



# United States Court of Appeals for the Federal Circuit



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[ORAL ARGUMENT RECORDINGS](#)
[JUDGES](#)
[HUMAN RESOURCES](#)
[JUDICIAL REPORTS](#)

## COURT JURISDICTION

Text Size:



The United States Court of Appeals for the Federal Circuit was established under Article III of the Constitution on October 1, 1982. The court was formed by the merger of the United States Court of Customs and Patent Appeals and the appellate division of the United States Court of Claims. The court is located in the Howard T. Markey National Courts Building on historic Lafayette Square in Washington, D.C.

The Federal Circuit is unique among the thirteen Circuit Courts of Appeals. It has nationwide jurisdiction in a variety of subject areas, including international trade, government contracts, patents, trademarks, certain money claims against the United States government, federal personnel, veterans' benefits, and public safety officers' benefits claims. Appeals to the court come from all federal district courts, the United States Court of Federal Claims, the United States Court of International Trade, and the United States Court of Appeals for Veterans Claims. The court also takes appeals of certain administrative agencies' decisions, including the United States Merit Systems Protection Board, the Boards of Contract Appeals, the Patent Trial and Appeal Board, and the Trademark Trial and Appeal Board. Decisions of the United States International Trade Commission, the Office of Compliance, an independent agency in the legislative branch, and the Government Accountability Office Personnel Appeals Board, and the Department of Justice Bureau of Justice Assistance also are reviewed by the court. Many of the administrative law cases consist of personnel and veterans claims. Nearly all of the intellectual property cases involve patents. Suits for money damages against the United States government include government contract cases, tax refund appeals, unlawful takings, and civilian and military pay cases.

The judges of the court are appointed by the President, with the advice and consent of the Senate. Judges are appointed to the court for life under Article III of the Constitution of the United States. There are twelve judges in active service. When eligible, judges may elect to take senior status, which permits them to continue to serve on the court while handling fewer cases than a judge in active service. Each judge in active service employs a judicial assistant and up to four law clerks, while each judge in senior status employs a judicial assistant and one law clerk.

Title 28 of the United States Code, the Federal Rules of Appellate Procedure and the court's Rules of Practice and Internal Operating Procedures govern procedure in the Federal Circuit. Appeals are heard by panels comprised of three judges who are selected randomly for assignment to the panels. Losing parties may seek review of a decision of the Federal Circuit in the Supreme Court of the United States.

Court sessions generally are held during the first week of each month in Washington, D.C. The court also is authorized to hear cases in other cities throughout the United States to meet the needs of litigants in other parts of the country. The court has sat in many other cities during its existence.

The court's work begins when an appeal is docketed by the Clerk of the Court, and is assigned a docket number. The parties to the cases then prepare and file written briefs setting forth their arguments. Parties also may submit materials such as transcripts of testimony and other relevant parts of the record made in the lower tribunal from which the appeal originated. Once all the briefs have been received, the case may be scheduled for oral argument before the court. Each side usually is allotted between 15 and 30 minutes for argument, depending on the nature of the case. During oral argument, the lawyers for the parties present their arguments and answer questions of the judges concerning the issues presented. If the court determines that oral argument is unnecessary, the case is decided by a panel of judges based on the arguments presented in the briefs. In each appeal, the presiding judge of the panel assigns a member of the panel to prepare the court's opinion. The opinion sets out the decision of the court and the reasons for the decision. If the panel determines that its decision will add

significantly to a body of law, it issues a precedential opinion. Decisions that do not add significantly to the body of law are issued as nonprecedential. All opinions are made available to the public, and may be obtained from the court's home page on the Internet, the Federal Reporter 3rd Series, Westlaw® and Lexis®.

The senior staff of the court consists of the Circuit Executive and Clerk of Court, the General Counsel, Senior Staff Attorney, Circuit Librarian, Administrative Services Officer, Director of Information Technology, and Chief Circuit Mediator.