

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

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Clerk of Court

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December 1, 2010

Dear Reader:

Federal Rules of Appellate Procedure 1, 4 and 29 were revised on December 1, 2010 and should read as follows:

**Fed. R. App. P. 1**

\* The title now has "Definition;" between "Scope of Rules;" and "Title".

\* There is now a section "(b)". Section (b) states: (b) Definition. In these rules, "state" includes the District of Columbia and any United States commonwealth or territory.

**Fed. R. App. P. 4**

**Fed. R. App. P. 4(a)(7)(A)(i)**, and **Fed. R. App. P. 4(a)(7)(A)(ii)**, and **Fed. R. App. P. 4(a)(7)(B)**, the amendments change "**Federal Rule of Civil Procedure 58(a)(1)**" to "**Federal Rule of Civil Procedure 58(a)**" throughout.

**Fed. R. App. P. 29**

\*Section (a) is now amended to read:

(a) When Permitted. The United States or its officer or agency or a state may file an amicus curiae brief without the consent of the parties or leave of court. Any other amicus curiae may file a brief only by leave of court or if the brief states that all parties have consented to its filing.

Section (c) is amended in several respects. Part of Section (c) is now moved to become Section (c)(1). There is a new Section (c)(5), which requires that amicus briefs give more information (with the exception of government briefs) about who assisted with the brief. Former Section (c)(1) becomes Section (c)(2), former Section (c)(2) becomes Section (c)(3), former Section (c)(4) becomes Section (c)(6), and former Section (c)(5) becomes Section (c)(7).

Revised sections of **Fed. R. App. P. 29** are attached.

Please note that the CD Rom version of the rules does not reflect these additional changes.

Suggestions regarding the court's Rules of Practice should be submitted to:

Clerk of Court  
United States Court of Appeals for the Federal Circuit  
717 Madison Place, NW  
Washington, DC 20439  
or  
[rules@cafc.uscourts.gov](mailto:rules@cafc.uscourts.gov)

Sincerely yours,

Jan Horbaly

## **Rule 29. Brief of an Amicus Curiae**

**(a) When Permitted.** The United States or its officer or agency or a state may file an amicus-curiae brief without the consent of the parties or leave of court. Any other amicus curiae may file a brief only by leave of court or if the brief states that all parties have consented to its filing.

\* \* \* \* \*

**(c) Contents and Form.** An amicus brief must comply with Rule 32. In addition to the requirements of Rule 32, the cover must identify the party or parties supported and indicate whether the brief supports affirmance or reversal. An amicus brief need not comply with Rule 28, but must include the following:

- (1) if the amicus curiae is a corporation, a disclosure statement like that required of parties by Rule 26.1;
- (2) a table of contents, with page references;
- (3) a table of authorities — cases (alphabetically arranged), statutes, and other authorities — with references to the pages of the brief where they are cited;
- (4) a concise statement of the identity of the amicus curiae, its interest in the case, and the source of its authority to file;
- (5) unless the amicus curiae is one listed in the first sentence of Rule 29(a), a statement that indicates whether:
  - (A) a party's counsel authored the brief in whole or in part;

- (B) a party or a party's counsel contributed money that was intended to fund preparing or submitting the brief; and
  - (C) a person — other than the amicus curiae, its members, or its counsel — contributed money that was intended to fund preparing or submitting the brief and, if so, identifies each such person;
- (6) an argument, which may be preceded by a summary and which need not include a statement of the applicable standard of review; and
  - (7) a certificate of compliance, if required by Rule 32(a)(7).