

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

RULES OF PRACTICE



PROPOSED AMENDMENTS

JULY 2026

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EDITOR'S NOTES

This document contains proposed substantive and non-substantive amendments to the Federal Circuit Rules of Practice.

All rules or relevant subsections with proposed amendments for which the court is currently seeking public comment are included in these materials. Rules without any amendments are omitted.

Omitted language within a subsection is denoted by * * *.

All hyperlinks are for illustrative purposes only and will not work.

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SUMMARY OF PROPOSED AMENDMENTS

The court is proposing the following amendments to the Federal Circuit Rules of Practice (FCR) and corresponding Practice Notes:

1. **Fed. Cir. R. 32(j):** Adds a restriction on the use of *passim* or any similar term in the table of authorities.
2. **Practice Note to Fed. Cir. R. 32:** Includes a practice note regarding *Microsoft Corp. v. DataTern, Inc.*, 755 F.3d 899, 910 (Fed. Cir. 2014).

Federal Circuit Rule 32.

Forms of Briefs, Appendices and Other Papers

* * *

(j) Table of Authorities.

The table of authorities must identify each page on which the authority is cited. *Passim* or similar terms may not be used.

...

Practice Notes to Rule 32

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Incorporation by Reference.

Any words incorporated by reference cannot be used to exceed word count. *See Microsoft Corp. v. DataTern, Inc.*, 755 F.3d 899, 910 (Fed. Cir. 2014).

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