



**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**
717 MADISON PLACE, N.W.
WASHINGTON, D.C. 20439

JARRETT B. PERLOW
CLERK OF COURT

CLERK'S OFFICE
202-275-8000

September 4, 2024

**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 21, 27, 28, 30, 32, 35, and 40, the Practice Notes to Rules 15, 28, 30, 35, and 40, and the Federal Circuit Attorney Discipline Rules Introduction and Rule 5. The proposed amendments are available on the court's [website](#). If adopted, the amendments would take effect on December 1, 2024.

Public comments must be received by the Clerk of Court **on or before October 4, 2024**.

Comments may be submitted by email to FederalCircuitRules@cafc.uscourts.gov or by mail as follows:

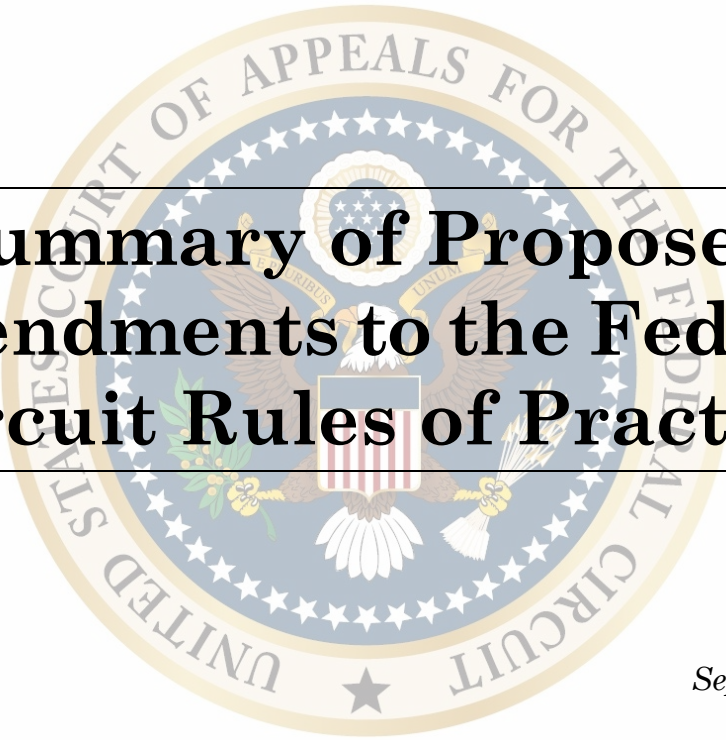
Proposed Rules Comments 2024
Clerk's Office, U.S. Court of Appeals for the Federal Circuit
717 Madison Place NW
Washington, DC 20439

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



Jarrett B. Perlow
Clerk of Court



Summary of Proposed Amendments to the Federal Circuit Rules of Practice

September 2024

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.

In addition to conforming amendments incorporating the 2024 amendments to the Federal Rules of Appellate Procedure (FRAP), the court is proposing amendments to the following Federal Circuit Rules of Practice (FCR).

1. **Practice Notes to Fed. Cir. R. 15:** Updates language that corrects an error regarding Time to Appeal or Petition table to reflect the correct time of six years and updates the information regarding the filing of a notice of appeal with the Patent and Trademark Office to reflect recent updates in 37 CFR 90.2 and 2.145.
2. **Fed. Cir. R. 21(f):** Adjusting citation to FCR 40 to correspond with new rule subsection.
3. **Fed. Cir. R. 27(j):** Adjusting citation to FCR 40 to correspond with new rule subsection.
4. **Practice Notes to Fed. Cir. R. 28:** Provides guidance to attorneys regarding the use of reply briefs.
5. **Fed. Cir. R. 30:** Implements a new requirement regarding the appendix table of contents (TOC). The proposed addition as FCR 30(a)(6) would require that in addition to the page at which each entry begins, the TOC must include information identifying how the document was designated in the reviewed tribunal (such as the docket or other record number).
6. **Fed. Cir. R. 32(b):** Adjusting citation to FCR 40 to correspond with new rule subsection.
7. **Fed. Cir. R. 35 and 40:** Proposed updates to FCR 35 and 40 mirror the suggested updates to upcoming December 2024 Amendments to FRAP 35 and 40, which incorporate into a single rule all procedural requirements for petitions for panel rehearing, petitions for hearing or rehearing en banc, and combined petitions for panel rehearing and rehearing en banc. There are no substantive updates to the rule; the core of the change is to update the format and combine the requirements for each of these petitions into a single rule.
8. **Federal Circuit Attorney Discipline Rules Introduction and Rule 5:** Adjusting citation to FCR 40 to correspond with new rule subsection.