



**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

January 20, 2023

**NOTICE OF PROPOSED AMENDMENTS TO THE  
FEDERAL CIRCUIT RULES OF PRACTICE**

Pursuant to 28 U.S.C. § 2071(b) and Federal Circuit Rule 47(a), the United States Court of Appeals for the Federal Circuit gives notice that it proposes to amend Federal Circuit Rules of Practice 26, 30, 31, 33, 33.1, 34, 39, and 47.6 and the Practice Notes to Rules 34, 42, 47.5, and 47.6. The proposed amendments are available on the court's [website](#). If adopted, the amendments would take effect on March 1, 2023. On that date, the court may also implement previously deferred amendments. Please refer to the court's [notice](#) issued November 17, 2022.

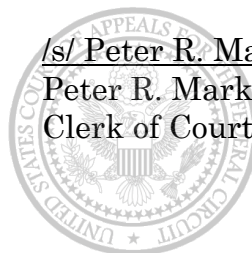
Public comments must be received by the Clerk of Court **on or before February 21, 2023**. Comments may be submitted by email to [FederalCircuitRules@cafc.uscourts.gov](mailto:FederalCircuitRules@cafc.uscourts.gov) or by mail as follows:

Proposed Rules Comments 2023  
Clerk's Office, U.S. Court of Appeals for the Federal Circuit  
717 Madison Place NW  
Washington, DC 20439

All submitted comments must include the name and either a return email or mailing address for the submitter. Any submitted comments, including the name of the submitter, may be made available to the public unless a submitter specifically requests that either the submitter's name or comment not be released to the public.

FOR THE COURT

/s/ Peter R. Marksteiner  
Peter R. Marksteiner  
Clerk of Court



---

# Summary of Proposed Amendments to the Federal Circuit Rules of Practice

---

*January 2023*

The following summary was prepared by the Clerk's Office as a guide to the proposed amendments and should not substitute for reading the full text of the proposed amendments, which are available on the court's website in the two following formats.

[Redlined Copy of the Proposed Amendments](#)

[Clean Copy of the Proposed Amendments](#)

This summary is neither intended to serve as legal advice nor as commentary on the changes to the Federal Circuit Rules of Practice.

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

1. **Fed. Cir. R. 26:** codifying the day after Thanksgiving as an official court holiday.
2. **Fed. Cir. R. 30:** requiring service of a paper copy of appendix on opposing principal counsel unless counsel deems it unnecessary.
3. **Fed. Cir. R. 31:** requiring service of a paper copy of each brief on opposing counsel unless counsel deems it unnecessary.
4. **Fed. Cir. R. 33:** eliminating settlement negotiation certification requirement; adding language encouraging use of mediation program and apprising court of ongoing settlement discussions; merging mediation provision of Fed. Cir. R. 33.1 into 33; adding Practice Note originally proposed for Fed. Cir. R. 33.1 to 33 instead.
5. **Fed. Cir. R. 33.1:** deleting the rule and merging mediation language into Fed. Cir. R. 33 and docketing statement language into Fed. Cir. R. 47.6.
6. **Fed. Cir. R. 34:** requiring arguing counsel to have copies of each brief and appendix close at hand at oral argument; adding Practice Note encouraging parties to have paper copies at oral argument.
7. **Fed. Cir. R. 39:** adjusting citations to rules for copies taxable in the bill of costs.
8. **Fed. Cir. R. 42:** adding Practice Note regarding use of new court form to satisfy requirements for FRAP 42(b).
9. **Fed. Cir. R. 47.5:** adding Practice Note regarding use of new court form to satisfy requirement for notice of related case information, which relates to a new provision proposed during the court's September 2022 public comment period.
10. **Fed. Cir. R. 47.6:** creating new rule requiring filing of the docketing statement (moving the location of the original proposal from September 2022 to Fed. Cir. R. 47.6 instead of 33.1(b)); adding practice note originally proposed for Fed. Cir. R. 33.1 to 47.6 instead.