, 2018), if a corrected brief or appendix has been filed and the Clerk's Office has not yet issued a notice requesting paper copies, then only paper copies of the corrected version must be filed. Parties must not submit paper copies of the original filing unless so directed by the court.

Paper Copies Submitted Before December 1, 2018

If paper copies of briefs and appendices were submitted to the court before December 1, 2018, new copies should not be resubmitted to the court. Any subsequent notice to file paper copies applies only to outstanding paper copies.

Petitions for Panel Rehearing, En Banc Hearing, En Banc Rehearing, and Briefs in En Banc Cases

The electronic filing procedure is not changing for petitions for panel rehearing, en banc hearing, en banc rehearing, or briefs in en banc cases. Paper copies for petitions and briefs related to panel rehearing, en banc hearing, or en banc rehearing remain due after the filing of the electronic version as required by Federal Circuit Rule 25(c)(1)(C)-(F).

Additional Assistance

Please contact the Clerk's Office at 202-275-8055 with questions concerning, or for assistance with, these new procedures.