

Federal Circuit Court of Appeals Rules of Practice

Rule 28. Briefs

(a) Contents of Brief; Organization of Contents; Addendum; Binding. Briefs must be bound as prescribed in Rule 32 of the Federal Rules of Appellate Procedure and must contain the following in the order listed:

(1) the certificate of interest (see Federal Circuit Rule 47.4);

(2) the table of contents;

(3) the table of authorities;

(4) the statement of related cases (see Federal Circuit Rule 47.5);

(5) the jurisdictional statement including a representation that the judgment or order appealed from is final or, if not final, the basis for appealability (e.g., preliminary injunction, Fed. R. Civ. P. 54(b) certification of final judgment as to fewer than all of the claims or parties, etc.);

(6) the statement of the issues;

(7) the statement of the case setting out the facts relevant to the issues, including the citation of any published decision of the trial tribunal in the proceedings;

(8) the summary of the argument;

(9) the argument, including statement of the standard of review;

(10) the conclusion and statement of relief sought;

(11) the judgment, order, or decision in question, and any opinion, memorandum, or findings and conclusions supporting it, as an addendum placed last within the initial brief of the appellant or petitioner. This requirement is met when the appendix is bound with the brief. (*See* Federal Circuit Rule 30(c)(1) and (d) for a duplicative requirement of the appendix.)

Additionally, in an appeal involving a patent, the patent in suit may be included within the addendum of the initial brief and, if included, must be reproduced in its entirety. (*See also* Federal Circuit Rule 30(a)(2)(A)(iii) and Federal Circuit Rule 30(a)(3) for a requirement that the patent in suit be included in its entirety in the appendix);

(12) the proof of service (*see* Federal Rule of Appellate Procedure 25(d)); and

(13) the certificate of compliance, if required by Federal Rule of Appellate Procedure 32(a)(7).
