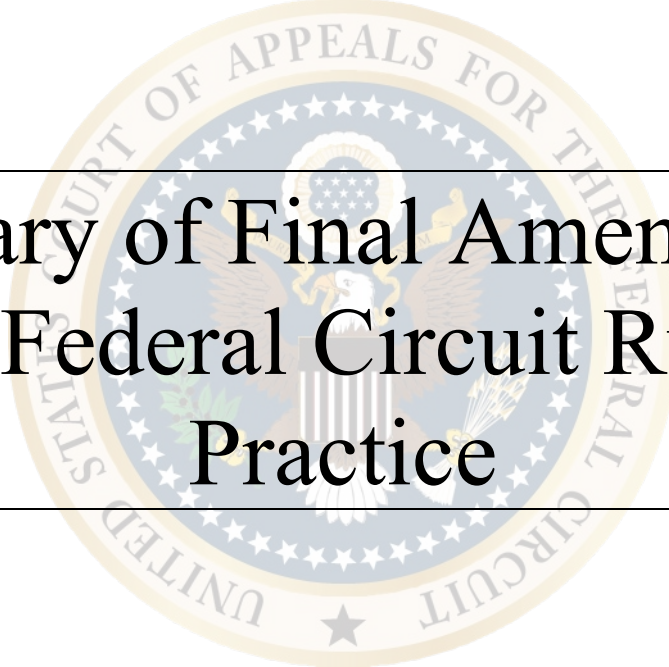


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# Summary of Final Amendments to the Federal Circuit Rules of Practice

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*February 2023*

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

[Draft Proof Copy – Federal Circuit Rules of Practice \(March 1, 2023\)](#)

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 has adopted amendments to the following Federal Circuit Rules of Practice (FCR).

1. **Fed. Cir. R. 15:** Updating jurisdictional statutes and USPTO address in Practice Notes.
2. **Fed. Cir. R. 25:** Decreasing the required number of paper copies on rehearing or hearing en banc.
3. **Fed. Cir. R. 26:** Codifying the day after Thanksgiving as an official court holiday.
4. **Fed. Cir. R. 27:** Clarifying that requests for reconsideration of dispositive orders must be filed as rehearing petitions with limited exceptions.
5. **Fed. Cir. R. 28:** Moving the principal brief addendum requirements to their own subsection and addressing multi-volume addenda; requiring a separate heading for the standard of review and clarifying location expectations; clarifying patent claim language on inside front cover of principal briefs and relocating requirement to FCR 32; clarifying informal brief form requirement; requiring separate heading for the jurisdictional statement in informal response briefs; adding Practice Note to address inclusion of patents in the addendum.
6. **Fed. Cir. R. 28.1:** Adjusting citation to FCR 28 to correspond with new addendum subsection.
7. **Fed. Cir. R. 30:** Clarifying expectation for inclusion of patent and rehearing orders in the appendix; requiring brief title to identify when it contains an appendix; permitting unrepresented parties to file additional record material attached to a reply brief when the appellee files a separate appendix; adding Practice Note to address inclusion of patents in the appendix; requiring service of a paper copy of the appendix on opposing principal counsel unless counsel deems it unnecessary.
8. **Fed. Cir. R. 31:** Eliminating separate briefing schedule for informal briefing; requiring service of a paper of the appendix on opposing principal counsel unless counsel deems it unnecessary.
9. **Fed. Cir. R. 32:** Relocating patent claim language on inside front brief cover requirement to this rule from FCR 28 and permitting single-spacing of this language; excluding inside front cover contents and contents required on the first page of a filing in lieu of a cover from word counts; clarifying informal brief form

and type-volume requirements.

10. **Fed. Cir. R. 33:** Eliminating settlement negotiation certification requirement; adding language encouraging use of the mediation program and apprising court of ongoing settlement discussions; merging mediation provision of FCR 33.1 into 33.
11. **Fed. Cir. R. 33.1:** Deleting the rule and merging mediation language into FCR 33 and docketing statement language into FCR 47.6.
12. **Fed. Cir. R. 34:** Requiring parties to file argument scheduling conflict notice, even if no conflicts exist; delegating authority to the clerk of court to set scheduling conflict limitations and accept or reject individual conflict dates; clarifying who must file a response to notice of oral argument; clarifying that parties represented by the same counsel can only have one counsel argue; 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.
13. **Fed. Cir. R. 35:** Aligning with change to FCR 25 to decrease required number of paper copies.
14. **Fed. Cir. R. 38:** Adding Practice Note to direct filers to follow Rule 27 when filing motions for sanctions.
15. **Fed. Cir. R. 39:** Adjusting citations to rules for copies taxable in the bill costs.
16. **Fed. Cir. R. 40:** Aligning with change to FCR 25 to decrease required number of paper copies.
17. **Fed. Cir. R. 41:** Adjusting the types of orders that will constitute the mandate.
18. **Fed. Cir. R. 42:** Adding Practice Note regarding use of new court form to satisfy requirements for FRAP 42(b).
19. **Fed. Cir. R. 47.4:** Citing to FCR 47.5 for related case requirement in certificate of interest.
20. **Fed. Cir. R. 47.5:** Creating expanded notice requirement when there are related cases in other tribunals in order to provide the court with more information on participating parties, firms, and attorneys; adding Practice Note regarding use of new court form to satisfy requirement for notice of related case information.

21. **Fed. Cir. R. 47.6:** Creating new rule requiring filing of the docketing statement; adding Practice Note regarding use of the court's docketing statement form.
22. **Fed. Cir. R. 47.7:** Adding Practice Note to direct filers to follow Rule 27 when filing motions for sanctions in the form of attorney fees.