



Filing a Petition for Rehearing or Rehearing En Banc

1. What is a Petition for Rehearing?

Parties may file a petition for rehearing if they believe the opinion or final decision misstates the facts, contains an error of law, significantly omits facts or law, or fails to consider an important argument. It should not be used to reargue issues that were previously presented but not accepted by the merits panel. A party may only file a petition for panel rehearing, or a petition for rehearing en banc, or a combined petition for panel rehearing and rehearing en banc. Multiple petitions for rehearing are not authorized under the Rules.

- (1) Petitions for Panel Rehearing. Petitions for Panel Rehearing are reviewed by the three judge panel that issued the opinion or final decision.
- (2) Petitions for Rehearing En Banc. Petitions for Rehearing En Banc are reviewed by all eligible judges of the court.
- (3) Combined Petitions for Panel Rehearing and Rehearing En Banc. Combined petitions are reviewed by (1) the three judge panel that issued the opinion or final decision and (2) all eligible judges. The two petitions must not be filed separately, and the cover of a combined petition must indicate that it is a combined petition.

2. What are the filing requirements?

Time to File. Petitions must be filed within thirty (30) days after entry of judgment, or within forty-five (45) days if the United States or its officer or agency is a party. See Fed. Cir. R. 40(f).

Fees. There are no additional fees required.

Format and Contents. For formal petition requirements, please refer to Fed. Cir. R. 40(b)-(e). For informal petition requirements for unrepresented parties, see Fed. Cir. R. 40(h).

Paper Copies. For any petition, unrepresented parties need only submit three (3) copies. Represented parties must submit three (3) paper copies of a petition for panel rehearing and thirteen (13) paper copies for en banc rehearing. All paper copies must be received within two (2) business days after initially filing the petition.

For assistance with filing procedures, see the court's [Electronic Filing Procedures \(EFPs\)](https://cafc.uscourts.gov/eFilingProcedures) at cafc.uscourts.gov ("eFiling Procedures").