

Federal Circuit Rule 30

Rule 30. Appendix to the Briefs

(a) **Purpose; Content of Appendix; Time for Filing; Number of Copies; Cover; Service.**

(1) **Purpose.** The purpose of this rule is to limit the size of the appendix of documentary materials that is printed and filed with the court. The rule also authorizes a supplementary video recording media appendix under some circumstances.

(2) **Contents; Indiscriminate Referencing to Blocks of the Record Prohibited.**

- (A) In addition to the matters required by Federal Rule of Appellate Procedure 30(a)(1)(A),(B), and (C), the appendix must include:
- (i) the entire docket sheet from the proceedings below;
 - (ii) in an appeal from a jury case, the judge's charge, the jury's verdict, and the jury's responses to interrogatories;
 - (iii) in an appeal involving a patent, the patent in suit in its entirety. The patent in suit may also be included as an addendum to appellant's initial brief. Any other patents included in an appendix must be included in their entirety; and
 - (iv) any nonprecedential opinion or order cited in accordance with [Federal Circuit Rule 32.1\(c\)](#).
- (B) Parts of the record authorized by Federal Rule of Appellate Procedure 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.
- (C) Indiscriminate referencing in briefs to blocks of record pages or inclusion of unnecessary pages in the appendix is prohibited.
- (D) If the appellant considers that parts of the record have been referenced in violation of this rule, the appellant may so advise the appellee and the appellee must advance the costs of including those parts in the appendix.
- (E) The following must not be included in the appendix except by leave of the court, and any motion for leave must state the number of pages requested to be included:
- (i) briefs and memoranda in their entirety (except as otherwise provided in Federal Circuit Rule 30);
 - (ii) notices;
 - (iii) subpoenas – except where the enforcement or validity of a subpoena is at issue;

- (iv) summonses – except in appeals from the Court of International Trade;
 - (v) motions to extend time; or
 - (vi) jury lists.
- (F) Nothing in this Federal Circuit Rule 30 prohibits from designation and inclusion in an appendix:
 - (i) an examiner’s answer in an ex parte patent case;
 - (ii) a trademark examining attorney’s appeal brief in an ex parte trademark case; or
 - (iii) the briefs and memoranda in their entirety in a case where the only issue is the propriety of summary judgment.
- (3) **Additional Mandatory Appendix Items in Patent and Trademark Office Appeals.** In an appeal from the Patent and Trademark Office, unless the parties mutually agree otherwise, the appendix must include:
 - (A) a copy of all rejected claims in an ex parte patent appeal;
 - (B) a copy of all counts in a patent interference appeal; or
 - (C) a copy of the trademark sought to be registered or cancelled and a copy of any registration relied on to refuse or oppose registration or to seek cancellation of a registered mark in an ex parte or an inter partes trademark appeal.
- (4) **Time for Filing.** The appellant must serve and file an appendix within seven days after the last reply brief is served and filed. When there is no cross- appeal, if the appellant does not file a reply brief, the appendix must be served and filed within the time for filing the reply brief. In a cross appeal, if the cross- appellant does not file a reply brief, the appendix must be served and filed within 7 days after the time for filing the cross- appellant’s reply brief has expired.
- (5) **Number of Copies.** Six paper copies of the appendix must be filed with the court.
- (6) **Multi-Volume Appendix: Covers and Page Numbers.** A multi-volume appendix must have a volume number in roman numerals and the pages included in the volume listed at the top of the cover of each volume (e.g., Volume II, Pages 542 to 813).
- (7) **Service.** One paper copy must be served on, or by, each pro se party. In a case in which all parties are represented by counsel, service of nonconfidential material is made through CM/ECF and no paper copies are required to be served on the parties. See Rule 30(h)(3) for provisions related to service of confidential appendixes.
- (8) **Consequence of Failing to File an Appendix.** If the appellant fails to file an appendix, the clerk of court is authorized to dismiss the case.

(b) **Determination of Contents of Appendix; Designation of Materials; Extension of Time.**

- (1) The parties are encouraged to agree on the contents of an appendix that will comply with this Federal Circuit Rule 30.
- (2) In the absence of an agreement, the appellant must, within 14 days after docketing in an appeal from a court or after service of the certified list or index in a petition for review or appeal from an agency, serve on the appellee or cross-appellant a designation of materials from which the appendix will be prepared and a statement of the issues to be presented for review. The appellee or cross-appellant may, within 14 days after receiving the designation, serve on the appellant a counter-designation of additional parts to be included in the appendix.
- (3) A designation or counter-designation must not be filed with the court.
- (4) **Table of Page Numbers; Physical Compilation.**
 - (A) Within 14 days after the parties have designated the material for the appendix, the appellant must assign consecutive page numbers to the designated material and serve on all parties a table reflecting the page numbers of each item designated.
 - (B) If not prohibited in an outstanding protective order, instead of the table the appellant may—at the appellant’s option—serve on the parties one copy of a physical compilation of the designated material with the assigned page numbers shown. This copy may be in micrographic format.
 - (C) The first page numbers in the designated material must be assigned to the judgment or order appealed from and any opinion, memorandum, or findings and conclusions supporting it.
 - (D) The table of page numbers or the physical compilation of the designated material, whichever is used, must not be filed with the court. If all designated material comprises no more than 100 pages, Federal Circuit Rule 30(d) applies.
 - (E) The pages of the appendix or supplemental appendix shall be numbered by the automated Bates numbering feature of the software used to convert the appendix to a .pdf document and must be in the format “Appx” or “SAppx” followed by the page number(s); e.g., “Appx134,” “Appx3-17,” or “SAppx1385.”
- (5) **Extension of Time Limits.** The time limits for designating, counter-designating, and compiling the table may be extended by agreement of the parties without seeking leave of the court, as long as an extension of the time is not required for filing appellant’s brief. But if a transcript of the proceedings is required before the material can be designated and if the transcript has been ordered but not

completed within the time prescribed by this rule, the appellant must move for an extension of time within which to designate the material. An affidavit explaining in detail what has been done to expedite transcription of the trial proceedings must be attached to the motion.

- (6) **Preparation of Appendix.** The appellant must prepare the appendix to be filed with the court from the designated material by selecting from that material only items required by these rules and pages specifically referred to in the briefs of the parties. 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.

(c) **Format of Appendix; Pagination.**

- (1) **Arrangement of Appendix.** Federal Rule of Appellate Procedure 30(d) governs the arrangement of the appendix, except the judgment or order appealed from and any opinion, memorandum, or findings and conclusions supporting it must be placed first in the appendix. (See [Federal Circuit Rule 28\(a\)\(12\)](#) for a duplicative requirement of the appellant's or petitioner's initial brief.)
- (2) **Pagination.** The page numbers used in the appendix must be the page numbers assigned by the appellant or petitioner to the designated material in accordance with Federal Circuit Rule 30(b). The page number must appear centered in the bottom margin of each page in the appendix. Other pagination marks must be redacted if necessary to avoid confusion. The materials in the appendix must be in numerical order according to the page numbers the appellant assigned to the designated materials. Omission of pages need not be noted, e.g., page 102 may be followed by page 230 without stating that pages 103-229 are not reproduced in the appendix. References in the briefs must be only to the page numbers of the appendix.
- (3) **Printing.** Pages in an appendix – even when filing a combined brief and appendix – may be printed on both sides. To the extent possible, the court encourages this.

(d) **Combined Brief and Appendix.**

- (1) When a brief and appendix are combined, the cover must so indicate.
- (2) If all designated material comprises no more than 100 pages, all of it may be included in the appendix, in which case it may be bound together with the appellant's or petitioner's initial brief and the brief must be filed as provided in [Federal Circuit Rule 31\(a\)](#).

- (e) **Appendix in a Pro Se Case.** If an appellant appearing pro se files an inadequate appendix, the appellee may file with its brief an appendix containing material permitted by Federal Circuit Rule 30(a)(2).
- (f) **Separate or Supplemental Appendix.** If the appellant has failed to participate in determining the contents of an appendix or has filed an inadequate appendix, the United States or an officer or agency of the United States, as the appellee, may file a separate or supplemental appendix containing material permitted by Federal Circuit Rule 30(a)(2). The cover must be red. If the separate or supplemental appendix contains no more than 100 pages, it may be bound together with the appellee's initial brief. Except as provided in Federal Circuit Rule 30(e) and (f), no party may file a separate or supplemental appendix without leave of the court.
- (g) **Costs.** The costs of the table of page numbers or the copy of the physical compilation of the designated material authorized in Federal Circuit Rule 30(b)(4) and of the appendix, including the separate segments authorized in Federal Circuit Rule 30(h), may be assessed as provided in Federal Rule of Appellate Procedure 30(b)(2).
- (h) **Appendices Containing Material Subject to a Protective Order.**
- (1) **(A) Confidentiality.** Material that retains its status as covered by a protective order may be marked confidential in appendices (and addenda to briefs). Material that has lost its coverage under a protective order under [Federal Circuit Rule 11\(c\)](#) or [17\(e\)](#)—based on Federal Circuit Rules 30(h)(1)(B), [27\(m\)\(1\)](#), or [28\(d\)\(1\)](#)—may not be marked confidential in appendices (or addenda).
- (2) **(B) Agreement by Parties to Modify a Protective Order; Certificate of Compliance.** If any portion of the record in the trial court or an agency is subject to a protective order and a notice of appeal has been filed, each party must promptly review the record to determine whether protected portions need to remain protected on appeal. If a party determines that some portions no longer need to be protected, that party must seek an agreement with the other party. Any agreement that is reached must be promptly presented to the trial court or the agency, which may issue an appropriate order. Whether or not an agreement is reached, each party must file a certificate of compliance no later than the time for filing the joint appendix stating it complied with this rule. This Federal Circuit Rule 30(h)(1)(B) does not apply in a case arising under 19 U.S.C. § 1516a, or to third-party information marked as confidential.
- ~~(A)~~ **(C) Motion to Modify the Protective Order.** A party may move at any time in this court to modify a protective order to remove protection from some material or to include another person within its

terms. This court may decide the motion or may remand the case to the trial court. This court, sua sponte, may direct the parties to show cause why a protective order should not be modified.

- ~~(3)~~(2) **Two Versions of Appendices.** If a party refers in appendices to material subject to confidentiality mandated by statute or to a judicial or administrative protective order, consistent with Federal Circuit Rule 30(h)(1), two versions of appendices must be filed.
- (A) **Confidential version; labeling; number of copies.** One set of appendices, consisting of six paper copies of the complete appendix, must be labeled “confidential” and filed with the court. If confidentiality will end on a date certain or upon the happening of an event, this must be stated on the cover, e.g., “CONFIDENTIAL UNTIL [DATE],” or “CONFIDENTIAL DURING JUDICIAL REVIEW.” The confidential appendix must include at the beginning (i.e., in front of the judgment or order appealed from) pertinent excerpts of any statutes imposing confidentiality or the entirety of any judicial or administrative protective order. Each page containing confidential material must enclose this material in brackets or indicate this material by highlighting.
- (B) **Nonconfidential version; labeling.** The second version of appendices from which confidential matter has been deleted, must be labeled “nonconfidential” and filed with the court. Each page from which material subject to a protective order has been deleted must bear a legend so stating. The table of contents of a nonconfidential appendix must describe the general nature of the confidential material that has been deleted.
- ~~(4)~~(3) **Service.** In a pro se case, each party to the appeal must be served one copy of the nonconfidential appendices and, when permitted by the applicable protective order, one copy of the confidential appendices. In a case in which all parties are represented by counsel, service is made through CM/ECF of a nonconfidential appendix; one paper copy of the confidential version must be served.
- ~~(5)~~(4) **Availability to the Public.** The confidential appendices will be made available only to authorized court personnel and must not be made available to the public. After 5 years following the end of all proceedings in the court, the parties may be directed to show cause why confidential appendices (except those protected by statute) should not be made available to the public.
- (i) **Appendix to Informal Brief.** The appendix to an informal brief must contain the judgment and opinion of the trial court or the final order of an administrative agency. The initial decision of the administrative judge must also be included in the appendix in a Merit Systems Protection Board case.

- (j) **Supplementary Video Recording Media Appendix.** When the record on appeal or review has been perpetuated in whole or in part on video recording media in accordance with the rules of the court or agency, those video recording media portions of the record that would properly be included in the appendix if they were in documentary form may be included in a supplementary video recording media appendix. Four copies must be filed.

Federal Circuit Rule 54

Rule 54. Library

(a) General. The library in the Howard T. Markey National Courts Building serves this court and the United States Court of Federal Claims.

(b) Authorized Users. The library's authorized users are limited to:

- (1) the judges of the courts;
- (2) their court staff;
- (3) members of the bars of either court;
- (4) pro se litigants with pending cases in either court;
- (5) attorneys employed by the United States; and
- (6) employees of the Administrative Office of the United States Courts and the Federal Judicial Center.

(c) Suspension; Closing. The librarian may suspend an authorized user for cause and may, when warranted, close the library to all except judges and the court staff.

(d) Books: Check Out and Removal. Only judges and the court staff may check out books from the library. Library books must not be removed from the premises of the Howard T. Markey National Courts Building without express permission from the librarian.