

Federal Circuit Filings 101: Appeals from the PTAB

Kevin McNish
McNish PLLC

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Presenter

Kevin McNish

McNish PLLC

Portland, Maine

www.mcnishpllc.com



McNish PLLC is a cloud-based law firm for IPRs, PGRs, *ex parte* reexams, and Federal Circuit appeals.



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What we'll cover today.

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Timeline of a Federal Circuit appeal from the PTAB. Blue for appellant, red for appellee, purple for both.

Milestone	Deadline	Authority
Notice of Appeal	63 days after final written decision OR action on first timely rehearing request. The Director has discretion to extend the deadline on a timely written request to the Solicitor, but the request does not toll the deadline.	37 C.F.R. § 90.3(a)(1); 37 C.F.R. § 90.3(b)(1); 37 C.F.R. § 90.3(c)(1); Fed. Cir. R. 15(a)(1).
<i>Notice of Cross-appeal</i>	<i>Later of (a) 14 days after the other party's notice of appeal; or (b) the original notice of appeal deadline.</i>	<i>FRAP 4(a)(3).</i>
Entry of Appearance, Certificate of Interest, and Docketing Statement.	14 days after appeal is docketed. * If your appeal raises a constitutional issue, this is also when you should file a FRAP 44(a) letter.	Fed. Cir. R. 47.3; Fed. Cir. R. 47.4; FRAP 44(a).
Initial Appendix Designations	14 days after the Certified List is served; appellee's add'l designations, if any, are due 14 days later.	FRAP 30(b)(1).
Appellant's Principal Brief ("Blue Brief")	60 days after the USPTO serves the Certified List.	Fed. Cir. R. 31(a)(1)(B).
Appellee's Principal Brief ("Red Brief")	40 days after Appellant's Principal Brief. <i>In a cross-appeal, the same deadline applies to the Appellee/Cross-Appellant's principal brief.</i>	Fed. Cir. R. 31(a)(2). <i>Fed. Cir. R. 31(a)(2).</i>
Settlement Discussion	7 days after Appellee's Principal Brief. <i>But in a cross-appeal, settlement discussion is due 7 days after the Appellant's combined response & reply.</i>	Fed Cir. R. 33(a)(1). <i>Fed Cir. R. 33(a)(1).</i>
Appellant's Reply ("Gray Brief")	21 days after Appellee's Principal Brief. <i>But in a cross-appeal, the Appellant's combined response and reply brief is due 40 days after the Appellee/Cross-Appellant's principal brief.</i>	FRAP 31(a)(1). <i>Fed. Cir. R. 31(a)(3)(A).</i>
<i>Cross-Appellant's Reply</i>	<i>21 days after Appellant's combined response and reply brief.</i>	<i>Fed. Cir. R. 31(a)(3)(B).</i>
Final Appendix	7 days after the last reply brief is served and filed.	Fed. Cir. R. 30(a)(2).
Settlement Discussion Statement	No later than the filing of the joint appendix.	Fed Cir. R. 33(a)(2).
Paper Copies: Briefs & Appendix	Upon request of the Court; copies due within five business days.	Fed. Cir. R. 25(c)(3)(A).
Oral Argument Conflicts Notice	Upon request of the Court; response due within seven days.	Fed. Cir. R. 34(d).
Oral Argument Response Notice	Upon request of the Court; response due within time specified by Court.	Fed. Cir. R. 34(e).
Bill of Costs	Due from prevailing party within 14 days after entry of judgment; objections due 14 days later.	FRAP 39(d).
Petition for Panel / En Banc Rehearing	30 days after entry of judgment—unless the United States, a U.S. officer, or a U.S. agency is a party, in which case 45 days after entry of judgment. Paper copies are due two business days after filing: three copies for panel rehearing, eighteen copies for rehearing en banc. More copies are required if rehearing is granted; consult the rules.	Fed. Cir. R. 40(d). Fed. Cir. R. 25(c)(3)(B)-(D); Fed. Cir. R. 35(c).
Petition for Certiorari	90 days of after the latest of (1) entry of judgment; (2) rehearing denial; or (3) rehearing judgment.	S. Ct. R. 13(3).

Getting Started

Step zero – CM/ECF NextGen

- The Federal Circuit uses CM/ECF NextGen for all electronic filings.
- Unlike most USPTO systems, which permit “sponsored” paralegals to establish accounts with filing privileges, CM/ECF accounts are limited to admitted attorneys.
- Visit pacer.uscourts.gov/register-account/attorney-filers-cmecf to register an account, which will allow you to move for admission.
- Admission to the Federal Circuit on written motion requires notarization and at least one of the following:
 - Sponsorship by an already admitted attorney; or
 - A certificate of good standing from another federal court or from a final state court (e.g., Maine's Supreme Judicial Court).

Notice of appeal – contents.

- Prepare the notice of appeal on your “PTAB paper.”
- Succinctly list the issues you intend to appeal, including a catch-all statement.
 - *E.g.*, “the Board’s consideration of the expert testimony, prior art, and other evidence in the record; the Board’s factual findings, conclusions of law, or other determinations supporting or related to those issues, as well as all other issues decided adversely to [CLIENT] in any orders, decisions, rulings, and opinions.”
- Include a certificate of filing indicating that you have filed the notice with (1) the USPTO’s Director and (2) the Federal Circuit. The certificate of filing should indicate that you have filed the notice in paper by Priority Mail Express or equivalent on the Director at:

Director of the United States Patent and Trademark Office
c/o Office of the Solicitor
United States Patent and Trademark Office
Mail Stop 8
Post Office Box 1450
Alexandria, VA 22313-1450

- Include the usual certificate of service on opposing counsel.

Notice of appeal – filing process.

(1) File the notice of appeal at the PTAB through PTAB E2E.

(2) Print the notice of appeal and the final written decision, and file them in paper with the Director via Priority Mail Express or equivalent to:

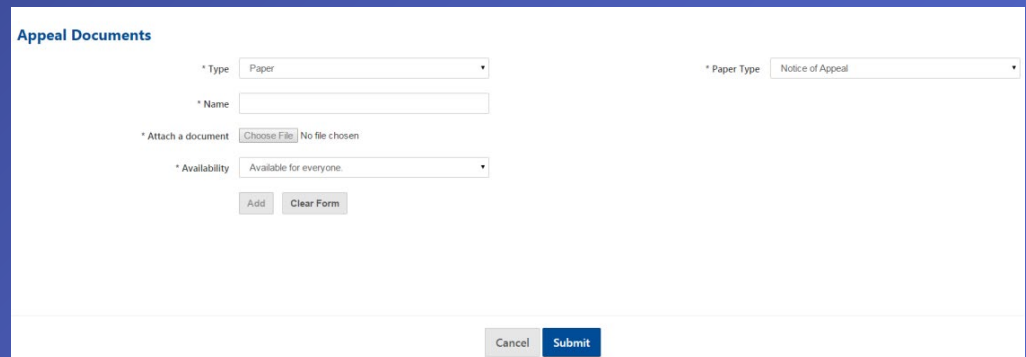
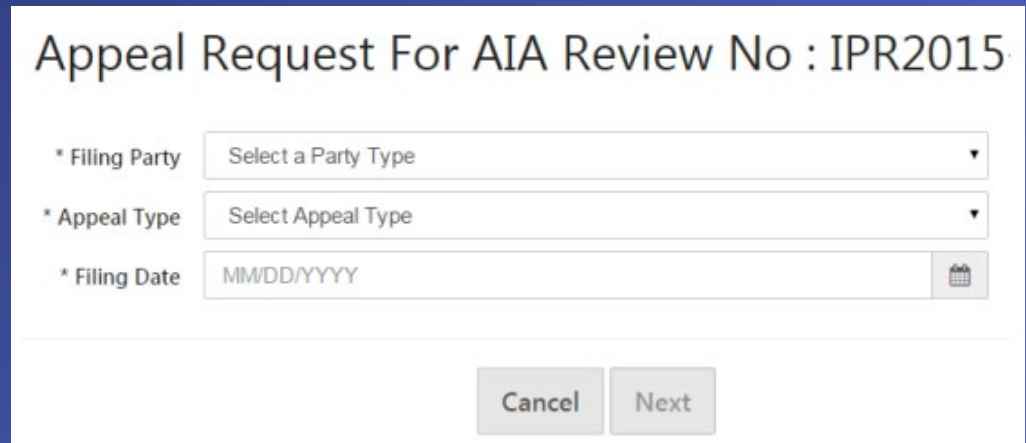
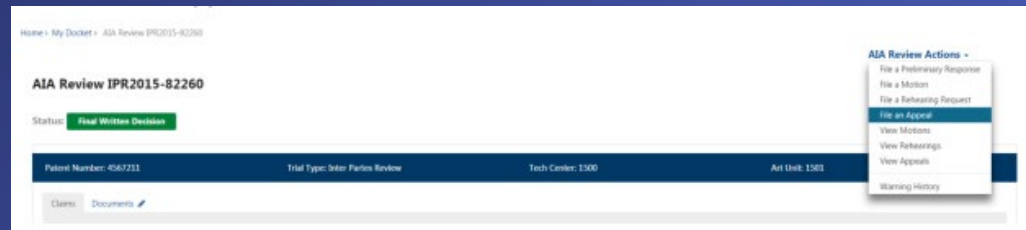
Director of the United States Patent and Trademark Office
c/o Office of the Solicitor
United States Patent and Trademark Office
Mail Stop 8
Post Office Box 1450
Alexandria, VA 22313-1450

(3) Prepare a combined PDF of the notice of appeal and final written decision, and file the combined PDF at the Federal Circuit through CM/ECF NextGen.



Notice of appeal – filing at the PTAB.

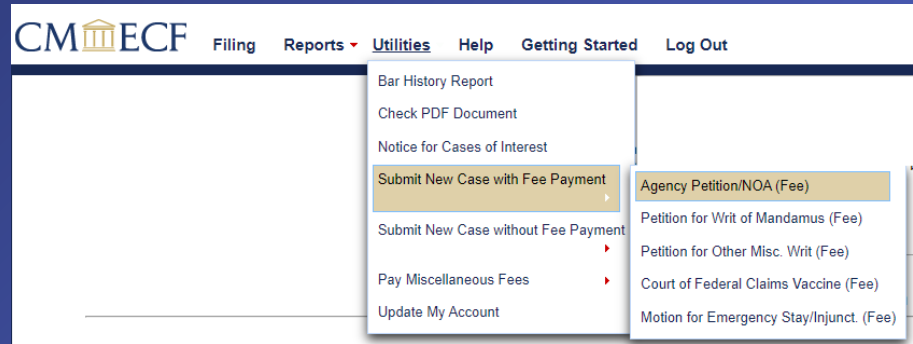
- For each final written decision to be appealed, file a notice of appeal through PTAB E2E.
- Select your AIA review from “My Docket”.
- Click the “AIA Review Actions” menu, then select “File an Appeal.”
- Select the appropriate party and the “AIA REVIEW APPEAL” type.
- Select “Paper” and “Notice of Appeal” for the Paper Type.
- Name your notice of appeal, then click “choose file” and select the PDF notice of appeal.
- Click “add” to upload the notice.
- Once the notice of appeal has been added, click “Submit.”
- Confirm successful filing.



These images are taken from the USPTO's PTAB E2E External User Guide.

Notice of appeal – filing at the Federal Circuit.

(1) Log into the Federal Circuit's CM/ECF system and select "Agency Petition/NOA (Fee)" from the menu options.



(2) Upload the combined PDF, then click "Pay Fee and Submit." Follow the subsequent screens to pay the \$500 notice of appeal fee. You'll get an email receipt for the filing fee.

A screenshot of the 'Agency Petition/NOA (Fee)' instructions page. The page title is 'Agency Petition/NOA (Fee)'. Below the title is a section titled 'INSTRUCTIONS' with a list of bullet points: 'Upload case initiating documents for a petition for review, petition for writ of mandamus, prohibition, or other miscellaneous writ, petition for permission to appeal, or motion for stay pending appeal (Rule 8/18). Use the Browse button to locate and upload your PDF file. Pursuant to Practice Note 13, a party filing a petition for review or notice of appeal is urged to attach a copy of the decision or order of the agency for which review is sought.', 'All submissions must be accompanied by proof of service by mail or other method of service by the filer directly.', and 'The court will notify all parties once a docket number has been assigned.' Below the instructions is a note: 'If this is an emergency matter or you are seeking immediate relief, please contact the Clerk's Office at 202-275-8000.' The form includes a 'Type' dropdown menu set to 'Agency Petition (fee)', an 'Amount' field showing '\$500.00', and a 'Submit Documents' section. The 'Submit Documents' section has a 'Description' field containing 'supporting document' and a 'Browse...' button. Below this is a table with columns: 'Document', 'Description', 'Size', 'Sequence', and 'Remove All'. The table contains one row: '20210901_NoA FWD.pdf', 'supporting document', '265 KB', and a red 'X' icon. At the bottom of the form is a 'Pay Fee and Submit' button.

Notice of cross-appeal.

- File a notice of cross-appeal the same way you'd file a notice of appeal.
- But, a party should only file a cross-appeal if it seeks to **enlarge** the PTAB's decision.
 - Changing an outcome on a **claim** (patentable vs. unpatentable) **enlarges** the PTAB's decision.
 - Changing an outcome on a **ground or argument** does **not**—unless it would change an outcome on a claim.
 - General rule: Did you completely lose on at least one claim?
 - Arguments rejected or ignored by the PTAB can be urged as an alternate reason to affirm or (more likely) a reason to remand the case even if the appellant prevails.

Preliminaries

- After you file the notice of appeal, you'll get a docketing notice that provides your appeal number and short caption. It might take a day or two.
- 14 days after the appeal is docketed, the appellant and the appellee must each file:
 - Entry of Appearance
 - Certificate of Interest
 - Docketing Statement
- Go to the "Filing" tab, select the appropriate form from the "Forms and Certificates" submenu, then click *continue*.
- Select a party. Then, select email service, upload the PDF, review the docket text, perform the final review, and submit.
- The name of the PDF that you filed will show up in the ECF notification, so name your files carefully.

The screenshot shows the "File a Document" form in the CM/ECF system. At the top, there is a red header with the text "File a Document". Below the header, there is a "Case Number" field with a red border and a red error message "Case Number is required." to its right. Below the "Case Number" field, there is a "Filed" section with the date "09/01/2021". Below the "Filed" section, there is a table with two columns: "Type of Document" and "Category". The table lists various document types and their corresponding categories. The "Certificate of Interest" row is highlighted in green. At the bottom of the form, there is a "Continue" button.

Type of Document	Category
Bill of Costs	Costs/Fees, Forms and Certificates
Certificate of Compliance - Protective Order	Forms and Certificates
Certificate of Compliance - Transcript	Forms and Certificates
Certificate of Interest	Forms and Certificates
Corrected Certificate of Service	Forms and Certificates
Docketing Statement	Forms and Certificates
Entry of Appearance	Forms and Certificates
Joint Statement of Compliance - FCR 33	Forms and Certificates
Notice of Unrepresented Person Appearance	Forms and Certificates
Response to Notice to Advise of Scheduling Conflicts	Forms and Certificates, Response/Reply

Preliminaries – Entry of Appearance.

- Use Federal Circuit [Form 8A](#) to enter an appearance.
- The short case caption is available on the docketing notice and in PACER.
- Multiple attorneys for a party can appear via one form.
- The form must list *every* represented party represented by the party's full legal name. (No "et al." allowed.)
- Flatten before filing.

FORM 8A, Entry of Appearance Form 8A (p.1)
July 2020

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

ENTRY OF APPEARANCE

Case Number: _____
Short Case Caption: _____

Instructions: Refer to Fed. Cir. R. 47.3 for requirements governing representation and appearance in this court. Counsel must immediately file an amended Entry of Appearance if contact information changes and update information through PACER's [Manage My Account](#). Non-admitted government counsel should enter N/A in lieu of an admission date. Use the second page to add additional counsel.

Party Information. List all parties, intervenors, amicus curiae, or movants represented by below counsel; "et al." is not permitted.	
Principal Counsel:	Admission Date:
Firm/Agency/Org.:	
Address:	
Phone:	Email:
Other Counsel:	Admission Date:
Firm/Agency/Org.:	
Address:	
Phone:	Email:

I certify under penalty of perjury that (1) the submitted information is true and accurate and (2) I am authorized to enter an appearance by all other listed counsel.

Date: _____ Signature: _____
Name: _____

Save for Filing

Preliminaries – Docketing Statement.

- Use Federal Circuit [Form 26](#) for the docketing statement.
 - If the appellant, “Relief sought on appeal” is reversal or remand.
 - Check the “Final Judgment” box for an appeal of a final written decision.
 - If you filed more than one appeal related to the same patent, list each other appeal in the “related cases” section.

FORM 26. Docketing Statement Form 26 (p. 1)
July 2020

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

DOCKETING STATEMENT

Case Number: _____
Short Case Caption: _____
Filing Party/Entity: _____

Instructions: Complete each section or check the box if a section is intentionally blank or not applicable. Attach additional pages as needed. Refer to the court's Mediation Guidelines for filing requirements. An amended docketing statement is required for each new appeal or cross-appeal consolidated after first filing.

Case Origin	Originating Number	Type of Case

Relief sought on appeal: None/Not Applicable

Relief awarded below (if damages, specify): None/Not Applicable

Briefly describe the judgment/order appealed from:

Nature of judgment (select one): Final Judgment, 28 USC § 1295
 Rule 54(b)
 Interlocutory Order (specify type) _____
 Other (explain) _____

Date of judgment: _____

FORM 26. Docketing Statement Form 26 (p. 2)
July 2020

Name and docket number of any related cases pending before this court, and the name of the writing judge if an opinion was issued. None/Not Applicable

Issues to be raised on appeal: None/Not Applicable

Have there been discussions with other parties relating to settlement of this case?
 Yes No

If “yes,” when were the last such discussions?
 Before the case was filed below
 During the pendency of the case below
 Following the judgment/order appealed from

If “yes,” were the settlement discussions mediated? Yes No

If they were mediated, by whom?

Do you believe that this case may be amenable to mediation? Yes No

Explain:

Provide any other information relevant to the inclusion of this case in the court's mediation program.

Date: _____ Signature: _____
Name: _____

[Save for Filing](#)

Certified list.

- The certified list provides a list of the papers filed during the PTAB proceeding.
- A PTAB paralegal will file it with the Federal Circuit within 40 days of the notice of docketing (usually on Day 38 or 39). You will receive a copy of the certified list via email.
- The service of the certified list kicks off all of the remaining deadlines in a Federal Circuit appeal of a PTAB proceeding.

Initial appendix designations.

- 14 days after the certified list is served, the appellant must prepare a paginated initial appendix designation and serve it on all other parties (but not file it).
- Organize a file folder for the initial appendix, putting the documents in the following numbered order:
 - Final written decision (Item #1)
 - Certified List (Item #2)
 - All other PTAB papers (in numerical order) (Items #3 to #X)
 - Exhibits (in numerical order) (Items #(X + 1) to the end)
- In the file folder, start the file names with the item number and leading zeroes (e.g., 001 Final Written Decision) for ease of organization.

Preparing the initial appendix.

- Use Adobe Acrobat to combine the PDFs in order into one combined PDF.
- To create the footer, go to the “Add Header and Footer” tool under “Edit PDF.” Type “Appx” in “Center Footer Text,” then click “Insert Page Number.”
- 14-pt Arial font for the footer is recommended.
- Click “Appearance Options” and select the “Shrink document to avoid overwriting the document’s text and graphics.”

Add Header and Footer

Saved Settings: [Custom-not saved] Delete Save Settings...

Font
Name: Arial Size: 14 U ■

Appearance Options...

Margin (Inches)
Top: 0.5 Bottom: 0.5
Left: 1 Right: 1

Left Header Text Center Header Text Right Header Text

Left Footer Text Center Footer Text Right Footer Text

Appx <<1>>

Insert Page Number Insert Date Page Number and Date Format...

Preview
Preview Page 1 of 8 Page Range Options...

Trials@uspto.gov
Tel: 571-272-7822

Paper 22
Entered: December 15, 2020

papers.

Appx1

Help OK Apply to Multiple Files Cancel

Preparing the appendix designations letter.

- While logged in to PTAB E2E, go to the proceeding in “My Docket” and hit “Export” to get CSV (Excel) paper and exhibit lists.

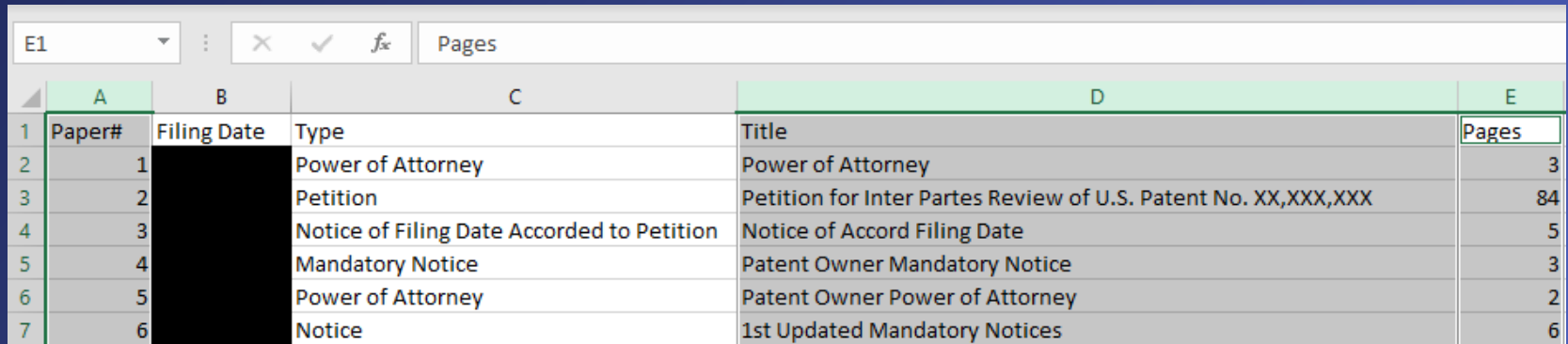
The screenshot shows the PTAB E2E interface for an AIA Review. The breadcrumb trail is 'Home > My Docket > AIA Review [redacted]'. The page title is 'AIA Review [redacted]' and the status is '[redacted]'. The interface is divided into two main sections: 'Papers' and 'Exhibits'. Both sections have an 'Export' button highlighted with a green box. The 'Papers' section has a table with the following data:

Paper#	Filing Date	Paper Type	Title	Pages	Filing Party	Availability
6	[redacted]	Notice	[redacted] 1st Updated Mandatory Notices	6	[redacted]	[redacted]
5	[redacted]	Power of Attorney	Patent Owner Power of Attorney	2	[redacted]	[redacted]
4	[redacted]	Mandatory Notice	Patent Owner Mandatory Notice	3	[redacted]	[redacted]
3	[redacted]	Notice of Filing Date Accorded to Petition	Notice of Accord Filing Date	5	[redacted]	[redacted]

The 'Exhibits' section has a table with the following data:

Exhibit#	Filing Date	Title	Pages	Filing Party	Availability
1028	[redacted]	Ex. 1028	3	[redacted]	[redacted]
1027	[redacted]	Ex. 1027	13	[redacted]	[redacted]
1026	[redacted]	Ex. 1026	14	[redacted]	[redacted]
1025	[redacted]	Ex. 1025	10	[redacted]	[redacted]
1024	[redacted]	Ex. 1024	23	[redacted]	[redacted]
1023	[redacted]	Ex. 1023	23	[redacted]	[redacted]
1022	[redacted]	Ex. 1022	3	[redacted]	[redacted]
1021	[redacted]	Ex. 1021	1	[redacted]	[redacted]

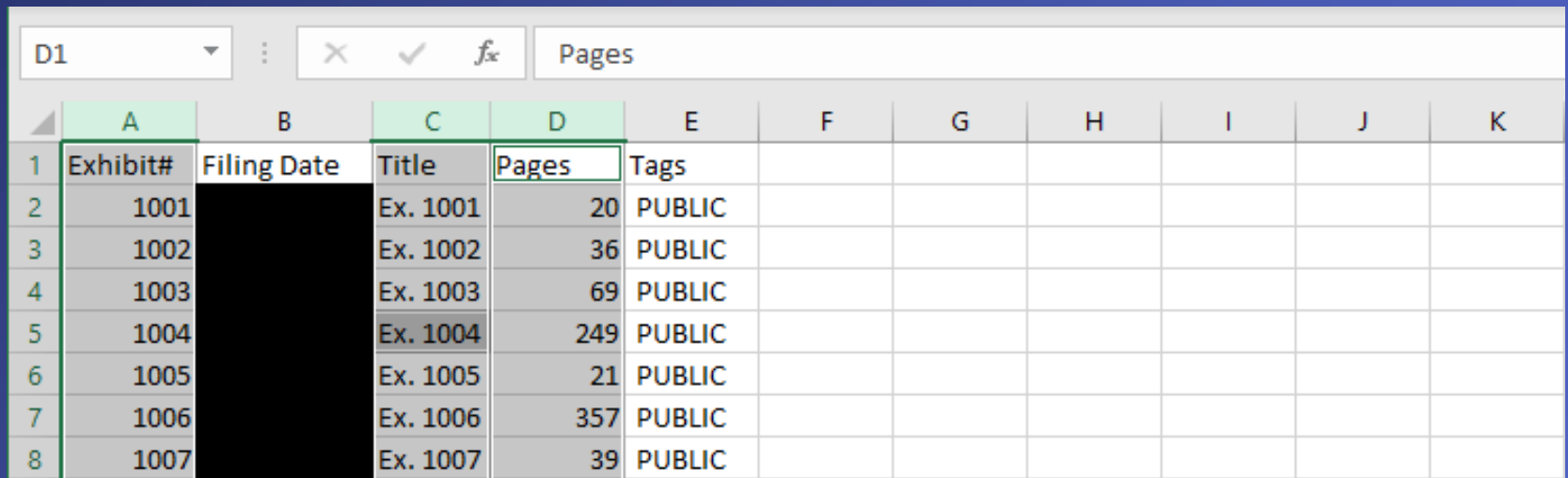
Preparing the appendix designations letter.



The screenshot shows an Excel spreadsheet with the following data:

	A	B	C	D	E
1	Paper#	Filing Date	Type	Title	Pages
2	1		Power of Attorney	Power of Attorney	3
3	2		Petition	Petition for Inter Partes Review of U.S. Patent No. XX,XXX,XXX	84
4	3		Notice of Filing Date Accorded to Petition	Notice of Accord Filing Date	5
5	4		Mandatory Notice	Patent Owner Mandatory Notice	3
6	5		Power of Attorney	Patent Owner Power of Attorney	2
7	6		Notice	1st Updated Mandatory Notices	6

Example list of papers.



The screenshot shows an Excel spreadsheet with the following data:

	A	B	C	D	E	F	G	H	I	J	K
1	Exhibit#	Filing Date	Title	Pages	Tags						
2	1001		Ex. 1001	20	PUBLIC						
3	1002		Ex. 1002	36	PUBLIC						
4	1003		Ex. 1003	69	PUBLIC						
5	1004		Ex. 1004	249	PUBLIC						
6	1005		Ex. 1005	21	PUBLIC						
7	1006		Ex. 1006	357	PUBLIC						
8	1007		Ex. 1007	39	PUBLIC						

Example list of exhibits.

Preparing the appendix designations letter.

- Populate Kevin McNish's Magic Appendix Paginator with the data from the highlighted columns in the previous slide, following the item order.

	A	B	C	D	E	F	I
1	Item Number	Paper / Exhibit Number	Item Title	Item Page Count	Item Beginning Page	Item End Page	Designation
2	1	XX	Final Written Decision	20	1	20	Appx1-20
3	2	-	Certified List	6	21	26	Appx21-26
4	3		1 Power of Attorney	3	27	29	Appx27-29
5	4		2 Petition for Inter Partes Review of U.S. Patent No. XX,XXX,XXX	84	30	113	Appx30-113
6	5		3 Notice of Accord Filing Date	5	114	118	Appx114-118
7	6		4 Patent Owner Mandatory Notice	3	119	121	Appx119-121
8	7		5 Patent Owner Power of Attorney	2	122	123	Appx122-123
9	8		6 1st Updated Mandatory Notices	6	124	129	Appx124-129
21	20	1001	Ex. 1001	20	555	574	Appx555-574
22	21	1002	Ex. 1002	36	575	610	Appx575-610
23	22	1003	Ex. 1003	69	611	679	Appx611-679
24	23	1004	Ex. 1004	249	680	928	Appx680-928
25	24	1005	Ex. 1005	21	929	949	Appx929-949
26	25	1006	Ex. 1006	357	950	1306	Appx950-1306
27	26	1007	Ex. 1007	39	1307	1345	Appx1307-1345

- Check the pagination against the pagination of the combined PDF you made earlier.
- If correct, copy columns A, B, C, and I into a four-column table to put in a letter to the appellee.
- Hold on to this spreadsheet – you'll need it later when preparing the final appendix.

Initial appendix designations letter.

- This example shows the first page of the finished letter.
- Send the finished letter to opposing counsel with a link to download the appendix from your file-sharing service of choice.



McNish PLLC

Kevin K. McNish
Direct Dial: (207) 800-3402
Email: kmcnish@mcnishpllc.com

Principal Office
(By Appointment Only):
254 Commercial St., Suite 245
Portland, ME 04101

Telephone: (207) 800-3400
Fax: (207) 800-3401
Web: www.mcnishpllc.com

VIA EMAIL

Opposing Counsel
opposing.counsel@opposinglawfirm.com
123 Opposing Street
San Diego, CA 92101

Re: *Appellant LLC v. Appellee, Inc.*, Appeal No. 21-XXXX (Fed. Cir.)
Appellant's Initial Designation of Appendix Materials

Dear Opposing Counsel,

Appellant LLC hereby encloses its initial designation of materials for the Appendix in above-captioned appeal. This initial designation includes all of the papers and exhibits from Case IPR2021-XXXXX.

Item #	Paper / Exhibit #	Description	Pagination
1	XX	Final Written Decision	Appx1-20
2	-	Certified List	Appx21-26
3	1	Power of Attorney	Appx27-29
4	2	Petition for Inter Partes Review of U.S. Patent No. XX.XXX.XXX	Appx30-113
5	3	Notice of Accord Filing Date	Appx114-118
6	4	Patent Owner Mandatory Notice	Appx119-121
7	5	Patent Owner Power of Attorney	Appx122-123



McNish PLLC

Principal Filings

General formatting rules for briefs and replies.

- **Fonts:** I recommend 14-pt Times New Roman or Century Schoolbook.
- **Text spacing:**
 - Body text: double-spaced
 - Block quotes: must be indented; may be single-spaced (I usually 1"-indent, 1.5-space them)
 - Footnotes: may be single-spaced (I usually double-space for legibility)
- **Page numbers:** 14-pt, centered, bottom of the page, same font as the body text
- **Appendix citations:**
 - The following format must be observed for **every** appendix citation:
 - To a single page: Appx500
 - To a pincite within a single page: Appx500(¶ 33) OR Appx500(13:15-22) – **No space after Appx**
 - To a page range: Appx500-503 – **Always include all leading digits; no 'Appx' next to end page**
 - To a pincite within a page range: Appx500-503(¶¶ 33-42) or Appx500-503(13:15-16:22)
 - Use a semicolon to separate citations in a list: Appx500(¶ 33); Appx600-603(113:15-116:22).
 - Whether you enclose the an appendix citation or list of citations within parentheses is a matter of personal preference. Either (Appx500(¶ 33)) or Appx500(¶ 33) is acceptable. Pick one, stick with it.
 - Periods or other punctuation go outside the pincite parentheses, but inside any parentheses enclosing an entire citation: (Appx500(¶ 33).)

Principal briefs – required components.

A principal brief must include the following components, in order:

Item	Check
Cover Page	<input type="checkbox"/>
Certificate of Interest (Form 9 or equivalent)	<input type="checkbox"/>
Table of Contents	<input type="checkbox"/>
Table of Authorities	<input type="checkbox"/>
Statement of Related Cases (Prose version of the statement in the Certificate of Interest)	<input type="checkbox"/>
<i>Introduction (Optional, but highly recommended)</i>	<input type="checkbox"/>
Jurisdictional Statement (Appellee: Areas of disagreement only) - 28 U.S.C. § 1295(a)(4)(A) & 35 U.S.C. 141(c)	<input type="checkbox"/>
Statement of the Issues (Appellee: Areas of disagreement only)	<input type="checkbox"/>
Statement of the Case (Appellee: Areas of disagreement only)	<input type="checkbox"/>
Summary of the Argument – One numbered subsection for each issue in the Statement of the Issues	<input type="checkbox"/>
Statement of Standard of Review (Appellee: Areas of disagreement only)	<input type="checkbox"/>
Argument – One top-level heading for each issue in the Statement of Issues	<input type="checkbox"/>
Conclusion and Statement of Relief Sought	<input type="checkbox"/>
Addendum (Appellant must include the final written decision and a copy of the patent, both of which must have appendix pagination; a cover sheet listing the items in the addendum is optional but recommended)	<input type="checkbox"/>
Certificate of Compliance (Form 19 or equivalent)	<input type="checkbox"/>



Reply brief – required components.

A reply brief must include the following components, in order:

Item	Check
Cover Page	<input type="checkbox"/>
Certificate of Interest (Form 9 or equivalent)	<input type="checkbox"/>
Table of Contents	<input type="checkbox"/>
Table of Authorities	<input type="checkbox"/>
Argument	<input type="checkbox"/>
Conclusion and Statement of Relief Sought	<input type="checkbox"/>
Certificate of Compliance (Form 19 or equivalent)	<input type="checkbox"/>

Brief – Cover page.

- **Outside cover:**

- The **number of the case, top center**
- The **court's name**
- The **official caption (check PACER or the docketing notice; the cover must match the official caption exactly)**
- The **nature of the proceeding and the tribunal appealed from; including the PTAB judges' names now encouraged**
- The **title of the brief**
- The name, address, and telephone number of counsel for the party filing the brief (other contact info is optional, but recommended)

- **Inside cover:**

- Contact information for other counsel if it doesn't fit on the outside cover.
- The language of a claim at issue (or on a page immediately after the cover if space requires).

Case: 18-1957 Document: 11 Page: 1 Filed: 08/20/2018

2018-1957

**United States Court of Appeals
for the Federal Circuit**

CREATIVE SPARK, LLC,

Appellant,

– v. –

THE KINGSFORD PRODUCTS COMPANY, LLC,

Appellee.

*On Appeal from the United States Patent and Trademark Office,
Patent Trial and Appeal Board in No. IPR2016-01831*

APPELLANT CREATIVE SPARK, LLC'S OPENING BRIEF

KEVIN K. McNISH
DESMARAIIS LLP
230 Park Avenue
New York, New York 10169
(212) 351-3400
kmenish@desmaraisllp.com

*Counsel for Appellant
Creative Spark, LLC*

COUNSEL PRESS, LLC (888) 277-3259

Certificate of compliance.

- Put [Form 19](#) or a Word equivalent at the very end of the brief.
- If your brief used Times New Roman or Century Schoolbook, check the first box (“proportionally-spaced typeface”) and insert the word count.
- Word-count limits:
 - Principal briefs: 14,000 words
 - Reply: 7,000 words
 - See Fed. Cir. R. 28.1 for word counts where there’s a cross-appeal.
- Sections that don't count:
 - Cover page and inside cover
 - Certificate of interest
 - Tables of contents & authorities
 - Statement of related cases
 - Signature block
 - Addendum
 - Certificate of compliance

FORM 19. Certificate of Compliance with Type-Volume Limitations Form 19
July 2020

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMITATIONS

Case Number: _____

Short Case Caption: _____

Instructions: When computing a word, line, or page count, you may exclude any items listed as exempted under Fed. R. App. P. 5(c), Fed. R. App. P. 21(d), Fed. R. App. P. 27(d)(2), Fed. R. App. P. 32(f), or Fed. Cir. R. 32(b)(2).

The foregoing filing complies with the relevant type-volume limitation of the Federal Rules of Appellate Procedure and Federal Circuit Rules because it meets one of the following:

- the filing has been prepared using a proportionally-spaced typeface and includes _____ words.
- the filing has been prepared using a monospaced typeface and includes _____ lines of text.
- the filing contains _____ pages / _____ words / _____ lines of text, which does not exceed the maximum authorized by this court’s order (ECF No. _____).

Date: _____ Signature: _____

Name: _____

[Save for Filing](#)

Filing a brief in CM/ECF.

- Go to the “Filing” tab, select “Brief/Appendix or Joinder” from the “Briefs” submenu, then click continue.
 - Don't use the “Opposition” or “Reply” events—they're for responses or replies to motions.
- On the next screen, select your party.
- Select the type of brief:
 - Opening Brief
 - Response Brief
 - Reply Brief
- Select email service, upload the PDF, review the docket text, perform the final review, and submit.

The screenshot shows the 'File a Document' form. It includes a 'Case Number' input field, a 'Filed' date of 09/15/2021, and a table for selecting document types and categories. The table has two columns: 'Type of Document' and 'Category'. The 'Type of Document' column has a dropdown menu with 'Brief/Appendix or Joinder' selected. The 'Category' column has a dropdown menu with 'Briefs' selected. The table lists three options: 'Brief/Appendix or Joinder' (Category: Briefs), 'Confidential Brief/Appendix or Joinder' (Category: Briefs, Confidential Document), and 'Notice of Correction' (Category: Briefs, Letters and Notices). A 'Continue' button is located at the bottom of the form.

Settlement discussion and statement.

- The parties must discuss settlement in appeals within 7 days of the last principal brief.
 - Appellee's principal brief (if there's no cross-appeal)
 - Appellant/Cross-Appellee's combined reply and response (cross-appeal)
- The discussion must take place live, either in person or via telephone.
- By the time the appendix is due, the parties must file one of the following:
 - Joint statement of compliance indicating that settlement discussions have occurred; or
 - A joint motion to dismiss under FRAP 42(b).
- A joint statement of compliance should include a cover page, but doesn't need to include much else.

Case: 21-1495 Document: 21 Page: 2 Filed: 08/13/2021

Pursuant to Federal Circuit Rule 33(a), the parties addressed settlement and no agreement has been reached.

Dated: August 13, 2021

Respectfully submitted,

/s/ Brian T. Burgess
Brian T. Burgess
William G. James
GOODWIN PROCTER LLP
1900 N Street, NW
Washington, DC 20036
Tel.: 202-346-4000

Elizabeth J. Holland
Alexandra D. Valenti
GOODWIN PROCTER LLP
620 Eighth Avenue
New York, NY 10018
Tel.: 212-813-8800

*Counsel for Appellant
Actavis Laboratories FL, Inc.*

/s/ Errol B. Taylor (by permission)
Errol B. Taylor
Jordan Fernandes
MILBANK LLP
55 Hudson Yards
New York, NY 10001
Tel.: 212-530-5000

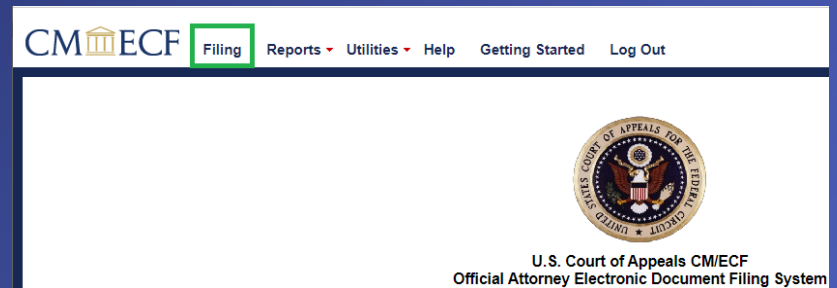
Lauren Drake
Monica Arnold
MILBANK LLP
2029 Century Park East
33rd Floor
Los Angeles, CA 90067
Tel.: 424-386-4000

*Counsel for Appellee
Tris Pharma, Inc.*



Filing the settlement discussion statement in CM/ECF.

- Go to the “Filing” tab, select “Joint Statement of Compliance – FCR 33” from the “Forms and Certificates” submenu, then click continue.
- On the next screen, select your party.
- Select email service, and upload the PDF.
- Review the docket text, perform the final review, and submit.

The screenshot shows the 'File a Document' form. It includes a 'Case Number' input field, a 'Filed' date of 09/16/2021, and a table for selecting document types and categories. The 'Joint Statement of Compliance - FCR 33' option is highlighted in green. A 'Continue' button is located at the bottom of the form.

Type of Document	Category
Bill of Costs	Costs/Fees, Forms and Certificates
Certificate of Compliance - Protective Order	Forms and Certificates
Certificate of Compliance - Transcript	Forms and Certificates
Certificate of Interest	Forms and Certificates
Corrected Certificate of Service	Forms and Certificates
Docketing Statement	Forms and Certificates
Entry of Appearance	Forms and Certificates
Joint Statement of Compliance - FCR 33	Forms and Certificates
Notice of Unrepresented Person Appearance	Forms and Certificates
Response to Notice to Advise of Scheduling Conflicts	Forms and Certificates, Response/Revolv

Final appendix – designation letter.

- Compile a list of every appendix citation from both parties' briefs.
- Save a copy of your initial appendix designation letter. Then, add a column at the right-hand side indicating which pages will go into the final appendix.
 - The FWD, certified list, and all cited patents and pre-grant publications must be included in their entireties.
 - It is recommended to include the entire notice of appeal.
 - For all other documents, include:
 - (1) the document's first page;
 - (2) all cited pages; and
 - (3) any pages adjacent to cited pages needed for context.
- Delete any row/item with no pages cited (highlighted in yellow at right).
- Send this letter to opposing counsel as soon as possible after filing the reply.



McNish PLLC

Kevin K. McNish
Direct Dial: (207) 800-3402
Email: kmcnish@mcnishpllc.com

Principal Office
(By Appointment Only):
254 Commercial St., Suite 245
Portland, ME 04101

Telephone: (207) 800-3400
Fax: (207) 800-3401
Web: www.mcnishpllc.com

VIA EMAIL

Opposing Counsel
opposing.counsel@opposinglawfirm.com
123 Opposing Street
San Diego, CA 92101

Re: *Appellant LLC v. Appellee, Inc.*, Appeal No. 21-XXXX (Fed. Cir.)
Appellant's Final Designation of Appendix Materials

Dear Opposing Counsel,

Appellant LLC hereby encloses its final designation of materials for the Appendix in above-captioned appeal. Pages indicated in purple text are included for context per Fed. Cir. R. 30(a)(1)(B).

Item #	Paper / Exhibit #	Description	Pagination	Pages to Include
1	XX	Final Written Decision	Appx1-20	Appx1-20
2	-	Certified List	Appx21-26	Appx21-26
3	1	Power of Attorney	Appx27-29	
4	2	Petition for Inter Partes Review of U.S. Patent No. XX,XXX,XXX	Appx30-113	Appx30, Appx51, Appx52-76, Appx77
5	3	Notice of Accord Filing Date	Appx114-118	
6	4	Patent Owner Mandatory Notice	Appx119-121	
7	5	Patent Owner Power of Attorney	Appx122-123	

Final appendix – volumes and binding.

- Confirm the final selection of pages with opposing counsel.
- Save a copy of the PDF working appendix, then delete pages from that copy until you have only the selected pages.
- Divide the PDF into multiple volumes if:
 - Printing the appendix single-sided and there are more than 400 pages, including the table of contents; or
 - Printing the appendix double-sided (recommended) and there are more than 800 pages, including the table of contents.
- Volumes need not be evenly split, but there are some rules and best practices:
 - **Do** consider placing papers in one volume and exhibits in the other.
 - **Don't** split a single document over multiple volumes.
 - **Don't** use an unnecessary number of volumes.
- Each volume must have a cover page and full table of contents.

Final appendix – volumes and binding.

Cover Page

- If multiple volumes, volume no. and page range at top (omit if only one volume)
- List both parties' counsel at bottom

Case: 18-1957 Document: 24-1 Page: 1 Filed: 11/09/2018 (1 of 698)

VOLUME I OF II, PAGES Appx1 – 621

2018-1957

**United States Court of Appeals
for the Federal Circuit**

CREATIVE SPARK, LLC,
Appellant,

– v. –

THE KINGSFORD PRODUCTS COMPANY, LLC,
Appellee.

*On Appeal from the United States Patent and Trademark Office,
Patent Trial and Appeal Board in No. IPR2016-01831*

JOINT APPENDIX

PAUL A. AINSWORTH DEBORAH A. STERLING, PH.D. PAULINE M. PELLETIER STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. 1100 New York Avenue, NW Washington, DC 20005 (202) 371-2600 painsworth@sternekessler.com dsterling@sternekessler.com ppetlier@sternekessler.com	KEVIN K. MCNISH DESMARAIS LLP 230 Park Avenue New York, New York 10169 (212) 351-3400 kmcnish@desmaraisllp.com <i>Counsel for Appellant Creative Spark, LLC</i>
--	---

*Counsel for Appellee The Kingsford
Products Company, LLC*

COUNSEL PRESS, LLC (888) 277-3259

Table of Contents

- If multiple volumes, break down by volume
- List entire page range occupied by an item

Case: 18-1957 Document: 24-1 Page: 2 Filed: 11/09/2018 (2 of 698)

TABLE OF CONTENTS FOR THE JOINT APPENDIX
2018-1957

VOLUME I

IPR Paper/ Exhibit No.	Description	Appendix Page Nos.
32	Final Written Decision	Appx1-58
-	Certified List	Appx59-125
2	Petition for <i>Inter Partes</i> Review of U.S. Patent No. 9,131,803 Under 35 U.S.C. §§311-319 and 37 C.F.R. §§42.1-80, 42.100-123	Appx129-199
6	Creative Spark's Patent Owner Preliminary Response	Appx213-285
7	Decision - Trial Instituted Document	Appx286-322
18	Creative Spark's Patent Owner Response	Appx369-443
22	Petitioner's Reply to Patent Owner's Response	Appx457-490
26	Creative Spark's Motion for Observations on the Cross Examination of Donald Swatling	Appx503-521
31	Record of December 12, 2017 Oral Hearing	Appx550-616
33	Creative Spark's Notice of Appeal	Appx617-621

VOLUME II

1001	Saunders <i>et al.</i> , U.S. Patent No. 9,131,803 (filed Apr. 29, 2011; issued Sept. 15, 2015)	Appx622-661
1002	Declaration of Joseph D. Smith, Ph.D.	Appx662-891
1004	Wulf <i>et al.</i> , DE 1 138 019 (filed Nov. 2, 1961; published Oct. 18, 1962) (with English Translation) ("Wulf")	Appx904-909
1005	Mitchell <i>et al.</i> , U.S. Patent No. D389,453 (filed June 24, 1996; issued Jan. 20, 1998) ("Mitchell")	Appx910-912
1006	Peters, U.S. Patent No. 4,496,366 (filed Nov. 10, 1982; issued Jan. 29, 1985) ("Peters")	Appx913-920
1007	Burke <i>et al.</i> , U.S. Patent No. 5,762,656 (filed June 20, 1996; issued June 9, 1998)	Appx921-928

1

Filing the final appendix in CM/ECF.

- Go to the “Filing” tab, select “Brief/Appendix or Joinder” from the “Briefs” submenu, then click continue.
- On the next screen, select your party.
- Select “Appendix” as the type of document being filed.
- Select email service, and upload the PDF(s). All appendix volumes must be uploaded under one docket entry.
- Review the docket text, perform the final review, and submit.

The screenshot displays the CM/ECF Filing System interface. At the top, the navigation bar includes 'CM/ECF', 'Filing' (highlighted with a green box), 'Reports', 'Utilities', 'Help', 'Getting Started', and 'Log Out'. Below the navigation bar is the U.S. Court of Appeals for the Federal Circuit logo and the text 'U.S. Court of Appeals CM/ECF Official Attorney Electronic Document Filing System'. The main content area is titled 'File a Document' and contains a 'Case Number' input field, a 'Filed' date of '09/15/2021', and a table for selecting document type and category.

Type of Document	Category
Brief/Appendix or Joinder	Briefs
Confidential Brief/Appendix or Joinder	Briefs, Confidential Document
Notice of Correction	Briefs, Letters and Notices

A 'Continue' button is located at the bottom of the form.

Paper copies.

- After the parties have filed the joint appendix, the Court may request paper copies. You have 5 business days to provide paper copies.
- From the appellant:
 - 6 copies of its **principal brief** and reply brief (or its reply and response in a cross-appeal)
 - 6 copies of the joint appendix
- From the appellee:
 - 6 copies of its **principal brief** (and its reply brief in a cross-appeal)
- Only the paper copies have to have covers of the specified color.
- Find a knowledgeable vendor early in the appeal and keep them on standby.
- Double-sided printing is strongly recommended.

Oral argument – notice to advise of scheduling conflicts.

- Use [Form 32](#) to respond to a notice to advise of scheduling conflicts.
- The only conflicts that matter are those of the arguing attorney.
- For each conflicted date, the attorney must provide a statement establishing good cause for the conflict.
 - Good examples: major life event (wedding, honeymoon, birth of child), on-calendar oral argument or trial before another tribunal
 - Bad examples: not-yet-booked vacation, client unavailability, trying to delay to let a district court case “catch up” in the *Fresenius* race
- If there are no conflicts, the notice does not need to be filled out, but the arguing attorney must still use CM/ECF to indicate the lack of conflicts (next slide).

FORM 32. Response to Notice to Advise of Scheduling Conflicts Form 32
July 2020

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

RESPONSE TO NOTICE TO ADVISE OF SCHEDULING CONFLICTS

Case Number: _____

Short Case Caption: _____

Party Name(s)	
Name of Arguing Counsel	
Dates Unavailable	
<p>List up to ten dates of unavailability within the specific sessions identified by the court in the Notice to Advise of Scheduling Conflicts in this case.</p> <p>Attach a statement showing good cause for each listed date. Dates listed without a supporting statement will not be considered in scheduling argument. See Fed. Cir. R. 34(d); Practice Notes to Rule 34.</p>	
Potential Other Conflicts	
<p>Please list other pending cases before this court in which above counsel intends to argue (regardless of case status).</p>	

I certify the above information and any attached statement is complete and accurate. I further certify that I will update my notice should new conflicts arise or existing conflicts change.

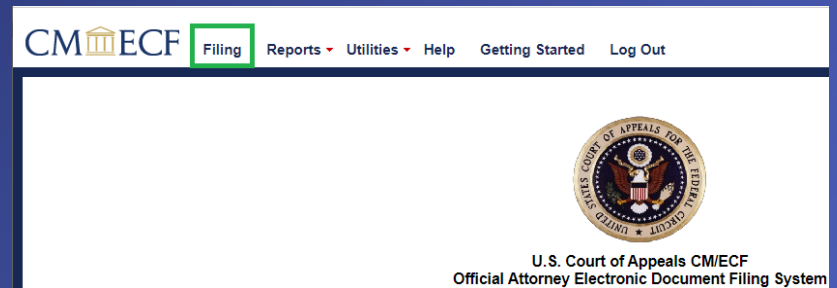
Date: _____ Signature: _____

Name: _____

[Save for Filing](#)

Filing the response to notice to advice of scheduling conflicts in CM/ECF.

- Go to the “Filing” tab, select “Response to Notice to Advise of Scheduling Conflicts” from the “Forms and Certificates” submenu, then click continue.
- On the next screen, select your party.
- If there are no conflicts, select “none,” then select email service.
- If there are conflicts, upload the response, then select email service.
- Review the docket text, perform the final review, and submit.



The screenshot shows the 'File a Document' form. It includes a 'Case Number' input field, a 'Filed' date of 09/16/2021, and a table of document types. The 'Response to Notice to Advise of Scheduling Conflicts' option is highlighted in green. A 'Continue' button is located at the bottom of the form.

Type of Document	Category
Certificate of Interest	Forms and Certificates
Corrected Certificate of Service	Forms and Certificates
Docketing Statement	Forms and Certificates
Entry of Appearance	Forms and Certificates
Joint Statement of Compliance - FCR 33	Forms and Certificates
Notice of Unrepresented Person Appearance	Forms and Certificates
Response to Notice to Advise of Scheduling Conflicts	Forms and Certificates, Response/Reply
Statement Concerning Discrimination - FCR 15(c)	Forms and Certificates
Transcript Purchase Order Form	Forms and Certificates
USERRA Notification Form	Forms and Certificates

Oral argument – response to notice of oral argument.

- Once the Court issues an oral argument notice, arguing counsel should use [Form 33](#) to respond.
- While holding in-person arguments during the pandemic, the Court also requires [Forms 33A-33C](#), which relate to COVID-19 precautions.
- In my experience, the Court is lenient about the argument / rebuttal time split.

FORM 33. Response to Notice of Oral Argument Form 33
July 2020

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

RESPONSE TO NOTICE OF ORAL ARGUMENT

Case Number: _____

Short Case Caption: _____

Filing Party: _____

Instructions. No more than two counsel may argue per side and no more than one counsel may argue per party without leave of court. See Fed. Cir. R. 34(e). Each arguing counsel must complete and submit a separate form.

If a party intends to waive argument, please check the waiver box; do not indicate argument is for zero minutes. For non-waived argument, please complete the remainder of the form indicating for which parties counsel will argue and the amount of time counsel will argue. Rebuttal time is only allowed for Appellants and Cross-Appellants. Unless otherwise ordered, panel cases must not exceed 15 mins; en banc cases must not exceed 30 mins.

Oral Argument Waiver:	<input type="checkbox"/> The filing party intends to waive oral argument.		
For Non-Waived Argument, List All Parties Arguing on Behalf of: (Attach additional pages if needed)			
Arguing Counsel Name:			
Phone:	Argument Time:	Rebuttal Time:	
<input type="checkbox"/> Arguing counsel is dividing time with counsel for another party or set of parties (additional counsel must file a separate Response).			

I acknowledge that (1) oral argument is scheduled as stated in the court's notice and may proceed even if I have waived argument, see Fed. R. App. P. 34(e)-(f); (2) arguing counsel can only change through filing an amended version of this form; and (3) counsel who have not entered appearances in the case and are not listed on this form cannot present oral argument.

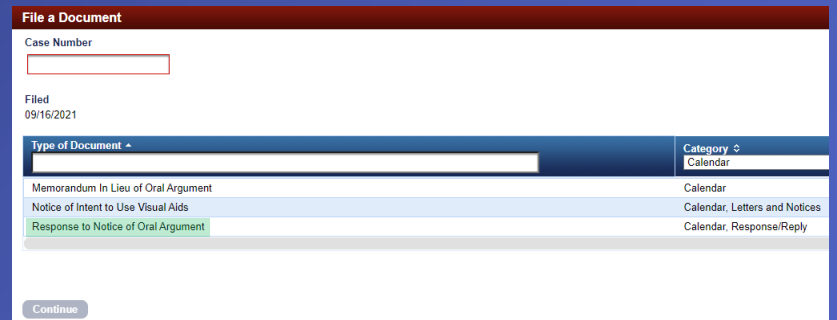
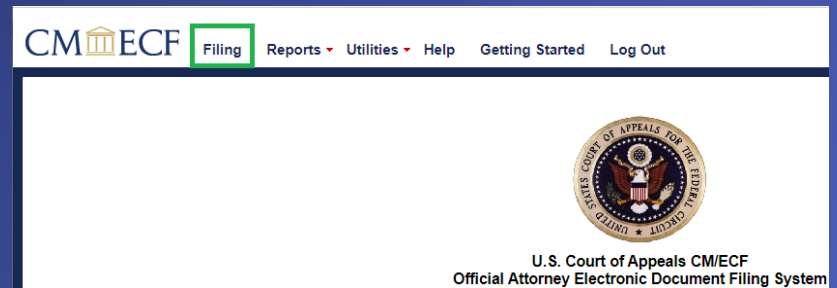
Date: _____ Signature: _____

Name: _____

Save for Filing

Filing the response to notice of oral argument in CM/ECF.

- Go to the “Filing” tab, select “Response to Notice of Oral Argument” from the “Calendar” submenu, then click continue.
- On the next screen, select your party.
- Select email service, and upload the PDF.
- Review the docket text, perform the final review, and submit.



Motions

Motions – required components and timing.

A motion must include the following components:

Item	Check
Cover Page	<input type="checkbox"/>
Certificate of Interest (Form 9 or equivalent)	<input type="checkbox"/>
Statement of Consent (Will the other party oppose, or does it consent?)	<input type="checkbox"/>
Argument (Grounds for the motion, relief sought, supporting legal argument)	<input type="checkbox"/>
Conclusion	<input type="checkbox"/>
Certificate of Compliance (Form 19 or equivalent)	<input type="checkbox"/>
Affidavit (if necessary)	<input type="checkbox"/>

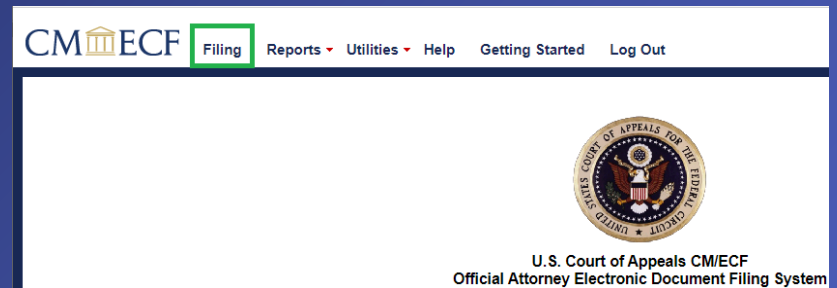
- Word count limits:
 - Motion / response: 5,200 words
 - Reply: 2,600 words
- A response is due 10 days after a motion.
- A reply is due 7 days after the response.

The all-important motion to extend.

- Motions to extend should be filed at least 7 days before the deadline to be extended.
 - If filed closer to the deadline than that, the filer must submit an affidavit establishing extraordinary circumstances (e.g., natural disaster).
- The motion to extend must also state:
 - The date to be extended
 - The revised date sought
 - The number of days of extension sought
 - The total number of days of extension previously granted to the movant (across ALL deadlines)
- A motion to extend a deadline by more than fourteen days also requires an affidavit establishing “good cause” (really more like *okay* cause) for the extension.
- Although the Court rarely denies extensions, a party that receives a full 60-day extension on its opening brief should not expect to receive any more extensions through the rest of the appeal.

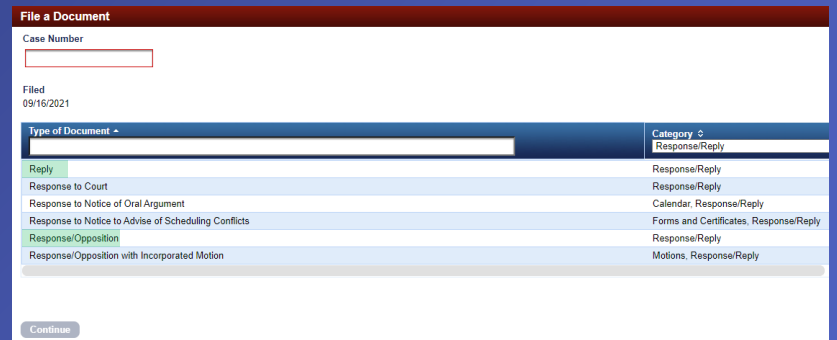
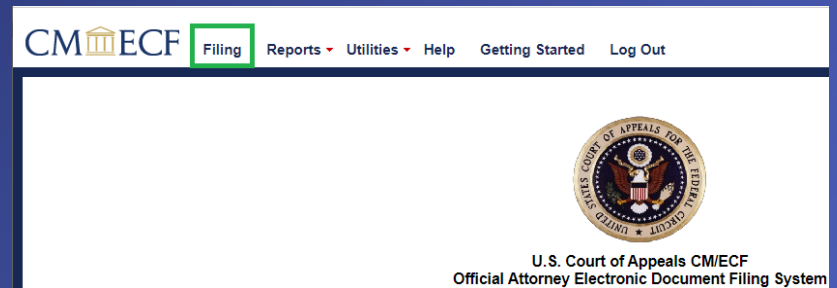
Filing a motion in CM/ECF.

- Go to the “Filing” tab, select “Motion” from the “Motions” submenu, then click continue.
- On the next screens, select your party, the consented/opposed status of the motion, and the relief sought. For a motion to extend, identify the deadline to extend and the date to which to extend that deadline.
- Select email service, and upload the PDF.
- Review the docket text, perform the final review, and submit.

The screenshot shows the 'File a Document' form. It has a dark red header with the text 'File a Document'. Below the header, there is a 'Case Number' field with a red border. Underneath is the 'Filed' date '09/16/2021'. The main part of the form is a table with two columns: 'Type of Document' and 'Category'. The 'Type of Document' column has a dropdown menu currently showing 'Motion'. The 'Category' column has a dropdown menu currently showing 'Motions'. The table lists three options: 'Motion for Leave to Proceed In Forma Pauperis' (Category: Motions), 'Response/Opposition with Incorporated Motion' (Category: Motions, Response/Reply), and 'Status Report with Incorporated Motion' (Category: Motions, Status Reports). At the bottom of the form is a 'Continue' button.

Filing a response or reply to a motion in CM/ECF.

- Go to the “Filing” tab, select “Response/Opposition” or “Reply” from the “Response/Reply” submenu, then click continue.
- On the next screen, select your party.
- Identify by ECF number the previous filing that your filing responds or replies to.
- Select email service, and upload the PDF.
- Review the docket text, perform the final review, and submit.



After the Panel Decision

Bill of costs.

- A panel opinion will either assign costs to a party or assign no costs. If there's a Rule 36 judgment without opinion, costs are taxed against the appellant.
- A party seeking costs is limited to the lesser of its actual costs or the maximum allowable cost.
- Use [Form 24](#) and the accompanying instructions to prepare a bill of costs. Flatten it, then prepare a combined PDF with the print vendor's invoices to support the costs claimed.
- The Court strongly prefers that parties stipulate to costs. Objections are limited to 5 pages (and probably aren't worth it given the amount at stake).

FORM 24. Bill of Costs and Instructions Form 24 (p. 1)
July 2020

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

BILL OF COSTS

Case Number: _____

Short Case Caption: _____

Party Requesting Costs	
The Clerk is requested to tax the following costs against the following party or parties:	

Stipulated Costs The parties have stipulated to the below total costs requested.

ITEMIZED COSTS					
Cost Type	Number of Copies*	Number of Pages	Actual Cost (Page/Copy)	Allowable Cost	Total Cost
Brief			\$	\$0.08/page	\$
Reply Brief			\$	\$0.08/page	\$
Appendix			\$	\$0.08/page	\$
Binding and Covers			\$	\$2.00/copy	\$
Docketing Fee (if paid in this court by appellant or petitioner only)				\$500.00	\$
TOTAL COSTS REQUESTED:					\$

I declare under penalty of perjury that (1) the foregoing costs are correct and were necessarily and actually incurred in this matter, (2) any attached itemized statements of the costs incurred or invoices are true and accurate, and (3) a copy of this bill and supporting documentation were served on all parties.

Date: _____ Signature: _____

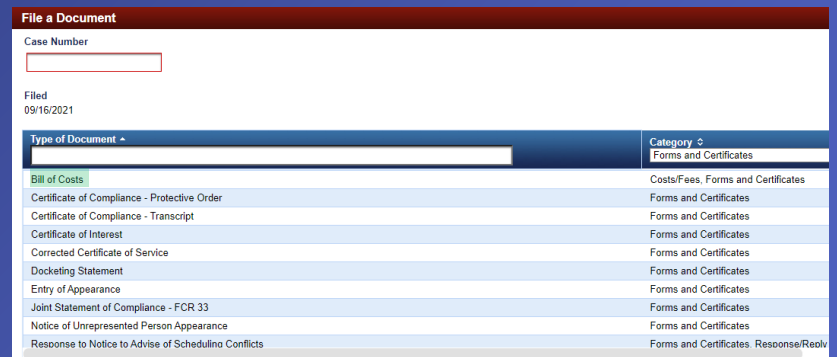
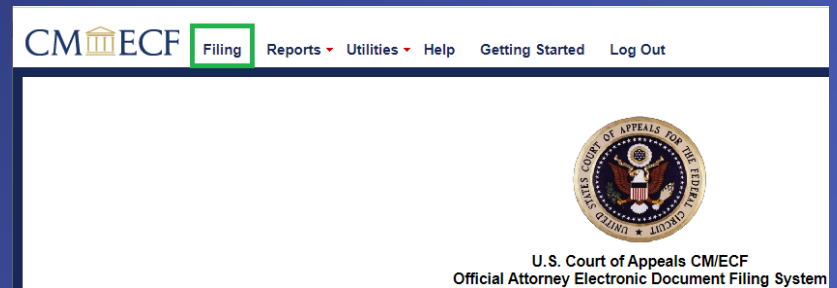
_____ Name: _____

* Only use Allowable Costs amount for calculating the total cost when the Allowable Cost amount is less than the Actual Cost per page/copy.

[Save for Filing](#)

Filing the bill of costs in CM/ECF.

- Go to the “Filing” tab, select “Bill of Costs” from the “Forms and Certificates” submenu, then click continue.
- On the next screen, select your party.
- Select email service, and upload the PDF.
- Review the docket text, perform the final review, and submit.



Mandate.

- After the time for rehearing expires, or after the entry of an order denying rehearing, the Federal Circuit will issue the mandate.
- The mandate ends the appeal and implements the Federal Circuit's judgment.
- If the Federal Circuit has ordered a remand, the case returns to the PTAB. Otherwise, the PTAB will proceed to issue a trial certificate.
- If the prevailing party has filed a bill of costs, the mandate will tax costs in the amount specified the bill of costs.

Further Resources

Further resources.

- Federal Circuit rules: www.cafc.uscourts.gov/sites/default/files/rules-of-practice/FederalCircuitRulesofPractice-March2021.pdf
- Federal Circuit CM/ECF guide: [ElectronicFilingProcedures.pdf \(uscourts.gov\)](http://uscourts.gov/ElectronicFilingProcedures.pdf)
- Common Filing Errors: [CommonFilingErrors.pdf \(uscourts.gov\)](http://uscourts.gov/CommonFilingErrors.pdf)
- Federal Circuit forms: [Forms | US Court of Appeals for the Federal Circuit \(uscourts.gov\)](http://uscourts.gov/Forms)
- PTAB E2E guide (for filing notices of appeal with the PTAB): [PTAB E2E Appeal Related Documents \(uspto.gov\)](http://uspto.gov/PTAB_E2E)

Thank you!