

Intellectual Property Counseling and Litigation

HORWITZ·HORWITZ
GENERAL EDITORS



LexisNexis

(16-1)

INTELLECTUAL PROPERTY COUNSELING AND LITIGATION

VOLUME 7

LESTER HORWITZ

ETHAN HORWITZ

General Editors

2011

常州大学图书馆
藏书章

QUESTIONS ABOUT THIS PUBLICATION?

For questions about the **Editorial Content** appearing in these volumes or reprint permission, please call:
Valri Nesbit, J.D. at 1-800-424-0651 (ext. 3343)
Email: Valri.nesbit@lexisnexis.com
Neil Myers, J.D. at 1-800-424-0651 (ext. 3247)
Email: Neil.myers@lexisnexis.com
For assistance with replacement pages, shipments, billing or other customer service matters, please call:

Customer Services Department at (800) 833-9844
Outside the United States and Canada, please call (518) 487-3000
Fax Number (518) 487-3584
Customer Service Website <http://www.lexisnexis.com/custserv/>
For information on other Matthew Bender publications, please call

Your account manager (800) 223-1940
Or, if outside the United States and Canada (518) 487-3000

Library of Congress Card Number: 88-070318

ISBN: 978-0-8205-1331-7

Cite this publication as:

Lester Horwitz, Ethan Horwitz, General Editors, Intellectual Property Counseling and Litigation, Ch.
no., Title, § (Matthew Bender)

Example:

Lester Horwitz, Ethan Horwitz, General Editors, Intellectual Property Counseling and Litigation, Ch. 1,
Defensive Measures Against Counterfeiting, § 1.01 (Matthew Bender)

Because the section you are citing may be revised in a later release, you may wish to photocopy or print
out the section for convenient future reference.

This publication is designed to provide accurate and authoritative information in regard to the subject matter covered.
It is sold with the understanding that the publisher is not engaged in rendering legal, accounting, or other professional
services. If legal advice or other expert assistance is required, the services of a competent professional should be
sought.

LexisNexis and the Knowledge Burst logo are registered trademarks and Michie is a trademark of Reed Elsevier
Properties Inc., used under license. Matthew Bender and the Matthew Bender Flame Design are registered trademarks
of Matthew Bender Properties Inc.

Copyright © 2011 Matthew Bender & Company, Inc., a member of the LexisNexis Group.
All Rights Reserved.

No copyright is claimed in the text of statutes, regulations, and excerpts from court opinions quoted within this work.
Permission to copy material exceeding fair use, 17 U.S.C. § 107, may be licensed for a fee of 25¢ per page per copy
from the Copyright Clearance Center, 222 Rosewood Drive, Danvers, Mass. 01923, telephone (978) 750-8400.

Editorial Offices
121 Chanlon Rd., New Providence, NJ 07974 (908) 464-6800
201 Mission St., San Francisco, CA 94105-1831 (415) 908-3200
www.lexisnexis.com

MATTHEW  BENDER

Volume 7 Table of Contents

A COMPLETE SYNOPSIS FOR EACH CHAPTER APPEARS AT
THE BEGINNING OF THE CHAPTER

A COMPLETE SYNOPSIS FOR EACH CHAPTER APPEARS AT THE BEGINNING OF THE
CHAPTER.

**Subpart B: Practice at the C.A.F.C. and Other Non-P.T.O. Tribunals under its
Review**

**Chapter 105 PRACTICE BEFORE THE COURT OF APPEALS FOR THE
FEDERAL CIRCUIT**

George E. Hutchinson

§ 105.01	Introduction
§ 105.02	The Federal Circuit Court of Appeals
§ 105.03	Perfection of Appeals
§ 105.04	Cross Appeals
§ 105.05	Intervention
§ 105.06	Petition for Permission to Appeal
§ 105.07	Docketing of Appeals
§ 105.08	Appearances
§ 105.09	Certificate of Interest
§ 105.10	Record on Appeal
§ 105.11	Briefs
§ 105.12	Appendix to the Briefs
§ 105.13	Filing and Service of Papers Generally
§ 105.14	Computation and Extension of Time Periods
§ 105.15	Motion Practice
§ 105.16	Calendaring of Cases
§ 105.17	Visual Aids
§ 105.18	Oral Arguments
§ 105.19	Citation of Additional Authorities; Supplemental Memoranda
§ 105.20	Disposition of Causes
§ 105.21	Petition for Rehearing
§ 105.22	Suggestion for Hearing or Rehearing En Banc
§ 105.23	Mandates
§ 105.24	Petition for Writ of Certiorari
§ 105.25	Attorneys' Fees and Expenses
§ 105.26	Miscellaneous Provisions
Appendix 105A	Judges and Officers of the United States Court of Appeals for the Federal Circuit
Appendix 105B	Rules of Practice Before the United States Court of Appeals for the

Volume 7 Table of Contents

Federal Circuit Including Federal Rules of Appellate Procedure, Federal Circuit Rules, Practice Notes, Guide for Pro Se Petitioners and Appellants, Appendix of Forms and Index, December 1, 1993

Chapter 106 PRACTICE AT THE INTERNATIONAL TRADE COMMISSION

Sandra A. Sellers & Steven E. Lipman

§ 106.01	What the International Trade Commission Does-In Brief
§ 106.02	Preliminary Considerations to Be Discussed with and Explained to a Client
§ 106.03	Pre-Filing Considerations
§ 106.04	Filing the Complaint
§ 106.05	Activity by the Commission after the Complaint Is Filed
§ 106.06	Pre-Institution Activities of Complainant and Respondents
§ 106.07	Role of the Administrative Law Judge
§ 106.08	Response to the Complaint
§ 106.09	Motions
§ 106.10	Discovery
§ 106.11	Preparation for Hearing
§ 106.12	Pre-Hearing Conference
§ 106.13	The Hearing and Post-Hearing Submissions
§ 106.14	Disposition of the Case by the Administrative Law Judge and the Commission
§ 106.15	Presidential Review of Commission Determinations
§ 106.16	Appeal of a Final Commission Determination
§ 106.17	Conclusion and General Tips for Practice Before the I.T.C.
Appendix 106A	19 U.S.C. § 1337 (1988)
Appendix 106B	19 C.F.R. Parts 201 and 210
Appendix 106C	Sample Bullock Ground Rules
Appendix 106D	Sample Charneski Ground Rules
Appendix 106E	Sample Essex Ground Rules
Appendix 106F	Sample Gildea Ground Rules
Appendix 106G	Sample Luckern Ground Rules
Appendix 106H	Sample Rogers Ground Rules

Chapter 107 U.S. CLAIMS COURT PRACTICE

Arthur L. Burnett, Sr.

§ 107.01	Introduction
§ 107.02	The Scope and Nature of the Court's Jurisdiction
§ 107.03	The Pleadings
§ 107.04	Pretrial Discovery, Motions Practice, and Sanctions

Volume 7 Table of Contents

§ 107.05	The Role and Use of Dispositive Motions
§ 107.06	Settlements and the Use of Alternative Dispute Resolution Procedures
§ 107.07	Pretrial Conferences under Rule 16
§ 107.08	The Conduct of the Trial
§ 107.09	Post-Judgment Practice and Procedures
§ 107.10	The Rules of the Court
§ 107.11	Some Miscellaneous Matters
Appendix 107A	Contract Claim Certification
Appendix 107B	Patent Infringement Complaint
Appendix 107C	Rules of the United States Claims Court
INDEX	

Chapter 105.

Practice Before the U.S. Court of Appeals for the Federal Circuit*

SCOPE

The practitioner can save much time and effort by learning and understanding the Federal Rules of Appellate Procedure, the local Rules of the Court of Appeals for the Federal Circuit and the Practice Notes which follow these rules. Careful prosecution of an appeal in the Federal Circuit, as in any other federal appellate court, will reap benefits for both the practitioner and the client. The Clerk's Office has indicated that errors can be avoided if attorneys read the rules carefully, particularly those pertaining to briefs and motions.

The procedures relating to the perfection of appeals, including the filing of the notice of appeal, are treated in detail. The difficult issue of cross-appeals is also discussed in detail. The administrative procedures involved in the docketing of appeals from both courts and agencies are outlined for the practitioner's benefit. The chapter then devotes some discussion to appearances, certificates of interest and Federal Circuit practice concerning the record on appeal.

Briefs are the most important papers filed in court. Section 105.11, on briefs, constitutes one of the highlights of this chapter. It affords the practitioner extensive guidance on the requirements for briefs in the Federal Circuit. The very specific rules governing, confidential material, page limitations, format, filing and service are discussed at length. This section also addresses the submission of amicus briefs.

Almost as important as the briefs themselves is the appendix to the briefs. Not surprisingly, the Federal Rules of Appellate Procedure and the Federal Circuit's own rules contain detailed specifications to which appendices must conform. Section 105.12 examines the requirements for appendices, including court restrictions on their content, designation of appendix material by the parties, arrangement of contents, format, filing and service.

In the following sections, the chapter covers filing and service requirements for papers other than briefs and appendices, as well as the computation and extension of time periods. It also devotes considerable discussion to the rules governing motion practice and the types of motions filed in the Federal Circuit. The chapter then turns its attention to the calendaring of cases, visual aids to be used during oral argument,

* This chapter was initially prepared by George E. Hutchinson, counsel to Finnegan, Henderson, Farabow, Garrett Dunner, Washington, D.C. It was revised and updated by John Townsend Rich, partner at Goodwin Procter, LLP, Washington D.C.

and oral argument itself. Section 105.18, on oral argument, addresses the composition of the hearing panels and provides suggestions for the conduct of oral argument in this special setting.

Then, after discussing citations of additional authorities and supplemental memoranda, the chapter goes on to cover disposition by the court in section 105.20. This section describes the general forms of disposition, the rules pertaining to precedential and non-precedential opinions, the taxation of costs and damages, and dismissal or transfer. The next sections focus on procedures for rehearing (including consideration en banc), practices concerning mandates, the requisites for a petition for a writ of certiorari, as well as the standards and procedures for awards of attorneys' fees and expenses. The chapter concludes with a review of procedures governing petitions for extraordinary writs, dismissal for failure to follow procedures, constitutional questions, bankruptcy stay cases and complaints of judicial misconduct.

On May 1, 2006, the Federal Circuit issued revised Rules of Practice which included the major revisions to the Federal Rules of Appellate Procedure which had become effective December 1, 2005. The Court has also published Internal Operating Procedures which were effective on December 1, 1998. The Rules publication contained not only the revised Federal Rules of Appellate Procedure in addition to the local Federal Circuit rules but also practice notes to the rules, discipline rules, and a guide for pro-se petitioners and appellants. The Federal Rules of Appellate Procedure and the Federal Circuit Rules have since been amended, and those amendments are reflected in this chapter. Each local Federal Circuit rule corresponds to an applicable Federal Rules of Appellate Procedure (FRAP).

This chapter discusses practice before the Federal Circuit at every stage of an appeal. The makeup of the Federal Circuit, its staff, methods of operation, jurisdiction, and admission practices are covered.

The appendices include (a) the Judges and Officers of the United States Court of Appeals for the Federal Circuit; (b) the Rules of Practice of the Federal Circuit including the Federal Rules of Appellate Procedure, Practice Notes, (c) Guide for Pro Se Petitioners and Appellants; (d) Federal Circuit Attorney Discipline Rules; (e) Courtroom Decorum; (f) Internal Operating Procedures of the Federal Circuit; (g) Top 10 Reasons Briefs Are Rejected; (h) Top 10 Reasons Motions Are Rejected; (i) Guide for Motions Practice; (j) Appellate Mediation Program Guidelines; (k) Docketing Statement; and (l) Confidential Joint Request To Enter Appellate Mediation Program.

SYNOPSIS

105.01

Introduction

[1] Terms Frequently Used in This Chapter

- [2] Overview
- 105.02 The Federal Circuit Court of Appeals
 - [1] Establishment of the Federal Circuit
 - [2] Operation of the Court
 - [3] Jurisdiction of the Court
 - [4] Attorneys; Admission to Practice Before the Court
 - [5] Fees
- 105.03 Perfection of Appeals
 - [1] In General
 - [2] Timely Filing
 - [3] Type of Appeal
 - [a] From Courts
 - [b] From Administrative Agencies
 - [4] Interlocutory Appeals
 - [5] Stay or Injunction Pending Appeal
 - [6] Post-Judgment Motions in Trial Court
- 105.04 Cross-Appeals
 - [1] In General
 - [2] Conditional Cross - Appeal
 - [3] Cross-Appeal Procedure
- 105.05 Intervention
- 105.06 Petition for Permission to Appeal
- 105.07 Docketing of Appeals
 - [1] From Courts
 - [2] From Administrative Agencies
- 105.08 Appearances
 - [1] Appearance Through a Member of the Bar
 - [2] Attorney of Record
 - [3] Entries of Appearance
- 105.09 Certificate of Interest and Corporate Disclosure Statement
- 105.10 Record on Appeal
 - [1] In General
 - [2] Transcript of Proceedings in Lower Court
 - [3] Protective Orders
 - [4] Agreed Statement as Record

105.11

Briefs

- [1] **In General**
- [2] **Content**
- [3] **Briefs Containing Confidential Matter**
- [4] **Page Limitations and Type Face**
- [5] **Format**
 - [a] **Print**
 - [b] **Cover**
 - [c] **Binding**
- [6] **Citations**
- [7] **Filing and Service**
- [8] **Corrections**
- [9] **Amicus Briefs**
- [10] **Failure to File Brief**

105.12

Appendix to the Briefs

- [1] **Content; Designation of Appendix Material by the Parties**
 - [a] **Court Restrictions on Content Generally**
 - [b] **The Designation Process**
 - [c] **Designation Where a Cross-Appeal Is Filed**
 - [d] **Designation by an Intervener**
- [2] **Arrangement of Contents**
- [3] **Format**
 - [a] **Print; Page Size; Page Numbers**
 - [b] **Separate Binding; Cover**
- [4] **Filing and Service**
 - [a] **Generally**
 - [b] **Appendices Containing Confidential Matter**
- [5] **Dispensing With an Appendix**

105.13

Filing and Service of Papers Generally

105.14

Computation and Extension of Time Periods

- [1] **Extension of Time Periods**

105.15

Motion Practice

- [1] **In General**
- [2] **Procedural Motions**
- [3] **Dispositive Motions**
- [4] **Miscellaneous Motions or Petitions**

105.16 **Calendaring of Cases**

- [1] **Hearing Calendar**
- [2] **No-Hearing Calendar**
- [3] **Appeal Conferences**

105.17 **Visual Aids****105.18** **Oral Arguments**

- [1] **Hearing Panels**
- [2] **Procedure**
 - [a] **Generally**
 - [b] **Time Allowed**
 - [c] **Content of Oral Argument**
- [3] **Intervener or Amicus**

105.19 **Citation of Additional Authorities; Supplemental Memoranda****105.20** **Disposition of Causes**

- [1] **In General**
- [2] **Precedential and Nonprecedential Opinions**
- [3] **Costs and Damages**
- [4] **Frivolous Appeals**
- [5] **Dismissal or Transfer**

105.21 **Petition for Rehearing**

- [1] **In General**
- [2] **Panel Rehearing**

105.22 **Suggestion for Hearing or Rehearing En Banc**

- [1] **Hearing En Banc**
- [2] **Rehearing En Banc**
- [3] **Combined Petition for Rehearing and Rehearing En Banc**

105.23 **Mandates****105.24** **Petition for Writ of Certiorari****105.25** **Attorneys' Fees and Expenses**

- [1] **Awards of Attorneys' Fees and Expenses Incurred in the Federal Circuit**
- [2] **Applications for Awards**
- [3] **Appeals and Petitions for Leave to Appeal Regarding Attorneys' Fees and Expenses**

105.26 **Miscellaneous Provisions**

- [1] **Petitions for Extraordinary Writs**
- [2] **Dismissal for Failure to Follow Rules**

- [3] Constitutional Questions**
- [4] Bankruptcy Stay Cases**
- [5] Complaints of Judicial Misconduct**
- [6] Special Masters**
- [7] Attorney Discipline Rules**
- [8] Appellate Mediation Pilot Program**
- [9] Courtroom Decorum**

Appendix 105A: Judges and Officers of the United States Court of Appeals for the Federal Circuit

Appendix 105B: Rules of Practice Before the United States Court of Appeals for the Federal Circuit Including Federal Rules of Appellate Procedure, Federal Circuit Rules, Practice Notes and Appendix of Forms

Appendix 105C: Guide for Pro Se Petitioners and Appellants,

Appendix 105D: Federal Circuit Attorney Discipline Rules

Appendix 105E: Courtroom Decorum

Appendix 105F: Internal Operating Procedures of the Federal Circuit

Appendix 105G: Top 10 Reasons Briefs Are Rejected

Appendix 105H: Top 10 Reasons Motions Are Rejected

Appendix 105I: Guide for Motions Practice

Appendix 105J: Appellate Mediation Program Guidelines

Appendix 105K: Docketing Statement

Appendix 105L: Confidential Joint Request to Enter Appellate Mediation Program

§ 105.01 Introduction

Procedures in the Federal Circuit are similar to those in regional circuit courts. Attorneys will find the court's Practice Notes, included in the Rules of Practice, of great value in preparing cases for the court.

[1] Terms Frequently Used in This Chapter

In this chapter, the Federal Rules of Appellate Procedure are generally referred to as the "Federal Rules" and cited as "Fed. R. App. P." Similarly, the local rules of the Court of Appeals for the Federal Circuit are generally designated as the "Circuit Rules" and cited as "Fed. Cir. R." The Patent and Trademark Office is identified as the PTO, and the International Trade Commission, as the ITC. As discussed in detail later, the party seeking review in the Federal Circuit may be an "appellant," in which case an opposing party is generally a "respondent." Pursuant to Federal Rule 20, references in the Federal Rules to an "Appellant" include a "Petitioner," and reference to "Appellee," include a "Respondent." That practice will be followed in the chapter, except where the difference is significant.

[2] Overview

The practitioner before the Court of Appeals for the Federal Circuit will find that practice and procedures in this court do not differ significantly from those in the regional circuit courts of appeals. All appeals are governed by the Federal Rules of Appellate Procedure, with any modifications and additions dictated solely by the nature of the court's jurisdiction. In several instances, the court has adopted practices which will simplify the prosecution of appeals and assist in the reduction of expenses required at the appellate level. The Federal Circuit has made a concerted effort to limit the number of its local rules, and where there are departures from the Federal Rules, there are specific deletions made in the relevant Federal Rule, with the Circuit Rule provision set forth immediately adjacent thereto. The Practice Notes which follow many of the Federal and/or Circuit Rules are an excellent aid to the practitioner. The Circuit Rules and the Practice Notes are amended from time to time, and the practitioner should ensure that the sets of rules and notes consulted contain all current revisions.

Perhaps the most significant point to be made about practice in the Federal Circuit is the currency of the court's docket. Since October 1982, the court has generally maintained an average time of eight to ten months from the filing on an appeal to its disposition. Thus counsel can anticipate that approximately six months after the date on which the appeal is docketed, it will be scheduled for hearing or submission. The disposition time varies with the complexity of the particular case with a difficult patent case with multiple issues requiring a longer period for disposition after hearing than the average case, which is approximately three months. Any request for extension of time for filing papers which varies that

schedule will be examined closely to ensure that the docket remains current and that a case will not be delayed unnecessarily.

One final comment: in the unlikely instance that a rule or practice is confusing or subject to several interpretations, it is recommended that inquiry be made of the Clerk's Office concerning the point, rather than proceed on the assumption that one's interpretation is correct. Counsel have been requested by the court to confirm in writing to the clerk and opposing counsel any telephone conversations with Clerk's Office personnel that may appear to authorize an exception to the Rules of Practice. Under no circumstances should inquiry ever be made of a judge as to any matter pending before the court.

§ 105.02 The United States Court of Appeals for the Federal Circuit**[1] Establishment of the Federal Circuit**

Congress created the United States Court of Appeals for the United States Court of Appeals for the Federal Circuit in the Federal Courts Improvement Act of 1982.¹ That Act merged and placed in the new court the appellate functions of the former Court of Claims and the former Court of International Trade, Patents and Trademarks.

The Court is composed of twelve circuit judgeships. Each judge is appointed for life by the President, with the advise and consent of the Senate. Consequently, the court is an Article III court under the Constitution, by contrast with the United States Court of Federal Claims (an Article I court). Each judge appointed after October 1, 1982, must reside within fifty miles of the District of Columbia.²

The enabling legislation provided that the Chief Judge of the Federal Circuit would be the chief judge of either predecessor court, the Court of Claims or the CCPA, who had served longer as chief judge of his court. This provision made Howard T. Markey, Chief Judge of the CCPA, the first Chief Judge of the Federal Circuit, with future chief judges to take office, as in other regional circuits, in accordance with seniority, age and service requirements.

[2] Operation of the Court

The Court is located in the Howard T. Markey National Courts Building at Lafayette Square in Washington, D.C. Its mailing address is 717 Madison Place, NW, Washington, DC 20439.

The court may hold its sessions in the District of Columbia or in any other place where a regional court of appeals sits, as the Court may by rule direct.³ The Court may hold its sessions in the District of Columbia in any other place in which a regional court of appeals sits, as the Court may by rule direct. Congress provided that the times and places of the sessions of the Court "shall be prescribed with a view to securing reasonable opportunity to citizens to appear before the court with as little inconvenience and expense to citizens as is practicable."⁴ No Court rule prescribes sitting outside of Washington, D.C., and the Court generally sits for oral arguments during the first week of every month.

The court may sit in panels of three judges or, if its rules so provide, in panels

¹ Pub. L. No. 97-164, 95 Stat. 25.

² 28 U.S.C. § 44(a), (c) (2000)

³ 28 U.S.C. § 48(a)

⁴ 28 U.S.C. § 48(d)

of more than three judges.⁵ No Court rule currently prescribes sittings of panels of more than three judges.

Each active judge is authorized to employ three law clerks, at least one of which has a technical background.

The senior staff of the Court consists of the Circuit Executive/Clerk of Court, Senior Technical Assistant, Senior Staff Attorney, Circuit Librarian, Assistant Circuit Executive, for Administrative Services, Assistant Circuit Executive for Automation and Technology, and Operations Officer.

Contact with the court for a practitioner must be through the clerk and his staff.⁶ On occasions where motions are involved and they are of a nature that cannot be handled by the clerk, communication may be initiated by the Senior Staff Attorney, but only prior to the filing of the motion.

The Clerk's Office is located in Room 401 of the National Courts Building, 717 Madison Place, NW, Washington, DC 20439 (202-633-6550), and is open from 9:00 a.m. to 5:00 p.m. each workday. Telephone inquiries concerning rules and procedures are welcome, but it should be remembered that in most instances an inquiry can be handled by any member of the clerk's staff. It is essential that when contact or inquiry is made concerning a case, one must be prepared to give its appeal docket number.

The Court's Internet site, <http://www.fedcir.gov>, contains a great deal of useful information, including the Rules and the Court's decisions. It should always be checked for the latest information.

NOTE

If a question arises on a procedural point which presumably cannot be answered by the Federal Rules, the Circuit Rules or the Practice Notes, it is much better to contact the Clerk's Office for a definitive answer rather than to proceed and find out that the action taken was wrong.

A list of the present, active and senior judges and the principal officers of the court is found in Appendix 105A.

[3] Jurisdiction of the Court

The jurisdiction of the Federal Circuit is governed by 28 U.S.C. § 1295. Briefly,

⁵ 28 U.S.C. § 48(c)

⁶ Fed. R. App. P. 45 and Fed. Cir. R. 45 prescribe the clerk's duties generally.

and non-exhaustively the court has exclusive jurisdiction over appeals from

(a) final decisions of U.S. District Courts if the jurisdiction of the court was based in whole or in part on cases under 28 U.S.C. § 1338, that is, civil actions involving patents,⁷ but not trademarks or copyrights;

(b) final decisions of the U.S. Court of Federal Claims (formerly the U.S. Claims Court),⁸

(c) decisions of the Board of Patent Appeals and Interferences of the PTO,⁹

(d) decisions of the Under Secretary of Commerce for Intellectual Property and Director of the U.S. Patent and Trademark Office or of the Trademark Trial and Appeal Board,¹⁰

(e) final decisions of the U.S. Court of International Trade, the U.S. Court of Veterans Appeals for Claims, and the High Court of the Trust Territory of the Pacific Islands;

(f) decisions of a U.S. District Court to which a case had been directed pursuant to 35 U.S.C. § 145 or § 146 (notice of election case);

(g) final determinations of the International Trade Commission relating to unfair trade practices in import trade under 337 of the Tariff Act of 1930 (19 U.S.C. § 1337).¹¹

(h) findings of the Secretary of Commerce relating to importation of certain scientific instruments or apparatus under the Tariff Schedules of the United States;

(i) final orders or decisions of the Merit Systems Protection Board;

(j) final decisions of an agency board of contract appeals under the Contract Disputes Act of 1978;

(k) final decisions of the General Accounting Office Personnel Appeals Board;

(l) appeals under 71 of the Plant Variety Protection Act (7 U.S.C. § 2461);

(m) decisions of the Equal Employment Opportunity Commission; and

(n) appeals from the Secretary of Veterans Affairs under 38 U.S.C. § 223.

⁷ See ch. 55 for analysis of jurisdiction and venue in intellectual property cases.

⁸ For discussion of practice in the U.S. Court of Federal Claims, see ch. 107. A Court of Federal Claims decision may involve intellectual property rights in a government contract. See ch. 25.

⁹ Practice at the Board of Patent Appeals and Interferences is treated in ch. 102.

¹⁰ For discussion of practice at the TTAB, see ch. 103 relative to applications for the granting of patents or for the registration of marks;

¹¹ ITC practice is examined in ch. 106.