

Quick Reference: Formal Brief 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						
Brief Type	Appellant/ Petitioner Principal	Appellee/ Respondent Response	Cross-Appellant Principal and Response	Appellant Response and Reply (Cross Appeal)	Reply	Amicus
Type-Volume Limitation¹ (Pages/Words/Lines)²	30/14,000/1,300	30/14,000/1,300	35/16,500/1,500	30/14,000/1,300	15/7000/650	15/7000/650
	FRAP 32(a)(7)(A); FCR 32(b)(1)		FCR 28.1(a); FCR 28.1(b)	FCR 28.1(a) FCR 28.1(b)(1)	FRAP 32(a)(7)(A); FCR 32(b)(1)	FRAP 29(a)(5)
Legibility/Clarity (black image on light paper; text must equal or exceed output of laser printer; reproductions must be good copies of original)	FRAP 32(a)(1); Practice Notes to Rule 32 (Print Size of Briefs)					
Page Size (8½ x 11 inches)	FRAP 32(a)(4); Practice Notes to Rule 32 (Copies of Patent Documents)					
Text Spacing (double-spaced except quotes, headings, footnotes)	FRAP 32(a)(4)					
Margin Size and Contents (1 inch all sides; no unauthorized markings)	FRAP 32(a)(4)					
Typeface (if proportional, must include serifs except in caption)	FRAP 32(a)(5); Practice Notes to Rule 32 (Footnotes)					
Font Size (14 pt. proportional, or 10.5 characters per inch monospaced)	FRAP 32(a)(5); Practice Notes to Rule 32 (Print Size of Briefs)					
Font Style (plain, roman; italics or boldface permissible for emphasis)	FRAP 32(a)(6)					
Record Citations (must be to appendix; following format in Electronic Filing Procedures)	FRAP 28(e); FCR 28(f)					FCR 29(c)
Case Citations (this court's opinions cited as found in Federal Reporter)	FCR 28(e); FRAP 32(a)(6)					
Pagination (all page numbers must be centered in bottom margin; addendum must share any appendix pagination)	FCR 28(c) (addendum); FCR 32(e) (brief)					
Signature (if electronic, must follow permissible format and be signed by e-filer)	FCR 25(g); FCR 32(g)					

¹ Headings, footnotes, and quotations contribute to the total word count. FRAP 32(f) and FCR 32(b)(2) list the only items excluded from the word count.

² The word or line count only matters if the filer exceeds the page count. The word count applies to proportional typefaces. The line count applies to monospaced typefaces. See FCR 32(b)(1).

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COVER REQUIREMENTS						
Brief Type	Appellant/ Petitioner Principal	Appellee/ Respondent Response	Cross-Appellant Principal and Response	Appellant Response and Reply (Cross Appeal)	Reply	Amicus
Case Number (centered at top; must include all consolidated numbers)	FRAP 32(a)(2)(A); Practice Notes to Rule 32 (Filings in Companion Cases)					
Name of the Court	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); Practice Notes to Rule 32 (Filings in Companion Cases)					
Nature of Proceeding and Name of Underlying Court/Tribunal	FRAP 32(a)(2)(D); Practice Notes to Rule 32 (Preferred Cover Content)					
Brief Title and Party Filer(s)	FRAP 32(a)(2)(E); other information possibly required in title: "corrected" – FCR 25(i)(2); "confidential" or "nonconfidential" – FCR 25.1(e)(1)(A)–(B); party and position supporting – FRAP 29(a)(4); combined with appendix – FCR 30(d)					
Counsel Name(s) and Contact Info	FRAP 32(a)(2)(F)					
Confidentiality Expiration (if applicable)	FCR 25.1(e)(1)(A)					
Claim Language (if applicable, the language of the claims at issue must appear on the inside of the front cover)	FCR 28(a)(12)		FCR 28(a)(12) FCR 28.1(d);		N/A	

REQUIRED CONTENTS (must contain the items below in the order listed; see FCR 28(a))						
Brief Type	Appellant/ Petitioner Principal	Appellee/ Respondent Response	Cross-Appellant Principal and Response	Appellant Response and Reply (Cross Appeal)	Reply	Amicus
Cover	FRAP 32(a)(2)					FRAP 29(a)(4)
Certificate of Interest (not required for unrepresented parties or government; see Form 9)	FCR 28(a)(1); FCR 47.4(b)		FCR 28(a)(1); FCR 28.1(d); FCR 47.4(b)	N/A		FCR 29(a); FCR 47.4(b)
Table of Contents (w/page references)	FRAP 28(a)(2); FCR 28(a)(2)	FRAP 28(b); FCR 28(a)(2)	FRAP 28.1(c)(2); FCR 28.1(d)	FRAP 28.1(c)(3); FCR 28.1(d)	FRAP 28(c); FRAP 28.1(c)(4)	FRAP 29(a)(4)(B)
Table of Authorities (w/page references)	FRAP 28(a)(3); FCR 28(a)(3)	FRAP 28(b); FCR 28(a)(3)				
Statement of Related Cases	FCR 28(a)(4); FCR 47.5		FCR 28(a)(4); FCR 28.1(d); FCR 47.5	N/A		
Statement of Identity, Interest, and Authority to File	N/A					FRAP 29(a)(4)(D)
Statement of Authorship and Funding						FRAP 29(a)(4)(E)

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Brief Type	Appellant/ Petitioner Principal	Appellee/ Respondent Response	Cross-Appellant Principal and Response	Appellant Response and Reply (Cross Appeal)	Reply	Amicus
Jurisdictional Statement	FRAP 28(a)(4); FCR 28(a)(5)	N/A (see FRAP 28(b) and FCR 28(b))	FRAP 28.1(c)(2); FCR 28.1(d)	N/A (see FRAP 28.1(c)(3); FCR 28.1(d))	N/A	
Statement of the Issues	FRAP 28(a)(5) FCR 28(a)(6)		N/A (see FRAP 28.1(c)(2); FCR 28.1(d))			
Statement of the Case and Facts (including appropriate record references and citing any published decision from the proceedings)	FRAP 28(a)(6) FCR 28(a)(7)					
Summary of the Argument (must not merely repeat argument headings)	FRAP 28(a)(7); FCR 28(a)(8)	FRAP 28(b); FCR 28(a)(8)	FRAP 28.1(c)(2) FCR 28.1(d)	FRAP 28.1(c)(3)	FRAP 28(c)	FRAP 29(a)(4)(F)
Argument	FRAP 28(a)(8); FCR 28(a)(9)	FRAP 28(b); FCR 28(a)(9)				
Standard of Review (may appear in discussion of each issue within argument or a separate heading before discussion of the issues)	FRAP 28(a)(8); FCR 28(a)(9)	N/A (see FRAP 28(b); FCR 28(b))	N/A (see FRAP 28.1(c)(2); FCR 28.1(d))	N/A (see FRAP 28.1(c)(3); FCR 28.1(d))	N/A	
Conclusion and Relief Sought	FRAP 28(a)(9); FCR 28(a)(10)	FRAP 28(b); FCR 28(a)(10)	FRAP 28.1(c)(2)	FRAP 28.1(c)(3)		
Addendum Containing Opinions, Orders, Judgments Appealed (requirement satisfied when appendix bound with brief)	FCR 28(a)(11)	N/A	FCR 28.1(d)	N/A		
Addendum Containing Patent (requirement satisfied when appendix bound with brief)	FCR 28(a)(12)	N/A				
Other Addenda (if required)	FRAP 28(f); FRAP 32.1(b)					
Certificate of Compliance (compliance with type-volume limitations; see Form 19)	FCR 28(a)(13); FCR 32(b)(3)		FCR 28.1(c);		FCR 32(b)(3)	FRAP 29(a)(4)(G)
Proof of Service (only required when filing cannot be served by CM/ECF; see Form 30)	FRAP 25(d); FCR 25(e)					

DISCRETIONARY CONTENTS (apply to all briefs)

Introduction	Not Required
Oral Argument Statement	
Constitutional Challenge	May be included in a brief, but party must file a separate notice if challenge falls under FRAP 44; see the Practice Notes to Rule 44 (Raising a Constitutional Question in a Brief or Motion)
Incorporated Motion	Expressly prohibited except under FCR 27(e) and FCR 27(f) (see FCR 27(g))
Exhibits, Attachments, Addenda	Prohibited except as permitted or required by FRAP 28(f), FCR 28(a)(11), FCR 28(a)(12), FCR 30(d), FCR 32.1(b)

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CONFIDENTIALITY/PRIVACY REQUIREMENTS (apply to all briefs)	
Personal Information Redacted	FCR 25.1(b)
Confidentiality Requirements: <ul style="list-style-type: none"> Filed in two versions if document contains material permitted by FCR 25.1(d) <u>Confidential Version</u> <ul style="list-style-type: none"> Confidential material bracketed/highlighted Does not exceed word limit <u>Nonconfidential Version</u> <ul style="list-style-type: none"> Table of contents description of redacted material Legends on pages with redactions General descriptor in place of redacted material 	FCR 25.1(d); FCR 25.1(e); Practice Notes to Rule 25.1
Cover Letter re: Access (if applicable, identify parties or counsel who are restricted from accessing confidential material)	FCR 25.1(a)(2)
Certificate of Confidential Material (if applicable, certify the number of confidential words in the brief; see Form 31)	FCR 25.1(e)(2)

PAPER COPY REQUIREMENTS						
Brief Type	Appellant/ Petitioner Principal	Appellee/ Respondent Response	Cross-Appellant Principal and Response	Appellant Response and Reply (Cross Appeal)	Reply	Amicus
Cover Colors	Blue	Red	Red	Yellow	Gray	Green
Timing (after requested by court during initial merits consideration; within 5 business days of filing during en banc consideration)	FCR 25(c)(3)					
Number (6 during initial merits consideration; 28 during en banc consideration)						
Binding (secure, left-hand side, lies flat when opened, does not obscure text)	FRAP 32(a)(3); FCR 32(h); Practice Notes to Rule 32 (Copies of Patent Documents)					
Printing (single-sided except for addenda/appendix)	FRAP 32(a)(1)(A); FCR 32(d)					