

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

RULES OF PRACTICE



PROPOSED AMENDMENTS
SEPTEMBER 2025

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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.

Table of Contents**Contents**

SUMMARY OF PROPOSED AMENDMENTS.....	2
Federal Circuit Rule 15.....	4
<i>Review of an Agency Order or Action</i>	
Federal Circuit Rule 25.....	5
<i>Filing and Service</i>	
Practice Notes to Rule 25.....	6
Federal Circuit Rule 25.1.....	7
<i>Privacy and Confidentiality</i>	
Federal Circuit Rule 30.....	8
<i>Appendix to the Briefs</i>	
Federal Circuit Rule 32.....	9
<i>Form of Briefs, Appendices, and Other Papers</i>	
Federal Circuit Rule 39.....	10
<i>Costs</i>	
Practice Notes to Rule 39.....	11
Federal Circuit Rule 46.....	12
<i>Attorneys</i>	
Practice Notes to Rule 46.....	15
Federal Circuit Rule 47.6.....	16
<i>Docketing Statement</i>	
Practice Notes to Rule 50.....	17

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. 15(c):** Updates language to avoid suggesting a party may raise a claim of discrimination with this court before raising the same with the MSPB.
2. **Fed. Cir. R. 25(c)(1)(B):** Removes the requirement to file physical items in the same amount as required for copies of a brief, appendix, or petition.
3. **Fed. Cir. R. 25(i)(2).** Eliminates the requirement for counsel to mark “corrected” on an electronic filing in response to a directive from either the court or the Clerk’s Office during the pre-panel-assignment period of the case.
4. **Practice Note to Fed. Cir. R. 25:** Updates the location of the Clerk’s Office night box.
5. **Fed. Cir. R. 25.1(b):** Includes language regarding a waiver of a person’s own personally identifiable information (PII) to align the rule with the requirements of Fed. R. App. P. 25(a)(5) and Fed. R. Civ. P. 5.2.
6. **Fed. Cir. R. 30(d)(2):** Clarifies language that 200 electronic pages are allowed in an appendix attached to a principal brief, which would equate to 100 double-sided printed pages, putting the language in line with the requirements of FCR 30(a)(4).
7. **Fed. Cir. R. 30(e)(3):** Clarifies language that 200 electronic pages are allowed in an appendix attached to a principal brief, which would equate to 100 double-sided printed pages, putting the language in line with the requirements of FCR 30(a)(4).
8. **Fed. Cir. R. 32(b)(2)(E):** Includes language that explicitly states that patent claims required by FCR 32(a)(3) are excluded from any word-count limitations.
9. **Fed. Cir. R. 39(d):** Adjusting citation to Fed. R. App. P. 39 to correspond with amended rule subsection.
10. **Practice Note to Fed. Cir. R. 39:** Updates language to eliminate a specific method of payment to allow consideration of other payment methods.

11. **Fed. Cir. R. 46(g).** Implements a process for law student practice at the Federal Circuit.
12. **Fed. Cir. R. 47.6.** Updates the filing of the docketing statement by assigning the filing requirements to the appellant, cross-appellant or petitioner only.
13. **Practice Note to Fed. Cir. R. 50:** Includes language regarding disclosure prohibitions for former or current court employees.

Federal Circuit Rule 15.

Review of an Agency Order or Action

[. . .]

(c) Statement Concerning Discrimination.

(1) Petitioner's Statement.

Within fourteen (14) days after a petition for review of a decision of the Merit Systems Protection Board under 5 U.S.C. § 7703 or a decision of an arbitrator under 5 U.S.C. § 7121 is docketed, the petitioner must file a statement indicating whether or not a claim of discrimination by reason of race, color, religion, sex, age, national origin, or handicapping condition ~~has been or will be made in the case~~ was raised before the Merit Systems Protection Board or arbitrator and whether review of such discrimination claim is sought. A petitioner must file the statement on the form prescribed by the court.

* * *

Federal Circuit Rule 25

Filing and Service

[. . .]

(c) All Other Documents

(1) Submission by Electronic Filers.

* * *

(B) Items That Cannot Be Filed Electronically.

Exhibits, attachments, or appendices that cannot be submitted electronically due to their format ~~are not in a format that readily permits electronic filing~~ — such as those which are illegible when scanned, or which, because of their odd shape, are unable to be scanned, or physical exhibits other than documents, — may be filed in physical form without leave of court. The party must file electronically a Notice of Physical Filing and submit the original exhibit, attachment, or appendix in physical form to the clerk of court with five (5) business after filing the notice. ~~If such an item is part of a brief, appendix, or petition, then additional copies must be provided in the same number and within the same timeframe as the paper copies of the brief, appendix, or petition.~~ For electronic appendix material that is unable to be reproduced in paper, [Federal Circuit Rule 30\(i\)](#) applies, and a separate Notice of Physical Filing is not required.

* * *

(i) Corrections to Filings.

* * *

(2) Format.

A corrected document must indicate “corrected” in the title or on the cover. A new proof of service must be attached to any corrected filing that is not being served through the court’s electronic filing system. The “corrected” notation is not required on a document when changes have been ordered by the court or the clerk of court.

* * *

Practice Notes to Rule 25**Location of Clerk's Office; Hours of Operation; Night Box.**

The clerk's office is in Room 401 of the National Courts Building, 717 Madison Place, NW, Washington, DC 20439, and is open from 8:30 a.m. to 4:30 p.m. on workdays. After the office closes on workdays, papers may be deposited until 7:00 p.m. ~~until midnight~~ in a night box located in the lobby of the National Courts Building. ~~at the garage entrance on H Street NW, between 15th Street and Madison Place.~~

* * *

Federal Circuit Rule 25.1

Privacy and Confidentiality

[. . .]

(b) **Personally Identifiable Information.**

All parties must refrain from including or must redact personally identifiable information (PII) from documents filed with the court. Documents that contain only redacted PII and no other confidential markings are not required to adhere to Federal Circuit Rule 25.1(e). The requirement to redact PII may be waived by the inclusion of a statement of consent by the affected individual, but a person waives the protection of this rule as to that person's own PII by filing it without redaction and not under seal. Examples of PII include the following:

- (1) Social security numbers;
- (2) Financial account numbers;
- (3) Names of minors (use instead the minor's initials);
- (4) Dates of birth (use the year only); and
- (5) Home addresses (use the city and state only).

* * *

Federal Circuit Rule 30

Appendix to the Briefs

[. . .]

(d) Combined Brief and Appendix

* * *

- (2) If either the appendix agreed upon by the parties or the designated material comprises no more than ~~100 pages~~ 200 electronic pages or 100 double-sided printed pages, it may be ~~bound~~ filed together with the appellant's or petitioner's principal brief ~~as a combined brief and appendix~~.

(e) Separate or Supplemental Appendix

* * *

(3) Cover and Binding.

If a separate or supplemental appendix ~~contains~~ comprises no more than ~~100 pages~~ 200 electronic pages or 100 double-sided printed pages, it may be ~~bound~~ filed together with the filer's principal brief. ~~If it is separately bound, then the cover must be red. The cover of any separately bound appendix filed by an appellee or intervenor must be red. The cover of any other separately bound appendix must be white.~~

* * *

Federal Circuit Rule 32

Form of Briefs, Appendices, and Other Papers

[. ..]

(b) Type-Volume Limitations

* * *

(2) Exclusions

* * *

- (E) the cover page, the inside of the front cover, including the one or more exemplary patent claims illustrative of the issue(s), or text required to appear on the first page of a filing in lieu of a cover page; and

* * *

Federal Circuit Rule 39

Costs

[. ..]

(d) Taxable Costs

A motion for leave providing specific explanation and justification must accompany the bill of costs if costs for items not described in [Federal Rule of Appellate Procedure 39\(e\)\(e\)](#) are sought or if costs are sought at a rate higher than the allowable costs.

* * *

Practice Notes to Rule 39

[. . .]

Payment of Costs Taxed.

Pay the party or parties in whose favor costs are taxed by ~~check~~
submitting payment sent to counsel for the party or to the party if the
party is unrepresented. The court is not involved in collection matters.

* * *

Federal Circuit Rule 46

Attorneys

[. . .]

(g) Law Student Practice.

(1) With the written consent of a party or party's representative and a supervising attorney filed with this court, an eligible law student may enter an appearance on behalf of that party in this court.

(2) Eligible Law Student.

An individual is eligible to appear under this rule if:

(A) The individual is duly enrolled in a law school accredited by the American Bar Association and has completed at least four full-time semesters of legal studies (or the equivalent), or has graduated from such a law school and is awaiting the results of the first bar examination or bar admission process;

(B) The dean of the law school, or a faculty member designated by the dean, certifies that the individual is of good character and competent legal ability, and is qualified to provide the legal representation permitted by this rule, and the certification is filed with this court;

(C) The individual is familiar with the Federal Rules of Appellate Procedure, the rules of this court, the American Bar Association's Model Rules of Professional Conduct, and any other rules relevant to the case in which the student is appearing; and

(D) The individual certifies compliance with this rule.

(3) Dean Certification.

The certification under Federal Circuit Rule 46(g)(2)(B) may be withdrawn by the dean or authorized faculty member at any time by sending notice to that effect to the clerk of court. It is not necessary that the notice state the cause for the withdrawal. The certification may be terminated by this court at any time without notice or hearing and without any showing of cause.

(4) Supervising Attorney.

To qualify under this rule, a supervising attorney must:

- (A) Be a member of good standing of the bar of this court and enter an appearance in the case;
- (B) Sign all documents filed with the court;
- (C) Assume full professional responsibility for the quality and accuracy of the eligible law student's work in the case;
- (D) Guide, assist, and supervise the eligible law student to the extent necessary and appropriate;
- (E) Ensure that court deadlines are met;
- (F) Be prepared to appear and argue regardless of the eligible law student's availability; and
- (G) Certify compliance with this rule.

(5) Eligible Law Students Not to Be Compensated by Parties.

An eligible law student appearing pursuant to this rule may neither ask for, nor receive, any compensation or remuneration of any kind from a party for services rendered in the case. This rule neither prevents a lawyer, legal aid bureau, law school, or the government from paying compensation to the eligible law student, nor shall it prevent these entities from making such charges for its services as may otherwise be proper.

(6) Eligible Law Student Appearance on Briefs.

An eligible law student appearing pursuant to this rule may appear on a brief, provided the supervising attorney also appears on the brief.

(7) Eligible Law Student Participation in Oral Argument.

An eligible law student may participate in oral argument with leave of court, but only in the presence of the supervising attorney, who shall introduce the eligible law student at argument and be prepared to supplement any written or oral statement that has been made by the eligible law student to this court or opposing counsel. Any motion filed under this subsection shall be filed no later than seven (7) days following the end of briefing and will be deferred to the merits panel. If leave is sought for an eligible law student to participate in oral argument, the supervising attorney may include the eligible law

student's scheduling conflicts when filing their response under [Federal Circuit Rule 34\(d\)\(2\)](#).

(8) Exceptions.

This court retains the authority to establish exceptions to these requirements in any individual case.

* * *

Practice Notes to Rule 46

[. ..]

Forms for Eligible Law Student Practice.

Using Federal Circuit Forms 35 and 36 satisfies the relevant requirements under [Federal Circuit Rule 46\(g\)](#).

* * *

Federal Circuit Rule 47.6

Docketing Statement

~~Except in cases involving unrepresented parties, e~~ Each party appellant, cross-appellant or petitioner must file a docketing statement on the form prescribed by the clerk of court within fourteen (14) days after the case is docketed ~~or thirty (30) days after the case is docketed if the United States or its officer or agency is a party.~~ Filing this docketing statement satisfies the requirement for an appellant to file a statement of the issues under [Federal Rule of Appellate Procedure 10\(b\)\(3\)\(A\)](#).

* * *

Practice Notes to Rule 50

[. . .]

Cases Pending List

A court employee is provided the full list of pending cases that the employee may not participate in or assist with under Rule 50 after employment at the court (“Appeals Pending List”). Employers and former employees are expected to use that Appeals Pending List to comply with Rule 50. See *In re Violation of Rule 50*, 712 F. App’x 1005, 1007 (Fed. Cir. 2018). An employer or potential employer should not request a former or current court employee to disclose the actual cases the employee worked on while at the court, and the employee should not identify such cases to the employer or potential employer. See Committee on Codes of Conduct Advisory Opinion No. 109 (“[J]udges and clerks should generally decline law firms’ requests for lists of all matters the clerks participated in, because such requests may call for the disclosure of confidential information[.]”); Canon 3D(3) of the Code of Conduct for Judicial Employees (“A judicial employee should never disclose any confidential information received in the course of official duties except as required in the performance of such duties. A former judicial employee should observe the same restriction on disclosure of confidential information that applies to a current judicial employee, except as modified by the appointing authority.”). Other sources of ethical obligations, outside the scope of this Practice Note, might be relevant to a former court employee’s and an employer’s representation on a particular matter and might extend to cases beyond those on the Appeals Pending List. This Practice Note does not attempt to define those other ethical obligations or to address mechanisms for compliance with those obligations.

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