



**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

February 23, 2023

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

Following the periods of public comment, the court reviewed submitted comments and has approved the following substantive modifications to the originally proposed amendments. All other proposed amendments from September 2022 and January 2023 will be adopted without additional substantive changes.

Stylistic, cross-reference, and similar changes are not included. New language is shown in **bold**; omitted language is shown with strikethrough.

Please note that the court's original proposals concerning Federal Circuit Rule 33 and 33.1 from September 2022 were supplanted by new proposals for those rules and Federal Circuit Rule 47.6 in January 2023. The January 2023 proposals were adopted without further amendment.

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**FEDERAL CIRCUIT RULE 15 – Practice Notes to Rule 15**

Time to Appeal or Petition.

The table below is provided only as a convenience to parties, who should refer to the statutes, rules, and case law before determining the period available for taking an appeal or filing a petition for review and the event that starts the period.

AGENCY	STATUTE	TIME
Arbitrator	5 U.S.C. §§ 7121, 7703	60 days
Board of Contract Appeals	41 U.S.C. § 7107	120 days
Board of Directors, Office of <del>Compliance</del> <b>Congressional Workplace Rights</b>	2 U.S.C. § 1407(c)(3)	90 days
Bureau of Justice Assistance	42 U.S.C. § 3796c-2	90 days

AGENCY	STATUTE	TIME
Government Accountability Office Personnel Appeals Board	31 U.S.C. § 755	30 days
International Trade Commission	19 U.S.C. § 1337	60 days
Merit Systems Protection Board	5 U.S.C. § 7703	60 days
Patent Trial and Appeal Board; Trademark Trial and Appeal Board; Director of <b>the United States</b> Patents and Trademarks <b>Office</b>	35 U.S.C. § 142; 15 U.S.C. § 1071; 37 C.F.R. §§ 90.3(a)(1), <b>1.304, 2.145</b>	2 months or 63 days

#### **FEDERAL CIRCUIT RULE 15 – Practice Notes to Rule 15**

Filing in the Patent and Trademark Office.

A notice of appeal mailed to the Patent and Trademark Office should be addressed to

Office of the ~~Solicitor~~**General Counsel**  
United States Patent and Trademark Office  
~~Mail Stop 8, Post Office~~**P.O. Box 1450**  
Alexandria, Virginia 22313-1450.

The general counsel requests that hand delivery, if any, be made between the hours of 8:30 a.m. and 5:00 p.m. to

Office of the General Counsel  
~~United States Patent and Trademark Office~~  
~~Madison East, 10B20, Madison Building East~~  
600 Dulany Street, Alexandria, Virginia ~~22314~~.

#### **FEDERAL CIRCUIT RULE 28 – Practice Notes to Rule 28**

**Inclusion of Patents in the Addendum.**

**The addendum to the appellant’s principal brief under Federal Circuit Rule 28(c)(1) must include only patents or patent applications that are**

**the subject of the appeal. While prior art patents must not be included in the addendum, these patents may still be required to be included in the appendix if referenced in briefing by the parties. See Federal Circuit Rule 30(b)(5).**

#### **FEDERAL CIRCUIT RULE 28 – Practice Notes to Rule 28**

##### **Inclusion of Patents in the Appendix.**

**Federal Circuit Rule 30(a)(1)(A)(iii) requires the appendix to include patents or patent applications that are the subject of the appeal. Prior art patents or other patents may only be included in the appendix as required by Federal Circuit Rule 30(b)(5).**

#### **FEDERAL CIRCUIT RULE 42 – Practice Notes to Rule 42**

##### **Settlement Stipulation of Dismissal Form.**

Using Federal Circuit Form 18 satisfies the requirements to stipulate to dismissal of an appeal under Federal Rule of Appellate Procedure 42(b)(1).