

Quick Reference: Appendix Requirements in the United States Court of Appeals for the Federal Circuit

Note: This quick reference guide is provided by the Clerk's Office for the convenience of counsel and litigants for reference purposes only and does not constitute legal advice. Counsel and litigants remain responsible for independently reviewing and complying with the Federal Rules of Appellate Procedure and the Federal Circuit Rules.

FORMAT REQUIREMENTS		
Requirements	Explanation	Authority
Legibility/Clarity	Must appear as clear black image on light paper; text must equal or exceed output of laser printer; photographs, illustrations, and tables must result in good copy of original	FRAP 32(a)(1); FRAP 32(b)
Paper Size	8 ½ by 11 inches or another size in order to facilitate inclusion of odd-sized documents	FRAP 32(b)(3)
Volume Size	Individual appendix volumes must not exceed 800 electronic pages (equating to 400 pages when bound double-sided)	FCR 30(a)(4); Practice Notes to Rule 30 (Appendix Volumes)
Ordering of Contents	The appendix must appear in the following order: (1) Cover; (2) Table of Contents; (3) any protective order or statute imposing confidentiality; (4) orders, judgments, or decisions appealed from including rehearing orders; (5) relevant docket entries; (6) other parts of the record appearing chronologically	FCR 25.1(e)(1)(A); FRAP 30(d); FCR 30(b)(2)(B); FCR 30(c)(1)
Pagination	<ul style="list-style-type: none"> • Bates numbering in "Appx" or "SAppx" format • Page numbers must correspond to designated material (protective order or statute imposing confidentiality, if required under FCR 25.1(e)(1)(A), may be paginated with Roman numerals) • Page numbers centered in bottom margin • Pages must be in numerical order by assigned page number • Other marks must be redacted to avoid confusion with page numbers • Omission of pages need not be noted • Page numbers must be at least 14 pt. font 	FCR 30(b)(2); FCR 30(c)(1); FCR 30(c)(2)
Electronic Appendix Material Unable to Be Produced in Paper	When record has been perpetuated in whole or in part in an electronic format and cannot be reproduced in a nonelectronic format, those portions may be supplied to the court on physical media, and the appendix must include slip sheets identifying where this material would appear	FCR 30(i)
Combined Brief and Appendix	Appendices not exceeding 100 pages to be combined with brief; if the designated material does not exceed 100 pages, it may be combined with the opening brief as the appendix	FCR 30(d)(2)
Testimony	The court encourages the use of condensed, columnar transcripts of testimony to reduce bulk	Practice Notes to Rule 30 (Testimony in Appendix)

Quick Reference: Appendix Requirements in the United States Court of Appeals for the Federal Circuit

COVER REQUIREMENTS		
Requirements	Explanation	Authority
Case Number	Must be centered at the top and include all consolidated case numbers	FRAP 32(a)(2)(A); Practice Notes to Rule 32 (Filings in Companion Cases)
Volume Number and Page Range (if multiple volumes)	Must be centered at the top; volume numbers must be in Roman numerals; do not include a volume number or page range if the appendix is only one volume	FCR 30(a)(4)
Name of the Court	May be in a sans-serif typeface	FRAP 32(a)(2)(B); FRAP 32(a)(5)(A)
Formal Caption	If lengthy, please continue the caption on a second page to avoid pushing other required cover information off the front cover	FCR 32(a)(1); Practice Notes to Rule 32 (Filings in Companion Cases)
Nature of Proceeding and Name of Underlying Court/Tribunal	The court prefers that the name of the judge or individual who issued the underlying decision be included	FRAP 32(a)(2)(D); Practice Notes to Rule 32 (Preferred Cover Content)
Title and Party Filer(s)	Other information may also be required in the title: <ul style="list-style-type: none"> • “corrected” – see FCR 25(i)(2) • “confidential” or “nonconfidential” – see FCR 25.1(e)(1)(A)–(B) • if combined with brief – see FCR 30(d) 	FRAP 32(a)(2)(E)
Counsel Name(s) and Contact Info	The contact information must match the attorney's information included on the entry of appearance and in the user account	FRAP 32(a)(2)(F)
Confidentiality Expiration	If applicable, must identify the date confidentiality will expire	FCR 25.1(e)(1)(A)

CONFIDENTIALITY/PRIVACY REQUIREMENTS		
Requirements	Explanation	Authority
Personal Information	PII must be redacted	FCR 25.1(b)
Two Versions of Appendix (appendix filed containing material permitted by FCR 25.1(d))	Confidential version must include: <ul style="list-style-type: none"> • pertinent excerpts of protective order or statute imposing confidentiality placed first (i.e., directly after the table of contents and before the judgments/orders appealed from) • confidential material bracketed or highlighted 	FCR 25.1(e)(1)(A); Practice Notes to Rule 25.1
	Nonconfidential version must include: <ul style="list-style-type: none"> • in the table of contents, a general description of redacted material with identified page numbers • legends on pages containing redactions (may appear in the margins) 	FCR 25.1(e)(1)(B); Practice Notes to Rule 25.1
Cover Letter re: Access	If applicable, appendix must include a cover letter identifying any parties or counsel in the case who are not permitted access to the confidential material	FCR 25.1(a)(2)

Quick Reference: Appendix Requirements in the United States Court of Appeals for the Federal Circuit

APER COPY REQUIREMENTS		
Requirements	Explanation	Authority
Cover Color	White	FRAP 32(b)(1)
	Red (separate or supplemental appendix filed by Appellee/Intervenor)	FCR 30(e)(3)
Timing	During initial merits consideration: after requested by the court During en banc consideration: within 5 business days after filing	FCR 25(c)(3)
Number	During initial merits consideration: 6 copies During en banc consideration: 26 copies	FCR 25(c)(3); FCR 30(a)(3)
Binding	Must be securely bound on left-hand side and in a manner that lies reasonably flat when opened and does not obscure text; exception for oversized record material	FRAP 32(a)(3); FRAP 32(b)(3); FCR 32(h); Practice Notes to Rule 32 (Copies of Patent Documents)
Printing	Double-sided printing encouraged	FCR 30(c)(3); FCR 32(d)
	Individual volume limit of 400 printed sheets of paper (equates to 800-page appendix filed electronically if printed double-sided)	FCR 30(a)(4); Practice Notes to Rule 30 (Appendix Volumes)

Quick Reference: Appendix Requirements in the United States Court of Appeals for the Federal Circuit

Note: The below required contents only apply to appendices designated and compiled by the parties. Separate or supplemental appendices authorized by FCR 30(e) do not have stated content requirements beyond the record material cited by the filer. Refer to FCR 30(h) for informal appendix requirements for an unrepresented party.

REQUIRED CONTENTS (for joint appendices)		
Requirements	Explanation	Authority
Table of Contents	The complete table of contents must be included in each appendix volume; only provide the table of contents for the appendix, not the designated materials (the appendix table of contents should not list items removed from the appendix after initial designation following the conclusion of briefing)	FRAP 30(d); FCR 30(a)(4)
Decisions Appealed	The <u>first pages</u> of the appendix, including from consolidated appeals or cross-appeals, must be all judgments, orders, agency actions, or other decisions appealed from and any opinions, memoranda, or findings and conclusions supporting them, including any rehearing opinions orders;	FRAP 30(a)(1)(C); FCR 30(b)(2)(B); FCR 30(c)(1)
Docket Sheet, Index, or Certified List	The entire docket sheet, certified list, or index must be included in the appendix	FCR 30(a)(1)(A)(i)
Jury Charge, Verdict, and Responses to Interrogatories	These items must be included in an appeal from a jury case	FCR 30(a)(1)(A)(ii)
Patent(s)	If the appeal involves a patent or patent application, the appendix must include any patents applications at issue on appeal in their entirety; any other patents in the record included in the appendix must be included in their entirety	FCR 30(a)(1)(A)(iii)
Rejected Claims	The appendix must include all rejected claims in an ex parte patent appeal	FCR 30(a)(1)(C)(i)
Patent Interference Counts or Derivation Claims	The appendix must include all counts in patent interference appeals and all claims in derivation proceedings	FCR 30(a)(1)(C)(ii)
Trademark and Registration	In trademark appeals, the appendix must include the trademark sought to be registered or cancelled and any registration relied on to refuse or oppose registration or cancellation	FCR 30(a)(1)(C)(iii)
Relevant Docket Entries, Pleadings, and Other Record Material	The appendix must include relevant docket entries and relevant portions of the pleadings (i.e., record material the parties are citing in the briefs)	FRAP 30(a)(1)(A); FRAP 30(a)(1)(B); FRAP 30(a)(1)(D)
Proof of Service (Form 30)	Proof of service is only required when the appendix cannot be served by CM/ECF	FRAP 25(d); FCR 25(e)

Quick Reference: Appendix Requirements in the United States Court of Appeals for the Federal Circuit

PROHIBITED CONTENTS (for all appendices)		
Requirements	Explanation	Authority
Superfluous Designated Material (i.e., Unnecessary Pages)	Parts of the designated material may only be included in the appendix if the material is required in the appendix, cited in the briefing, or otherwise permitted to be included to provide context (such as for a cited transcript excerpt); inclusion of unnecessary pages in the appendix is prohibited	FCR 30(a)(1)(B)
Non-Record Material	Material not in the record may not be included in the appendix unless required or permitted by a Rule or permitted with leave of the court	FRAP 30(a)(1); FCR 30(b)(1)
Briefs and Memoranda	Briefs and memoranda may not be included except as permitted by FCR 30(a)(1)(F)	FCR 30(a)(1)(E)
Notices	Notices of appeal are permitted by FCR 30(a)(1)(F); other notices must not be included	
Subpoenas	Subpoenas may only be included if enforcement or validity is at issue	
Summonses	Summonses are only permitted in appendices for appeals from the Court of International Trade	
Motions to Extend Time	Motions to extend time are not permitted	
Jury Lists	Jury lists are not permitted	