

# In the United States Court of Federal Claims

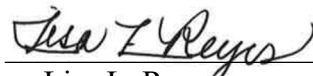
## NOTICE OF PROPOSED AMENDMENTS TO RULES

Pursuant to 28 U.S.C. §§ 2071(b) and 2503(b), the United States Court of Federal Claims hereby provides notice that it proposes to amend its rules and invites public comment on the proposed amendments. The proposed amendments affect (i) RCFC 5, 5.2, 5.3, 5.5, 16, 40.2, 77.4, 80.1, and 83.1; (ii) Vaccine Rules 2, 13, and 17; (iii) Supplement to Appendix B (“Electronic Filing Procedures in Vaccine Act Cases”); (iv) Appendix C (“Procedure in Procurement Protest Cases”); (v) Appendix E (“Electronic Filing Procedures”); (vi) Appendix J (“Patent Rules”); and Forms 9 (“Application for Access”) and 15A and B (“E-Notification Consent Forms”). All proposed changes are shown by strikethrough and red text and are explained in the accompanying Rules Committee notes.

Comments must be received by July 2, 2026, and addressed to:

Lisa L. Reyes  
Clerk of Court  
United States Court of Federal Claims  
717 Madison Place, NW  
Washington, DC 20439

Absent further notice, these amendments will take effect July 27, 2026.



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Lisa L. Reyes  
Clerk of Court

Issued: May 18, 2026

**TABLE OF CONTENTS**

RCFC 5 (Service)..... 1

RCFC 5.2 (Privacy Protection)..... 3

RCFC 5.3 (Proof of Service) ..... 4

RCFC 5.5 (Format Requirements)..... 5

RCFC 16 (Pretrial Management)..... 6

RCFC 40.2 (Related Cases) ..... 7

RCFC 77.4 (Withdrawing, Disposing of, and Unsealing Papers and Exhibits)..... 8

RCFC 80.1 (Court Reporters)..... 9

RCFC 83.1 (Attorneys)..... 10

Appendix B (Vaccine Rules) ..... 12

Supplement to Appendix B (Vaccine Electronic Filing Procedures)..... 15

Appendix C (Administrative Records) ..... 22

Appendix E (Electronic Filing Procedures)..... 25

Appendix J (Patent Rules) ..... 32

Form 9 (Application for Access) ..... 37

Forms 15A and B (E-Notification Consent Forms) ..... 39

## Proposed Amendments to RCFC 5

### Rule 5. Serving and Filing Pleadings and Other Papers

#### (a) Service: When Required.

(1) **In General.** Unless these rules provide otherwise, each of the following papers must be served on every party:

- (A) an order stating that service is required;
- (B) a pleading filed after the original complaint;
- (C) a discovery paper required to be served on a party, unless the court orders otherwise;
- (D) a written motion, except one that may be heard ex parte; and
- (E) a written notice, appearance, demand, or offer of judgment, or any similar paper.

(2) **If a Party Fails to Appear.** No service is required on a party who is in default for failing to appear. But a pleading that asserts a new claim for relief against such a party must be served on that party under RCFC 4.

(3) **Seizing Property.** [Not used.]

#### (b) Service: How Made.

(1) **Serving an Attorney.** If a party is represented by an attorney:

- ~~(A)~~ service under this rule must be made on the attorney unless the court orders service on the party; and
- (B) the attorney is considered to have consented to service by e-mail at the e-mail address listed on the docket.

(2) **Service in General.** A paper is served under this rule by:

- (A) handing it to the person;
- (B) leaving it:
  - (i) at the person's office with a clerk or other person in charge or, if no one is in charge, in a conspicuous place in the office; or
  - (ii) if the person has no office or the office is closed, at the person's dwelling or usual place of abode with someone of suitable age and discretion who resides there;

(C) mailing it to the person's last known address—in which event service is complete upon mailing;

(D) leaving it with the court clerk if the person has no known address;

(E) sending it to a registered user by:

- (i) filing it on the public docket with the court's electronic-filing system; or
- (ii) if it is a sealed or restricted document, sending it by other electronic means that the person consented to in writing—in either of which events service is complete upon filing or sending, but is not effective if the filer or sender learns that it did not reach the person to be served; or

(F) delivering it by any other means that the person consented to in writing—in which event service is complete when the person making service delivers it to the agency designated to make delivery.

(3) **Using Court Facilities.** [Abrogated in FRCP.]

(c) **Serving Numerous Defendants.** [Not used.]

(d) **Filing.**

(1) **Required Filings; Certificate of Service.**

(A) **Papers after the Complaint.** Any paper after the complaint that is required to be served must be filed no later than a reasonable time after service. But disclosures under RCFC 26(a)(1) or (2) and the following discovery requests and responses must not be filed until they are used in the proceeding or the court orders filing: depositions, interrogatories, requests for documents or tangible things or to permit entry onto land, and requests for admission.

(B) **Certificate of Service.** No certificate of service is required when a paper is served by filing it with the court's electronic-filing system. When a paper that is required to be served is served by other means:

- (i) if the paper is filed, a certificate of service must be filed with it ~~or~~

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Rule 5

~~within a reasonable time after service;~~ and

(ii) if the paper is not filed, a certificate of service need not be filed unless filing is required by court order.

(2) **Nonelectronic Filing.** A paper not filed electronically is filed by delivering it:

(A) to the clerk; or

(B) to a judge who agrees to accept it for filing, and who must then note the filing date on the paper and promptly send it to the clerk.

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(As revised and reissued May 1, 2002; as amended Nov. 15, 2007, Nov. 3, 2008, July 1, 2019, July 31, 2023, July 27, 2026.)

#### Rules Committee Notes

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#### 2026 Amendment

RCFC 5(b)(1) has been amended to specify that each attorney of record is considered to have consented to service by e-mail.

RCFC 5(b)(2)(E) has been amended to clarify that service can be effectuated via the court's electronic-filing system for publicly available documents only; if the filing is sealed or restricted to the public, it must be served by other electronic means.

RCFC 5(d)(1)(B) has been amended by removing the phrase "or within a reasonable time after service" and to require the certificate of service to be filed with the underlying submission.

## Proposed Amendments to RCFC 5.2

### Rule 5.2. Privacy Protection For Filings Made with the Court

- (a) **Redacted Filings.** Unless the court orders otherwise, in an electronic or paper filing with the court that contains an individual's social-security number, taxpayer-identification number, or birth date, the name of an individual known to be a minor, or a financial-account number, a party or nonparty making the filing may include only:
- (1) the last four digits of the social-security number and taxpayer-identification number (*see* RCFC 9(m) when pleading a claim for a tax refund);
  - (2) the year of the individual's birth;
  - (3) the minor's initials; and
  - (4) the last four digits of the financial-account number.
- (b) **Exemptions from the Redaction Requirement.** The redaction requirement does not apply to the following:
- (1) a financial-account number that identifies the property allegedly subject to forfeiture in a forfeiture proceeding;
  - (2) the record of an administrative or agency proceeding;
  - (3) the official record of a state-court proceeding;
  - (4) the record of a court or tribunal, if that record was not subject to the redaction requirement when originally filed; and
  - (5) a filing covered by RCFC 5.2(d).
- (c) **Limitations on Remote Access to Electronic Files; Social-Security Appeals and Immigration Cases.** [Not used.]
- (d) **Filings Made Under Seal.** The court may order that a filing be made under seal without redaction. The court may later unseal the filing or order the person who made the filing to file a redacted version for the public record.
- (e) **Protective Orders.** For good cause, the court may by order in a case:
- (1) require redaction of additional information; or
  - (2) limit or prohibit ~~a nonparty's~~ remote electronic access to a document filed with the court.

- (f) **Option for Additional Unredacted Filing Under Seal.** A person making a redacted filing may also file an unredacted copy under seal. The court must retain the unredacted copy as part of the record.
- (g) **Option for Filing a Reference List.** A filing that contains redacted information may be filed together with a reference list that identifies each item of redacted information and specifies an appropriate identifier that uniquely corresponds to each item listed. The list must be filed under seal and may be amended as of right. Any reference in the case to a listed identifier will be construed to refer to the corresponding item of information.
- (h) **Waiver of Protection of Identifiers.** A person waives the protection of RCFC 5.2(a) as to the person's own information by filing it without redaction and not under seal.

(Added Nov. 3, 2008; as amended July 2, 2018, [July 27, 2026](#).)

#### Rules Committee Notes

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#### 2026 Amendment

RCFC [5.2\(e\)\(2\)](#) has been amended by [removing the word "non-party" from the remote electronic access limitation because the court may limit or prohibit remote electronic access by a party as well as a non-party.](#)

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Rule 5.2

## Proposed Amendments to RCFC 5.3

### Rule 5.3. Proof of Service

- (a) **In General.** When a certificate of service is required pursuant to RCFC 5(d)(1)(B), service is made by the party, attorney of record, or any other person acting under the attorney of record's direction by executing a certificate of service containing the following information:
- (1) the day and manner of service;
  - (2) the person or entity served; and
  - (3) the method of service employed, e.g., in person, by mail, or by electronic or other means.
- (b) **Certificate of Service.** The certificate of service must be attached to the end of any original filing ~~or filed within a reasonable time after service.~~
- (c) **Amending the Certificate of Service.** The certificate of service may be amended at any time unless doing so would result in material prejudice to the substantial rights of any party.

(As revised and reissued May 1, 2002; as renumbered Nov. 15, 2007; as amended Nov. 3, 2008, July 31, 2023, July 27, 2026.)

#### Rules Committee Notes

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#### 2026 Amendment

RCFC 5.3(b) has been amended by removing the phrase "or filed within a reasonable time after service" and to require the certificate of service to be filed with the underlying submission.

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Rule 5.3

## Proposed Amendments to Rule 5.5

### Rule 5.5. Format of Filings and Required Information

- (a) **In General.** All papers filed with the clerk must conform to the requirements of this rule.
- (b) **Duplication.** Any method of duplication must produce clear black images on white paper and must conform to the requirements of RCFC 5.5(c).
- (c) **Size and Form.**
- (1) **Paper Size and Type.** All papers filed with the clerk:
- (A) must be printed on pages—~~not exceeding~~ 8 1/2 by ~~11 inches~~ 11-inch paper;
- (B) must contain type matter of letter quality, except for those papers included as exhibits; and
- (C) must be of sufficient quality that the typed material does not bleed through the page.
- (2) **Type Size.** The type size for text and footnotes must be no smaller than 12 point.
- (3) **Margins.** Margins must not be less than 1 inch on each side.
- (4) **Spacing.** Text must be double spaced, except that quoted and indented material and footnotes may be single spaced.
- (5) **Binding.** A paper filing ~~of 50 or fewer pages must be stapled in the upper left hand corner. A paper filing exceeding 50 pages must be~~ must be bound in any manner that is secure, does not obscure text, and is easily removable to permit scanning using an automatic document feeder, or attached along the entire left hand margin in book form and must have legible margins.
- (6) **Numbering.** All pages, including appendices, must be numbered in large distinct type that appears in the center of the bottom margin of the page.
- (d) **Number of Copies; Signature; Cover Sheet.**
- (1) **Complaint.**
- (A) **Paper Form.** Plaintiff must file one copy of the complaint that includes:
- (1) an original signature; and

(2) a completed cover sheet (*see* Appendix of Forms, Form 2).

- (B) **Electronic Form.** If plaintiff is not appearing *pro se* pursuant to RCFC 83.1, plaintiff may file the complaint, along with a completed cover sheet, electronically in compliance with Appendix E to these rules.
- (2) **Subsequent Filings.** Except for electronic filings under Appendix E, for every filing, a party must file one copy that includes an original signature.
- (e) **Date.** Each paper must bear the date it is signed on the signature page.
- (f) **Electronic Mail Address and Telephone Number.** The electronic mail address and telephone number (including area code) of the attorney of record must appear directly below the signature line of every filing.
- (g) **Name of Judge.** In all filings other than the complaint, the name of the judge assigned to the case must be included directly below the docket number.
- (h) **Bid Protest Cases.** The words “Bid Protest” must be included in the caption of all filings directly below the name of the court.

(As revised and reissued May 1, 2002; as amended July 1, 2004; as renumbered Nov. 15, 2007; as amended Nov. 3, 2008, July 15, 2011, July 2, 2012, Aug. 3, 2015, July 1, 2019, July 31, 2023, July 27, 2026.)

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#### 2026 Amendment

RCFC 5.5(c) has been amended to refine the size and binding requirements prescribed in paragraphs (1) and (5).

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## Proposed Amendments to Rule 16

### Rule 16. Pretrial Conferences; Scheduling; Management

(a) **Purposes of a Pretrial Conference.** In any action, the court may order the attorneys and any unrepresented parties to appear for one or more pretrial conferences for such purposes as:

- (1) expediting disposition of the action;
- (2) establishing early and continuing control so that the case will not be protracted because of lack of management;
- (3) discouraging wasteful pretrial activities;
- (4) improving the quality of the trial through more thorough preparation;
- (5) facilitating settlement; and
- (6) assessing the utility of dispositive motions.

(b) **Scheduling and Management.**

(1) **Scheduling Order.** The court must issue a scheduling order:

- (A) after receiving the parties' Joint Preliminary Status Report under Appendix A, paragraphs 4-6; or
- (B) after consulting with the parties' attorneys and any unrepresented parties at a scheduling conference.

(2) **Time to Issue.** The court must issue the scheduling order as soon as practicable after the filing of the Joint Preliminary Status Report, but in any event within 14 days after any preliminary scheduling conference.

(3) **Contents of the Order.**

(A) **Required Contents.** The scheduling order must limit the time to join other parties, amend the pleadings, complete discovery, and file motions.

(B) **Permitted Contents.** The scheduling order may:

- (i) modify the timing of disclosures under RCFC 26(a) and 26(e)(1);
- (ii) modify the extent of discovery;
- (iii) provide for disclosure, discovery, or preservation of electronically stored information;
- (iv) include the timing and method for complying with

RCFC 26(b)(5)(A) and any agreements the parties reach for asserting claims of privilege or of protection as trial-preparation material after information is produced, including agreements reached under Federal Rule of Evidence 502;

- (v) direct that before moving for an order relating to discovery, the movant must request a conference with the court;
- (vi) set dates for pretrial conferences and for trial;
- (vii) direct that the parties file any of the submissions set out in Appendix A ¶¶ 14, 15, 16, or 17; and
- (viii) include other appropriate matters.

(4) **Modifying a Schedule.** A schedule may be modified only for good cause and with the judge's consent.

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(As revised and reissued May 1, 2002; as amended Nov. 15, 2007, Nov. 3, 2008, Aug. 1, 2016, July 27, 2026.)

#### Rules Committee Notes

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#### 2026 Amendment

RCFC 16 has been amended in accordance with the corresponding changes to FRCP 16 that became effective December 1, 2025.

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## Proposed Amendments to Rule 40.2

### Rule 40.2. Related Cases

#### (a) Directly Related Cases.

- (1) *In General.* If a party is aware of the existence of any directly related case(s), the party must file a Notice of Directly Related Case(s).
- (2) *Definition.* For the purpose of this rule, cases are directly related when:
  - (A) they involve the same parties and are based on the same or similar claims; or
  - (B) they involve the same solicitation, contract, property, or patent.
- (3) *Notice.*
  - (A) *Contents.* The Notice of Directly Related Case(s):
    - (i) must identify the title and docket number of all directly related cases;
    - (ii) must explain why the cases qualify for treatment as directly related cases under RCFC 40.2(a)(2);
    - (iii) must state whether assigning the cases to a single judge can be expected to conserve judicial resources and promote the efficient administration of justice; and
    - (iv) if filed after the case has been assigned, may be accompanied by a motion to transfer pursuant to RCFC 40.1 or for consolidation pursuant to RCFC 42.1.
  - (B) *Filing.* A party must file the Notice of Directly Related Case(s):
    - (i) along with the complaint in a newly filed case; or
    - (ii) in the earliest-filed related case if the existence of directly related cases becomes apparent only after initial assignment. Counsel must also file copies of the notice in all of the directly related cases and may appear in those cases solely for purposes of filing the notice.

If the filing is made in paper form or by e-mail consistent with Appendix

E to these rules, the clerk must file copies of the notice in all of the directly related cases.

(C) *Service.* A party must serve the Notice of Directly Related Case(s) on all parties in the related cases.

#### (4) *Treatment of Directly Related Cases.*

(A) When a Notice of Directly Related Case(s) is filed with a complaint, the clerk will assign the case to the judge to whom the earliest-filed case is assigned. If the judge determines that the case is not in fact directly related to the earliest-filed case, the judge will return the case to the clerk for random reassignment.

(B) When a Notice of Directly Related Case(s) is filed after a case has been assigned and is accompanied by a motion to transfer or for consolidation, the judge in the earliest-filed case, after consultation with the judge(s) in the later-filed case(s), will grant or deny the motion to transfer or for consolidation.

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(As revised and reissued May 1, 2002; as amended Nov. 3, 2008, Aug. 2, 2021, July 31, 2023, July 27, 2026.)

#### Rules Committee Notes

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##### 2026 Amendment

RCFC 40.2(a)(2) has been amended to include a solicitation within the definition of directly related cases.

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## Proposed Amendments to Rule 77.4

### Rule 77.4. Withdrawing, Disposing of, and Unsealing Papers and Exhibits

#### (a) Withdrawing Papers and Exhibits.

(1) ***In General.*** A paper or exhibit filed with the court may not be withdrawn from the office or custody of the clerk except by order of the court, but such an order should be entered only in extraordinary circumstances. Any withdrawal of a paper or exhibit pursuant to a court order must be recorded through an appropriate docket entry.

(2) ***During Trial.*** The court reporter engaged to transcribe a trial proceeding may temporarily withdraw any paper or exhibit for use during that proceeding. All papers and exhibits admitted into evidence or designated to accompany the transcript of the proceeding must remain in the reporter's custody until the transcript is filed with the clerk.

(b) **Disposing of Physical Exhibits.** All physical, non-electronic trial exhibits—including models, diagrams, tables, ~~and~~ charts, ~~and~~ papers—will be destroyed or otherwise disposed of by the clerk unless they are removed from the clerk's custody by the party who produced them either:

- (1) within 60 days after the entry of final judgment by this court; or
- (2) in the event of an appeal, within 90 days after the receipt and filing of a mandate or other process or certificate showing a final disposition of the case by the appellate court.

(c) **Unsealing Papers and Exhibits.** Unless otherwise required by statute or order and absent a timely objection by any party, the clerk, upon notice to the parties, may unseal any paper or exhibit filed under seal, whether in paper or electronic form, either:

- (1) 5 years after the entry of final judgment by this court; or
- (2) in the event of an appeal, 5 years after the receipt and filing of a mandate or other process or certificate showing disposition of the case by the appellate court.

(As revised and reissued May 1, 2002; as amended Nov. 15, 2007, Nov. 3, 2008, July 13, 2009; as renumbered July 1, 2019, July 27, 2026.)

#### Rules Committee Notes

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#### 2025 Amendment

RCFC 77.4 has been amended to clarify that the rule's requirements extend to all filings, whether in paper or electronic form.

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Rule 77.4

## Proposed Amendments to Rule 80.1

### Rule 80.1. Court Reporters

- (a) **In General.** Trial proceedings will be recorded and, upon request of a party or the court, will be transcribed by a court reporter provided by the court who will be under the jurisdiction and control of the assigned judge.
- (b) **Official Record.**
- (1) **Transcript.** When a transcript is filed, the transcript is the official record of the proceeding.
  - (2) **Recording.** If no transcript is filed, the electronic sound recording is the official record of the proceeding.
- (c) **Transcripts.**
- (1) **Costs.** A transcript will be prepared at such charges as may be fixed or approved by the court.
  - (2) **Form; Contents.** A transcript must comply with the form, content, and style requirements established by the court (available on the court's website at [www.usfc.uscourts.gov](http://www.usfc.uscourts.gov)).
  - (3) **Filing.** If a transcript is requested by a party or by the court, the court reporter must file the transcript of the proceeding within the time period specified by the court.
  - (4) **Motion to Correct.** If a party seeks to correct a transcript, the party must file a motion identifying those portions of the transcript to be corrected.
  - (5) **Motion to Seal.** Except in a proceeding sealed pursuant to RCFC 26(c) or Appendix C or J to these rules, a party must move the court to seal all or portions of a proceeding.
  - (6) **Electronic Access.** Except in a proceeding sealed pursuant to RCFC 26(c) Appendix C or J to these rules, or RCFC 80.1(c)(5), the court must provide electronic access to a transcript. Prior to being made electronically available, however, the transcript must conform to RCFC 5.2.

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(As revised and reissued May 1, 2002; as amended Aug. 2, 2005, Nov. 3, 2008, Aug. 30, 2013, Aug. 1, 2016, Aug. 1, 2017, July 27, 2026.)

### Rules Committee Notes

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#### 2026 Amendment

RCFC 80.1(c)(5) and (c)(6) have been amended to include as exceptions to the provisions therein proceedings sealed pursuant to Appendix C and Appendix J to these rules.

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## Proposed Amendments to Rule 83.1

### Rule 83.1. Attorneys

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#### (b) Attorney of Record.

(1) ***In General.*** A person who is a member in good standing of the bar of this court, or a person who is authorized to practice before this court under RCFC 83.1(a)(2) or (a)(3), may appear, sign and file papers, and otherwise practice in this court as an attorney of record on behalf of a party. Except for a *pro se* litigant appearing under RCFC 83.1(a)(4), a party must be represented by at least one attorney of record (not a firm).

#### (2) ***Entering an Appearance.***

(A) ***Timing and Form.*** Except as otherwise set forth in this rule, each attorney appearing on behalf of a party must promptly file a notice of appearance before the attorney's first appearance or filing in the case. The notice of appearance must be signed and filed by the attorney and provide the attorney's name, address, e-mail address, telephone number, and the name of the party ~~of~~ or parties represented. An attorney who files the initial pleading or paper on behalf of a party other than the United States need not file a separate notice of appearance; that attorney will be deemed to have entered a notice of appearance on behalf of the party or parties on whose behalf the initial filing is made.

(B) ***Lead Attorney.*** One attorney of record for each party must be designated in the court's electronic-filing system as lead attorney. The lead attorney will bear principal responsibility for the conduct of the case on behalf of that party.

(C) ***Changes in Contact Information.*** An attorney of record must promptly file a notice of any change in the attorney's contact information.

(D) ***Effect of Appearance.*** An attorney's notice of appearance on behalf of a party, or a motion under RCFC

83.1(a)(2) or (a)(3), constitutes a representation that the attorney is authorized to act and speak for the party for all purposes incident to the matter in which the appearance is filed.

#### (3) ***Substituting Counsel.***

##### (A) ***By Parties Other than the United States.***

(i) ***In General.*** Any party other than the United States may seek leave of court to substitute its lead attorney at any time by filing a motion signed by the party or by the newly designated attorney along with an affidavit of appointment by such attorney.

(I) ***With the Consent of the Previous Attorney.*** If the previous attorney's consent is annexed to or indicated in the motion, the clerk will automatically enter the substitution on the docket.

(II) ***Without the Consent of the Previous Attorney.*** If the motion is filed without the consent of the previous attorney, the previous attorney must be served with the motion and will have 14 days to show cause why the motion should not be allowed.

(ii) ***Death of the Previous Attorney.*** In the event of the death of the lead attorney, the party must promptly notify the court and move to substitute another attorney.

(B) ***By the United States.*** The United States may substitute its lead attorney at any time by filing a notice of substitution of counsel signed by the newly designated attorney. If the former lead attorney is no longer appearing in the case, the notice of substitution must also include a

Rule 83.1

notice of withdrawal of the attorney's appearance.

**(4) *Withdrawing Counsel.***

**(A) *In General.*** An attorney of record for a party may withdraw that attorney's appearance by filing a notice of withdrawal signed by the attorney. A lead attorney may not withdraw that attorney's appearance except by leave of court on motion.

**(B) *Service.*** In the case of an attorney of record for a party other than the United States, a notice of withdrawal or a motion to withdraw may be filed only after notice is served on the attorney's client.

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(As revised and reissued May 1, 2002; as amended Aug. 2, 2005, June 20, 2006, Nov. 3, 2008, Jan. 11, 2010, July 15, 2011, July 1, 2019, Aug. 3, 2020, July 28, 2025, July 27, 2026.)

**Rules Committee Notes**

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2026 Amendment

RCFC 83.1(b)(2) has been amended to clarify that an attorney entering an appearance in a case must file and sign the notice of appearance.

RCFC 83.1(b)(3) has been amended to clarify that if the United States is substituting its lead attorney and also withdrawing the appearance of the former lead attorney, the notice of substitution must so state.

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Rule 83.1

**PROPOSED AMENDMENTS TO APPENDIX B  
VACCINE RULES OF THE UNITED STATES  
COURT OF FEDERAL CLAIMS**

**TITLE I. SCOPE OF RULES;  
COMMENCING AN ACTION**

\* \* \*

**Rule 2. Commencing an Action**

**(a) In General.** A proceeding for compensation under the Vaccine Act is commenced by filing a petition with the United States Court of Federal Claims. Only one petition may be filed with respect to each administration of a vaccine.

**(b) Number of Copies; Signature; Cover Sheet**

**(1) Paper Form.** Petitioner must forward one copy of the petition, including an original signature and a completed cover sheet (*see* Appendix of Forms, Form 2), by mail or other delivery, to:

Clerk  
United States Court of Federal  
Claims  
717 Madison Place, NW  
Washington, DC 20439

A copy of the applicable schedule of fees may be found on the court's website at [www.uscfc.uscourts.gov](http://www.uscfc.uscourts.gov) or may be obtained by contacting the clerk's office.

**(2) Electronic Form.** If petitioner is not appearing pro se pursuant to Vaccine Rule 14, petitioner may file the petition, along with a completed cover sheet, electronically in the court's electronic-filing system in compliance with the Supplement to the Vaccine Rules.

**(c) Contents of a Petition.**

**(1) The Petition.** The petition must set forth:

**(A)** a short and plain statement of the grounds for an award of compensation, including:

- (i)** the name of the individual to whom the vaccine was administered;
- (ii)** the date and place of the vaccination;
- (iii)** a specific description of the injury alleged; and

**(iv)** whether the injury claimed is contained within the Vaccine Injury Table (*see* "Guidelines for Practice Under the National Vaccine Injury Compensation Program," Attachment 8, posted on the court's website at [www.uscfc.uscourts.gov](http://www.uscfc.uscourts.gov)); and

**(B)** a specific demand for relief to which the petitioner asserts entitlement or a statement that such demand will be deferred pursuant to 42 U.S.C. § 300aa-11(e).

**(2) Required Attachments.** As required by 42 U.S.C. § 300aa-11(c), the petition must be accompanied by the following documents:

**(A) Medical Records.** Petitioner must include a certified copy of all available medical records supporting the allegations in the petition, including physician and hospital records relating to:

- (i)** the vaccination itself;
- (ii)** the injury or death, including, if applicable, any autopsy reports or death certificate;
- (iii)** any post-vaccination treatment of the injured person, including all in-patient and out-patient records, provider notes, test results, and medication records; and
- (iv)** if the injured person was younger than five years when vaccinated, the mother's pregnancy and delivery records and the infant's lifetime records, including physicians' and nurses' notes, test results, and well-baby visit records, as well as growth charts, until the date of vaccination.

**(B) Affidavits.**

- (i)** If the required medical records are not submitted, the petitioner must include an affidavit detailing the efforts made to

Appendix B

obtain such records and the reasons for their unavailability.

- (ii) If petitioner's claim does not rely on medical records alone but is also based in any part on the observations or testimony of any person, the petitioner should include the substance of each person's proposed testimony in a detailed affidavit(s) supporting all elements of the allegations made in the petition.

**(C) Proof of Authority to File in a Representative Capacity.** If the petition is filed on behalf of a deceased person or is filed by an individual other than the injured person or the parent of an injured minor, the petition must also be accompanied by documents establishing the authority to file the petition in a representative capacity or a statement explaining when such documentation will be available.

**(d) Format.** All documents accompanying a petition ~~filed in paper form~~ must comply with RCFC 5.5(c) and be assembled into one or more bound volume(s) ~~or three ring notebook(s)~~. Each bound volume ~~or notebook~~ must contain the caption of the case and a table of contents, and all pages of each bound volume or notebook must be numbered consecutively.

**(e) Service.**

- (1) The petition must include a certificate of service in accordance with RCFC 5.3 stating that one copy of the petition and accompanying documents has been served on the Secretary of Health and Human Services. The petition may be served either:

**(A)** by first class or certified mail, to:  
Secretary, Health and Human Services  
Director, Division of Injury Compensation Programs  
Health Resources and Services Administration  
National Vaccine Injury Compensation Program (VICP)  
5600 Fishers Lane, Room 8W-25A

Rockville, MD 20857; or

- (B)** electronically (*see* <https://www.hrsa.gov/vaccine-compensation/index.html>).

- (2) The clerk must serve one copy of the petition ~~and accompanying documents~~ on the Attorney General.

(3) Within 7 days after the filing of respondent's notice of appearance pursuant to RCFC 83.1(b)(2), petitioner must file a certificate of service in accordance with RCFC 5.3 stating that petitioner has served on the Department of Justice one copy of the petition's accompanying documents that petitioner previously served on the Secretary of Health and Human Services pursuant to paragraph (e)(1) of this rule.

**(f) Statement of Completion.**

- (1) Petitioner should file a "Statement of Completion," indicating that a certified copy of all medical and other records relevant to the petition has been filed, as soon as possible after the petition is filed.
- (2) If additional medical records or other documents are necessary to complete the record, petitioner should delay filing the Statement of Completion until all necessary and relevant records have been filed.
- (3) The record certification requirement may be waived by order of the special master or the court.

### TITLE III. JUDGMENT AND FURTHER PROCEEDINGS

\* \* \*

#### Rule 13. Attorney's Fees and Costs

- (a) In General.** Any request for attorney's fees and costs pursuant to 42 U.S.C. § 300aa-15(e) must be filed no later than 180 days after the entry of judgment or the filing of an order concluding proceedings under Vaccine Rule 10(d)(3), 21(a), or 29, unless otherwise ordered. A timely motion for enlargement of time may be sought pursuant to Vaccine Rule 19. A motion for enlargement of time to file a request for attorney's fees and costs is timely if filed within 180 days following the

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Appendix B

entry of judgment or the filing of an order concluding proceedings.

\* \* \*

#### TITLE IV. GENERAL PROVISIONS

\* \* \*

##### **Rule 17. Serving and Filing Papers After the Petition**

###### **(a) Serving a Document.**

(1) *In General.* A copy of every document filed with the clerk must be served on opposing counsel or the opposing unrepresented party.

(2) *Certificate of Service.* A certificate of service in accordance with RCFC 5.3 must be appended to the original document ~~or filed within a reasonable time after service.~~

\* \* \*

(As revised and reissued May 1, 2002; as amended Sept. 15, 2003, Aug. 2, 2005, July 13, 2009, July 15, 2011, Aug. 3, 2015, Aug. 1, 2016, Aug. 1, 2017, July 1, 2019, Aug. 2, 2021, July 31, 2023, July 27, 2026.)

##### **Rules Committee Notes**

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###### **2026 Amendment**

Rule 2. Subdivision (d) has been amended by removing the phrase “filed in paper form” and the reference to “three-ring notebooks” in an effort to clarify that format requirements apply to all filings, whether in paper or electronic form.

Subdivision (e) has been amended to require petitioner, rather than the court, to serve the petitioner’s accompanying documents on the Department of Justice.

Rule 13. Subdivision (a) has been amended to include orders concluding proceedings issued pursuant to Vaccine Rule 21(a).

Rule 17. Paragraph (a)(2) has been amended by removing the phrase “or filed within a reasonable time after service” and to require the certificate of service to be filed with the underlying submission.

Appendix B

**PROPOSED AMENDMENTS TO SUPPLEMENT TO APPENDIX B  
ELECTRONIC FILING PROCEDURES  
IN VACCINE ACT CASES**

**I. INTRODUCTION**

**1. In General.** This Supplement sets forth the procedures governing electronic filings in Vaccine Act cases.

**2. Definitions.** For purposes of this Supplement, the following definitions apply:

- (a) “ECF System” means the court’s online system for electronic case filing;
- (b) “ECF case” means a Vaccine Act case designated by the clerk as an electronic case in which all filings in the case are made via the ECF System;
- (c) “Non-ECF case” means a Vaccine Act case designated by the clerk as a *pro se* case in which the *pro se* litigant cannot be granted access to file documents electronically via the ECF System;
- (d) “Filing User” means an individual to whom the court has granted access to file documents electronically via the ECF System;
- (e) “filing” means any document that is filed electronically via the ECF System or via e-mail by a *pro se* litigant; and
- (f) “court” means the assigned judge or the assigned special master.

**II. CASE DESIGNATION AND NOTICE**

**3. Scope.**

(a) **In General.** All newly filed Vaccine Act cases will be designated ECF cases except for cases involving *pro se* litigants.

(b) **Pro Se Cases.** All newly filed *pro se* Vaccine Act cases will be designated non-ECF cases.

**4. Notice.** The clerk will notify counsel and *pro se* litigants that a Vaccine Act case has been designated an ECF case or a non-ECF case by filing a “Notice of Designation.”

**III. ACCESS TO FILE DOCUMENTS VIA THE ECF SYSTEM; RESPONSIBILITY OF FILING USERS; EXEMPTION FROM USE**

**5. Access.**

(a) **Applications.** Applications for access to file documents electronically via the ECF System are submitted through PACER (Public Access to Court Electronic Records) at [www.pacer.gov](http://www.pacer.gov), and will be granted to an attorney who is admitted to the bar of this court. Because of the restricted nature of Vaccine Act cases, *pro se* litigants cannot be granted access to file documents electronically via the ECF System.

(b) **Notification.** The clerk will notify a Filing User when access to file via the ECF System has been granted.

**6. Use of ECF Account.** No Filing User or other person may knowingly permit or cause a Filing User’s login and password to be used by anyone other than an authorized agent of the Filing User. Any Filing User or other person may be subject to sanctions for failure to comply with this provision.

**7. Exemption From Filing Electronically in an ECF Case.** By filing an appropriate motion, a Filing User or an attorney not yet registered as a Filing User may, for good cause, seek to be exempted from filing documents electronically into an ECF case and to convert the case into a non-ECF case.

**IV. FILING REQUIREMENTS IN NON-ECF CASES**

**8. Case Initiating Documents.**

(a) **In General.** Vaccine Act petitions, along with the required filing fee or an application to proceed *in forma pauperis*, and any attachments required under Vaccine Rule 2(c)(2), must be submitted in paper form in compliance with RCFC 5.5 by mail or other delivery to:

Clerk  
United States Court of Federal  
Claims  
717 Madison Place, NW  
Washington, DC 20439

Supplement to Appendix B

A copy of the applicable schedule of fees may be found on the court's website at [www.usfc.uscourts.gov](http://www.usfc.uscourts.gov) or may be obtained from the clerk's office.

- (b) **Service.** Vaccine Act petitions must include a certificate of service indicating that one copy of the petition and accompanying documents has been served on the Secretary of Health and Human Services pursuant to Vaccine Rule 2(e)(1). For electronic service, visit the court's website at [www.usfc.uscourts.gov](http://www.usfc.uscourts.gov).

**9. Filings in Pending Non-ECF Cases.**

- (a) **ECF Filings.** The court, the clerk, and counsel of record for the United States must file via the ECF System in Non-ECF cases.

- (b) **Filings by *Pro Se* Litigants.**

- (i) **In General.** *Pro se* litigants may submit case filings in paper form or via e-mail to [ProSe\\_case\\_filings@cfc.uscourts.gov](mailto:ProSe_case_filings@cfc.uscourts.gov).

All filings must conform to the format requirements of RCFC 5.5.

- (ii) **Format of Filings via E-Mail.**

- (A) All documents submitted via e-mail must be attached to the e-mail in Portable Document Format ("PDF"). The e-mail subject line must include the case name and docket number for which the submission is intended.
    - (B) Each e-mail submission must be limited to a document that is clearly identified as a filing pursuant to a court rule or in response to a court order.
    - (C) Only the contents of the attached PDF file will be considered part of the submission and processed by the clerk. Any content in the body of the e-mail will not be reviewed by the clerk or considered for inclusion in the case record.
    - (D) If a document, including exhibits and attachments, exceeds 50 pages when printed, the *pro se* litigant must supply a courtesy

copy of the document in paper form in accordance with RCFC 5.5(c), unless otherwise ordered by the court.

- (iii) **Signatures on Filings via E-Mail.**

- (A) To satisfy the signature requirements of RCFC 11, e-mailed submissions must include either a written or an electronic signature (s/[name of *pro se* litigant]).

- (B) *Pro se* litigants may not file documents via e-mail on behalf of any other person.

- (iv) **Revocation of E-Mail Filing Privileges.** E-mail filing privileges may be revoked by the court at any time.

**V. FILING REQUIREMENTS IN ECF CASES**

**10. Filings.**

- (a) **Initial Filings.**

- (i) **The Petition.** The filing of a Vaccine Act petition and the payment of the initial filing fee may be accomplished in accordance with Vaccine Rule 2.

- (ii) **Required Attachments.** The petition must be accompanied by the medical records and other documents (including affidavits) pertaining to the petition as set forth in Vaccine Rule 2(c)(2). (*See* paragraph 13 of this Supplement, discussing the alternative method of filing voluminous medical records via a portable storage disc or drive.)

- (b) **Subsequent Filings.** Once a case has been designated an ECF case, all subsequent filings must be made via the ECF System, except as provided in this Supplement or by leave of the court in exceptional circumstances that prevent a Filing User from filing via the ECF System.

- (c) **Exhibits and Attachments.** Unless otherwise ordered by the court, when filing an exhibit or attachment, a Filing User:

- (i) must file the exhibit or attachment via the ECF System along with the main document under one entry number;
- (ii) must include the exhibit or attachment in its entirety and must number the pages consecutively; and
- (iii) may seek leave to file a memorandum or brief, generally in advance of the evidentiary hearing, to direct the court's attention to the most relevant portion of the exhibit or attachment.

## 11. Technical Requirements.

### (a) Format.

- (i) **In General.** Documents filed via the ECF System must be:
  - (A) converted into PDF; and
  - (B) text searchable.
 The ECF System will not accept PDF files containing tracking tags, embedded system commands, password protections, access restrictions, or other security features, special tags, or dynamic features.

### (ii) Scanned Documents.

- (A) Documents filed via the ECF System must not be scanned prior to filing unless the original documents are unavailable in electronic form.
- (B) A Filing User is responsible for ensuring the accuracy and readability of a scanned document.

### (b) Size Limitations.

- (i) **In General.** A single filing may be divided into multiple PDF files.
- (ii) **Number of Files.** Counsel must endeavor to limit the total number of PDF files that constitute a single filing. All files, however, must comply with the requirements of paragraph 12(a) below.
- (iii) **Size of Files.**
  - (A) Unless otherwise ordered by the court, each PDF file must not exceed the size limitation established by the court.

- (B) The current size limitation is posted on the court's website or may be obtained by calling the clerk's office.

### (iv) Exceeding the Size Limitation.

For files that exceed the size limitation and cannot be divided into multiple PDF files, the Filing User may:

- (A) use a portable storage disc or drive; or
- (B) seek leave of the court to file in some other electronic format.

### (c) Events.

Events are used in the ECF System for filing documents and creating docket entries on the docket sheet. A Filing User:

- (i) must select an event or events for each filed document based on the purpose of the document or relief requested; and
- (ii) should use the most specific event available rather than a more generic event.

### (d) Linking Filings.

A document filed via the ECF System—such as a response or reply—that pertains to a motion or other filing must be linked properly in the ECF System to the filing to which it pertains.

## 12. Dividing Medical Records into Multiple PDF Files.

### (a) Contents and Pagination of Files.

Each file should contain one exhibit and each exhibit should be independently paginated (hand-written pagination prior to scanning is sufficient).

### (b) Labeling and Identifying Files.

Each file should:

- (i) be consecutively numbered or lettered as an exhibit;
- (ii) be labeled according to its source or subject matter; and
- (iii) include a brief written description of the records it contains.

For example, the first PDF file might contain prenatal records and be labeled "Petitioner's Exhibit 1–Prenatal Records, Dr. Smith"; the second PDF file might contain birth records and be labeled "Petitioner's Exhibit 2–Birth Records, Smalltown Hospital"; the third and fourth PDF files might contain

pediatric records of different physicians and be labeled “Petitioner’s Exhibit 3–Pediatric Records, Dr. John” and “Petitioner’s Exhibit 4–Pediatric Records, Dr. Jack.”

## VI. FILING PROCEDURES

### 13. Filings Via Portable Storage Discs and Drives.

- (a) **In General.** Filing documents on a portable storage disc or drive is accomplished by:
- (i) filing a “Notice of Intent to File” containing:
    - (A) an index of the exhibits included on the disc or drive;
    - (B) a statement certifying that the contents of the disc or drive have been scanned using anti-virus software with up-to-date anti-virus definitions; and
    - (C) a certificate stating when a copy of the disc or drive was mailed or delivered to the clerk’s office;
  - (ii) providing the clerk’s office with one copy of the disc or drive along with a printed copy of the “Notice of Intent to File”; and
  - (iii) serving one copy of the disc or drive on opposing counsel.
- (b) **Date of Filing.** The disc or drive is deemed filed on the date it is received in the clerk’s office.
- (c) **Striking a Notice of Intent to File.** If the disc or drive is not received in the clerk’s office within 5 days after the “Notice of Intent to File” is docketed via the ECF System, the court may enter an order striking the “Notice of Intent to File” from the docket.
- (d) **Designation of Files.** The name of each file on the disc or drive should:
- (i) begin with the letters “Ex” followed by the exhibit letter or number (e.g., 01, 02, . . . 09, 10);
  - (ii) include a brief description of the content of the exhibit and the six-digit docket number (e.g., 98-0000);
  - (iii) represent spaces with an underscore; and

(iv) contain “.pdf” as the file extension. For example, the first PDF file on the disc or drive might be labeled “EX01\_University\_Hospital\_98-0000.pdf.”

- (e) **Format.** Before filing a disc or drive, the filing party should:
- (i) “close” or finalize the disc or drive so that additional material cannot be written onto the disc or drive; and
  - (ii) scan the disc or drive using appropriate anti-virus software after its creation and closure.
- (f) **Packaging and Labeling.** The disc or drive should be packaged in a paper, plastic, or waxed paper envelope and labeled with:
- (i) the case caption, including the case number;
  - (ii) the date of filing; and
  - (iii) the range of exhibits the disc or drive contains (e.g., Exhibits 01-20).

### 14. Notice of Filing; Service.

- (a) ~~ECF Cases, Notification of Filings.~~
- (i) ~~Notifying the Parties, ECF Cases.~~ At the time a document is filed, the ECF System automatically generates a “Notice of Electronic Filing” and automatically e-mails the notice to all parties.
- (ii) ~~Non-ECF Cases. A pro se litigant may consent to receive notice of all filings via e-mail by filing an E-Notification Consent Form in each active Vaccine Act case before the court (see Appendix of Forms, Form 15B).~~
- (b) ~~Service.~~
- (i) ~~In General. (ii) Service. The transmission of the “Notice of Electronic Filing” satisfies the service requirement of RCFC 5 and the proof of service requirement of RCFC 5.3. Because of the restricted nature of Vaccine Act cases:~~
- (A) ~~the clerk must effectuate service of court-issued filings outside the ECF System by other appropriate means as provided in RCFC 5(b)(2);~~

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~~(B) to satisfy the service requirement of RCFC 5, the parties must effectuate service outside the ECF System by other appropriate means as provided by RCFC 5(b)(2); and~~

~~(C) to satisfy the proof of service requirement of RCFC 5.3, the parties must attach to each filing a certificate of service pursuant to RCFC 5(d)(1)(B) and Vaccine Rule 17(a)(2).~~

**(b) Non-ECF Cases.**

**(i) Notification of Filings.** A *pro se* litigant may consent to receive notice of all filings via e-mail by filing an E-Notification Consent Form in each active Vaccine Act case before the court (see Appendix of Forms, Form 15B).

**(ii) Service on Pro Se Litigants.**

~~(A) Service by Pro Se Litigants.~~ A *pro se* litigant filing in paper form or via e-mail need not separately serve his or her filings on opposing counsel. Opposing counsel will be served when a filing is entered by the clerk in the ECF System.

~~(B)(A) Service by E-Mail on Pro Se Litigants.~~ If a *pro se* litigant has filed an E-Notification Consent Form:

**(I)** the *pro se* litigant consents to having his or her e-mail address entered into the ECF System to receive notice of electronic filings; **and**

~~(H) because of the restricted nature of Vaccine Act cases, to satisfy the service requirement of RCFC 5, the clerk and opposing counsel must serve the *pro se* litigant via separate e-mail with a PDF copy of each filing;~~

~~(H) to satisfy the proof of service requirement of RCFC 5.3, opposing counsel must attach to each filing, or file within a~~

reasonable time after service, a certificate of service pursuant to RCFC 5(d)(1)(B) and Vaccine Rule 17(a)(2); and

~~(IV)(II) the *pro se* litigant waives service by first class mail.~~

~~(C) Service by First Class Mail on Pro Se Litigants.~~ If a *pro se* litigant has not consented to electronic service by filing an E-Notification Consent Form:

**(I)** the clerk will serve the litigant with all court issued filings by first class mail; and

**(H)** opposing counsel must serve the litigant with all of opposing counsel's filings in a manner listed in RCFC 5(b) and attach to each filing, or file within a reasonable time after service, a certificate of service pursuant to RCFC 5(d)(1)(B) and Vaccine Rule 17(a)(2).

**(B) Service by First Class Mail.** If a *pro se* litigant has not consented to electronic service by filing an E-Notification Consent Form, the clerk and opposing counsel will serve the litigant by first class mail.

**15. Effect of Filing.**

- (a) ECF Cases.** A filing by a party via the ECF System, together with the transmission of the "Notice of Electronic Filing," constitutes a filing under RCFC 5 and an entry on the docket kept by the clerk under RCFC 58 and 79.
- (b) Non-ECF Cases.** A document submitted by a *pro se* litigant via e-mail or in paper form constitutes a filing under RCFC 5 once entered by the clerk in the ECF System.

**16. Official Court Record.** The official court record is the electronic recording of the document in the ECF System as stored by the court and the filing party is bound by the document as filed.

**17. Date of Filing.**

- (a) ECF Cases.** A document filed in an ECF case is deemed filed on the date and time

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stated in the “Notice of Electronic Filing.”

- (b) **Non-ECF Cases.** A document submitted by a *pro se* litigant via e-mail or in paper form is deemed filed on the date and time received by the clerk or, if not in compliance with the court’s rules, on the date and time filed by leave of the judge or special master.

**18. Timeliness of Filing.** Unless otherwise ordered by the court, an electronic filing under this Supplement must be submitted before midnight local time in Washington, DC, to be considered timely filed on that date.

**19. Date Stamp.** The filing date of each filing in the ECF System will appear at the top of the first page in an automatically generated banner stating the case number, the document number, and the date filed.

## VII. SIGNATURES AND RELATED MATTERS IN ECF CASES

**20. Signature Defined.** A Filing User’s login and password will serve as his or her signature on a filing for all purposes, including those under RCFC 11.

### 21. Signature Requirements.

- (a) **Electronic Signature.** Filings must include a signature block, in compliance with RCFC 11(a), with the name of the Filing User under whose login and password the document is submitted along with an “s/[name of Filing User]” typed in the space where the signature would otherwise appear.
- (b) **Written Signature.** A Filing User may also satisfy the signature requirement by scanning a document containing his or her written signature.
- (c) **Noncompliance.** A filing that does not comply with this provision will be deemed in violation of RCFC 11 and may be stricken from the record.

**22. Signatures of Multiple Parties.** Documents requiring signatures of more than one party may be filed via the ECF System:

- (a) by submitting a scanned document containing all necessary written signatures; or

- (b) by submitting a document containing an electronic signature for each party (“s/[name of party]”) and the filing attorney’s representation that the other parties have reviewed the document and consent to its filing.

## VIII. COURT ORDERS AND JUDGMENTS

**23. Filings by the Court.** Any order, opinion, judgment, or other proceeding of the court will be filed in accordance with this Supplement.

**24. Effect of Filing.** A filing by the court under this Supplement:

- (a) is an entry on the docket kept by the clerk under RCFC 58 and 79; and
- (b) has the same force and effect as a paper copy entered on the docket in the traditional manner.

### 25. Notice of Filing; Service.

- (a) **Notifying the Parties.** Notice of a filing by the court will be accomplished in the manner prescribed in paragraph 14 of this Supplement.
- (b) **Service.** Service of a filing by the court will be accomplished in a manner prescribed in paragraph 14 of this Supplement.

**26. Court-Ordered Deadlines.** If an order or opinion specifies a due date for the filing of a document, that date will control over any other filing deadline listed on the docket for that document.

## IX. PRIVACY

**27. Filings Protected Against Public Disclosure.** Except as provided in Vaccine Rule 18, all filings submitted in a Vaccine Act case are restricted pursuant to the requirement of 42 U.S.C. § 300aa-12(d)(4)(A) and therefore are accessible only to court personnel and the parties to the case.

**28. Personal Information.** Because all filings submitted by the parties in a Vaccine Act case are restricted, counsel and *pro se* litigants need not redact personal identifiers and other sensitive information. All documents, including medical records, should be filed in their original form.

**X. PUBLIC ACCESS; TECHNICAL FAILURE; HYPERLINKS**

**29. Reviewing Filings.** Except as provided in Vaccine Rule 18, all filings in Vaccine Act cases are restricted pursuant to 42 U.S.C. § 300aa-12(d)(4)(A) and therefore are not accessible to the public either in the clerk's office or via the ECF System.

**30. Technical Failure of the ECF System.**

- (a) **Relief by Motion.** If a filing via the ECF System is deemed untimely as the result of a technical failure of the ECF System, the Filing User may seek appropriate relief from the court.
- (b) **Deeming the Clerk's Office Inaccessible.** If the ECF System is inaccessible for any significant period of time, the clerk will deem the clerk's office inaccessible under RCFC 6.

**31. Hyperlinks.**

- (a) **Type.** Filings via the ECF System may contain the following types of hyperlinks:
  - (i) hyperlinks to other portions of the same document;
  - (ii) hyperlinks to documents already filed via the court's ECF System; and
  - (iii) hyperlinks to a location on the Internet that contains a source document for a citation.
- (b) **Cited Authority.** Hyperlinks to cited authority may not replace standard citation format. Complete citations must be included in the text of the filed document.
- (c) **Limitation.** Neither a hyperlink, nor any site to which it refers, will be considered part of the record. Hyperlinks are simply convenient mechanisms for accessing material cited in a filed document. If a party wishes to make any hyperlinked material part of the record, the party must include the material as an attachment to the filing.
- (d) **Disclaimer.** The court accepts no responsibility for, and does not endorse, any product, organization, or content at any hyperlinked site, or at any site to which that site may be linked. The court accepts no responsibility for the

availability or functionality of any hyperlink.

**Rules Committee Notes**

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**2026 Amendment**

The Supplement to Appendix B has been amended to require that restricted vaccine filings must be served by the filing party outside the ECF System and that a certificate of service must be filed with the underlying submission.

**PROPOSED AMENDMENTS TO APPENDIX C  
PROCEDURE IN PROCUREMENT PROTEST CASES  
PURSUANT TO 28 U.S.C. § 1491(b)**

\* \* \*

**II. REQUIREMENT FOR  
PRE-FILING NOTIFICATION**

2. To expedite proceedings, plaintiff's counsel must (except in exceptional circumstances to be described in moving papers) provide advance notice of filing a protest case to:

- (a) the Department of Justice, Commercial Litigation Branch, Civil Division;
- (b) the clerk, United States Court of Federal Claims;
- (c) the procuring agency's contracting officer; and
- (d) the apparently successful bidder/offeror (in cases where there has been an award and plaintiff has received notice of the identity of the awardee).

Such notice must be provided at least 1 day—but no earlier than 5 days—in advance of filing a protest case, not including Saturdays, Sundays, and legal holidays as defined in RCFC 6(a)(6). (The contacts for the clerk and the Department of Justice are posted on the court's website—[www.uscfc.uscourts.gov](http://www.uscfc.uscourts.gov).) The pre-filing notice is intended to permit the Department of Justice to assign an attorney to the case who can address relevant issues on a timely basis and to permit the court to ensure the availability of appropriate court resources. Failure to provide timely pre-filing notification will impede both the clerk's ability to notify the judges of an incoming protest case and the assigned judge's ability to initiate proceedings in the case, including the scheduling of the initial status conference. See paragraph 8, below. Plaintiff's counsel must provide an updated notice to the above entities highlighting any material change in respect to the timing of or the intent to file a protest. If, after filing a pre-filing notice, plaintiff's counsel determines that

the protest case will not be filed, counsel must notify the above entities that the notice is withdrawn.

3. The pre-filing notice must include:
- (a) a statement consistent with the disclosure requirements called for in RCFC 7.1(a); and
  - (b) the following additional information:
    - (1) the name of the procuring agency and the number of the solicitation in the contested procurement;
    - (2) the name and telephone number of the contracting officer responsible for the procurement;
    - (3) the name and telephone number of the principal agency attorney, if known, who represented the agency in any prior protest of the same procurement;
    - (4) whether plaintiff contemplates requesting temporary or preliminary injunctive relief pursuant to RCFC 65;
    - (5) whether plaintiff has discussed the need for temporary or preliminary injunctive relief with Department of Justice counsel and the response, if any;
    - (6) whether the action was preceded by the filing of a protest before the Government Accountability Office (GAO) and if so, the "B-" number of the protest and whether a decision was issued; ~~and~~
    - (7) whether the action is directly related to any known pending or previously filed case(s) before the court; ~~and~~
    - (8) whether plaintiff contemplates the need for the court to enter a protective order.

\* \* \*

**VII. THE CONTENT AND FILING OF  
THE ADMINISTRATIVE RECORD**

21. The United States will be required to identify and provide (or make available for inspection) the administrative record in a protest case by the date(s) established at the initial status conference.

22. Early production of relevant core documents may expedite final resolution of the

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Appendix C

case. The core documents relevant to a protest case may include, as appropriate,

(a) the agency's procurement request, purchase request, or statement of requirements;

(b) the agency's source selection plan;

(c) the bid abstract or prospectus of bid;

(d) the Commerce Business Daily or other public announcement of the procurement;

(e) the solicitation, including any instructions to offerors, evaluation factors, solicitation amendments, and requests for best and final offers;

(f) documents and information provided to bidders during any pre-bid or pre-proposal conference;

(g) the agency's responses to any questions about or requests for clarification of the solicitation;

(h) the agency's estimates of the cost of performance;

(i) correspondence between the agency and the protester, awardee, or other interested parties relating to the procurement;

(j) records of any discussions, meetings, or telephone conferences between the agency and the protester, awardee, or other interested parties relating to the procurement;

(k) records of the results of any bid opening or oral motion auction in which the protester, awardee, or other interested parties participated;

(l) the protester's, awardee's, or other interested parties' offers, proposals, or other responses to the solicitation;

(m) the agency's competitive range determination, including supporting documentation;

(n) the agency's evaluations of the protester's, awardee's, or other interested parties' offers, proposals, or other responses to the solicitation, including supporting documentation;

(o) the agency's source selection decision, including supporting documentation;

(p) pre-award audits, if any, or surveys of the offerors;

(q) notification of contract award and the executed contract;

(r) documents relating to any pre- or post-award debriefing;

(s) documents relating to any stay, suspension, or termination of award or performance pending resolution of the bid protest;

(t) justifications, approvals, determinations, and findings, if any, prepared for the procurement by the agency pursuant to statute or regulation; and

(u) the record of any previous administrative or judicial proceedings relating to the procurement, including the record of any other protest of the procurement.

23. On a date ordered by the court at the initial status conference, the United States must transmit or make available the complete administrative record to all parties and to the court via a designated form of electronic transfer (or other means if so ordered). No later than that same date, the United States must file with the court:

(a) a certified index of the contents of the administrative record; and

(b) a certificate of service in accordance with RCFC 5.3 stating that the administrative record has been served on the parties. The certificate of service must contain the contracting officer's certification attesting to the completeness of the administrative record.

24. The administrative record must be formatted as follows:

(a) The file names of documents in the administrative record must include tab numbers corresponding with the tab numbers in the certified index.

(b) The United States must undertake reasonable efforts to convert all documents to PDF files, paginate the entire record sequentially, and produce the documents in a text-searchable format.

(c) Excel spreadsheets and other files that cannot be converted to legible or usable PDF files must be provided to all parties and to the court in their native format and assigned tab numbers (both listed in the index and contained within the file name).

25. To the extent either party identifies any omissions, errors, or other concerns regarding the

administrative record, the parties must meet and confer to address the issue(s) and, upon agreement of the parties, the United States must file a motion for leave:

(a) to produce the corrected record to all parties and to the court; and

(b) to file a corrected certified index to the administrative record and certificate of service, including a new contracting officer's certification.

If the parties are unable to reach an agreement regarding the contents of the administrative record or any related issues—including any identified omissions, errors, or other concerns—any party may file a motion to resolve the disagreement.

26. The United States must file a joint appendix, including an index, at such time as ordered by the court, generally after the close of briefing under RCFC 52.1(c). The court may order the parties to provide the court with one or more paper copies of the joint appendix. In compiling the joint appendix, the parties must confer and, at a minimum, include those portions of the administrative record that the parties have cited in their respective briefs, along with sufficient context for the court to understand the information. Core documents (as agreed upon by the parties), *see* paragraph 22 above, must be included in their entirety.

27. Absent agreement among the parties regarding the contents of the joint appendix, the plaintiff must serve on all parties an initial designation and provide all other parties the opportunity to designate additional portions of the administrative record. Excel spreadsheets and other electronic files that cannot be filed via the court's electronic-filing system must not be filed as part of the joint appendix but must be noted in the index to the joint appendix.

28. Unless otherwise ordered, wWithin 7 days after the entry of final judgment or dismissal, the United States must file with the clerk the complete administrative record, together with a notice of filing, either via the court's electronic-filing system or via a portable storage disc or drive.

## VIII. ADMISSION OF COUNSEL

29. In procurement protest cases in which plaintiff's counsel is not a member of the bar of the court and does not have sufficient time to gain admission prior to the filing of the action, the clerk will accept for filing any proper complaint and accompanying pleadings under 28 U.S.C. § 1491(b) from such counsel, conditioned upon counsel's prompt pursuit of admission to practice before the United States Court of Federal Claims pursuant to RCFC 83.1. Failure to pursue such admission within 30 days after the initiation of the action may result in dismissal of the action and possible referral for disciplinary action.

### Rules Committee Notes

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#### 2026 Amendment

Paragraph 3 has been amended to require that the pre-filing notice include information regarding any known directly related case(s) currently pending or previously filed before the court.

Paragraph 28 has been amended to clarify the filing requirements of the complete administrative record.

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**PROPOSED AMENDMENTS TO APPENDIX E  
ELECTRONIC FILING PROCEDURES**

**I. INTRODUCTION**

**1. In General.** This Appendix sets forth the procedures governing electronic filings. For procedures governing electronic filings in Vaccine Act cases, see Appendix B to these rules (“Vaccine Rules of the United States Court of Federal Claims”), Supplement (“Electronic Filing Procedures in Vaccine Act Cases”).

**2. Definitions.** For purposes of this Appendix, the following definitions apply:

- (a) “ECF System” means the court’s online system for electronic case filing;
- (b) “ECF case” means a case designated by the clerk as an electronic case in which all filings in the case are made via the ECF System;
- (c) “Non-ECF case” means a case designated by the clerk as a *pro se* case in which the *pro se* litigant has not been granted access to file documents electronically in the ECF System;
- (d) “Filing User” means an individual to whom the court has granted access to file documents electronically via the ECF System;
- (e) “filing” means any document that is filed electronically via the ECF System or via e-mail by a *pro se* litigant; and
- (f) “court” means the assigned judge or, when appropriate, the assigned special master.

**II. CASE DESIGNATION AND NOTICE**

**3. Scope.**

- (a) **Newly Filed Cases.**
  - (i) **In General.** All newly filed cases will be designated ECF cases except cases involving *pro se* litigants.
  - (ii) **Pro Se Cases.** All newly filed *pro se* cases will be designated non-ECF cases.
- (b) **Converted Cases.** The court may grant a *pro se* litigant access to file documents electronically via the ECF System, and

thereby convert a pending non-ECF case into an ECF case.

**4. Notice.** The clerk will notify counsel and *pro se* litigants that a case has been designated an ECF case or a non-ECF case by filing a “Notice of Designation.”

**III. ACCESS TO FILE DOCUMENTS VIA THE ECF SYSTEM; RESPONSIBILITY OF FILING USERS; EXEMPTION FROM USE**

**5. Access.**

(a) **Applications.** Applications for access to file documents electronically via the ECF System are submitted through PACER (Public Access to Court Electronic Records) at [www.pacer.gov](http://www.pacer.gov), and will be granted to:

- (i) an attorney who is admitted to the bar of this court; and
- (ii) a *pro se* litigant only if allowed or so required by court order.

(b) **Notification.** The clerk will notify a Filing User when access to file via the ECF System has been granted.

**6. Use of ECF Account.** No Filing User or other person may knowingly permit or cause a Filing User’s login and password to be used by anyone other than an authorized agent of the Filing User. Any Filing User or other person may be subject to sanctions for failure to comply with this provision.

**7. Exemption From Filing Electronically in an ECF Case.** By filing an appropriate motion, a Filing User or an attorney not yet registered as a Filing User may, for good cause, seek to be exempted from filing documents electronically in an ECF case and to convert the case into a non-ECF case.

**IV. FILING REQUIREMENTS IN NON-ECF CASES**

**8. Case Initiating Documents.** Complaints and petitions, along with the required filing fee or an application to proceed *in forma pauperis*, must be submitted in paper form in

Appendix E

compliance with RCFC 5.5 by mail or other delivery to:

Clerk  
United States Court of Federal Claims  
717 Madison Place, NW  
Washington, DC 20439

A copy of the applicable schedule of fees may be found on the court's website at [www.uscfc.uscourts.gov](http://www.uscfc.uscourts.gov) or may be obtained from the clerk's office.

**9. Filings in Pending Non-ECF Cases.**

**(a) ECF Filings.** The court, the clerk, and counsel of record for the United States must file via the ECF System in Non-ECF cases.

**(b) Filings by *Pro Se* Litigants.**

**(i) In General.** *Pro se* litigants may submit case filings in paper form or via e-mail to [ProSe\\_case\\_filings@cfc.uscourts.gov](mailto:ProSe_case_filings@cfc.uscourts.gov). All filings must conform to the format requirements of RCFC 5.5.

**(ii) Format of Filings via E-Mail.**

**(A)** All documents submitted via e-mail must be attached to the e-mail in Portable Document Format ("PDF"). The e-mail subject line must include the case name and docket number for which the submission is intended.

**(B)** Each e-mail submission must be limited to a document that is clearly identified as a filing pursuant to a court rule or in response to a court order.

**(C)** Only the contents of the attached PDF file will be considered part of the submission and processed by the clerk. Any content in the body of the e-mail will not be reviewed by the clerk or considered for inclusion in the case record.

**(D)** If a document, including exhibits and attachments, exceeds 50 pages when printed, the *pro se* litigant must supply a courtesy copy of the document in paper form in accordance with RCFC

5.5(c), unless otherwise ordered by the court.

**(iii) Signatures on Filings via E-Mail.**

**(A)** To satisfy the signature requirements of RCFC 11, e-mailed submissions must include either a written or an electronic signature (s/[name of *pro se* litigant]).

**(B)** *Pro se* litigants may not file documents via e-mail on behalf of any other person.

**(iv) Revocation of E-Mail Filing Privileges.** E-mail filing privileges may be revoked by the court at any time.

**V. FILING REQUIREMENTS IN ECF CASES**

**10. Filings.**

**(a) Initial Filings.** Initial papers, including the complaint, may be filed in paper form or via the ECF System in accordance with the format requirements of RCFC 5.5.

**(b) Subsequent Filings.** Once a case has been designated an ECF case, all subsequent filings must be made via the ECF System, except as provided in this Appendix or by leave of the court in exceptional circumstances that prevent a Filing User from filing via the ECF System.

**(c) Exhibits and Attachments.** Unless otherwise ordered by the court, when filing an exhibit or attachment, a Filing User:

**(i)** must file the exhibit or attachment via the ECF System along with the main document under one entry number;

**(ii)** must include only those excerpts of the referenced exhibit or attachment that are directly germane to the matter under consideration by the court;

**(iii)** must clearly and prominently identify the excerpted material; and

**(iv)** may seek leave to file additional excerpts or the complete document.

## 11. Technical Requirements

### (a) Format.

(i) **In General.** Documents filed via the ECF System must be:

- (A) converted into PDF; and
- (B) text searchable.

The ECF System will not accept PDF files containing tracking tags, embedded system commands, password protections, access restrictions, or other security features, special tags, or dynamic features.

### (ii) Scanned Documents.

(A) Documents filed via the ECF System must not be scanned prior to filing unless the original documents are unavailable in electronic form.

(B) A Filing User is responsible for ensuring the accuracy and readability of a scanned document.

### (b) Size Limitations

(i) **In General.** A single filing may be divided into multiple PDF files.

(ii) **Number of Files.** Counsel must endeavor to limit the total number of PDF files that constitute a single filing, particularly when filing appendices and administrative records.

### (iii) Size of Files.

(A) Unless otherwise ordered by the court, each PDF file must not exceed the size limitation established by the court.

(B) The current size limitation is posted on the court's website or may be obtained by calling the clerk's office.

(c) **Events.** Events are used in the ECF System for filing documents and creating docket entries on the docket sheet. A Filing User:

(i) must select an event or events for each filed document based on the purpose of the document or relief requested; and

(ii) should use the most specific event available rather than a more generic event.

(d) **Linking Filings.** A document filed via the ECF System—such as a response or reply—that pertains to a motion or other filing must be linked properly in the ECF System to the filing to which it pertains.

**12. Courtesy Copies in Paper Form.** Unless otherwise ordered by the court, if a document, including exhibits and attachments, exceeds 50 pages when printed, the Filing User must supply chambers with a courtesy copy of the document in paper form in accordance with RCFC 5.5(c). The court may order the parties to supply courtesy copies in paper form of any filing in the ECF System.

**13. Filing Under Seal.** Unless otherwise provided in these rules or by court order, a party:

(a) must seek leave of the court to file a document under seal via the ECF System; and

(b) may concurrently file the document under seal as a separate entry. The document will remain under seal unless and until the court denies the motion.

## VI. FILING PROCEDURES

### 14. Notice of Filing; Service.

(a) **Notification of Filings**~~ECF Cases.~~

(i) ~~ECF Cases~~**Notifying the Parties.**

At the time a document is filed, the ECF System automatically generates a "Notice of Electronic Filing" and automatically e-mails the notice to all parties.

(ii) Non-ECF Cases. A pro se litigant may consent to receive notice of all filings via e-mail by filing an E-Notification Consent Form in each active case before the court (see Appendix of Forms, Form 15A).

**(b) Service.**

~~(iii) ECF Cases; Public Filings~~**Service.**

The transmission of the "Notice of Electronic Filing" satisfies the service requirement of RCFC 5 and the proof of service requirement of RCFC 5.3.

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**(b) Non-ECF Cases.**

~~(i) **Notification of Filings.** A *pro se* litigant may consent to receive notice of all filings via e-mail by filing an E-Notification Consent Form in each active case before the court (see Appendix of Forms, Form 15A).~~

**(ii) Non-ECF Cases: Public Filings, Service.**

**(A) Service by *Pro Se* Litigants.** A *pro se* litigant filing in paper form or via e-mail need not separately serve his or her filings on opposing counsel. Opposing counsel will be served when a filing is entered by the clerk in the ECF System.

**(B) Service by E-mail on *Pro Se* Litigants.**

If a *pro se* litigant has filed an E-Notification Consent Form:

- (I)** the *pro se* litigant consents to having his or her e-mail address entered into the ECF System to receive notice of electronic filings;
- (II)** the transmission of the “Notice of Electronic Filing” satisfies the service requirement of RCFC 5 and the proof of service requirement of RCFC 5.3;
- (III)** the *pro se* litigant must be registered with PACER at [www.pacer.gov](http://www.pacer.gov) to view electronic filings; and
- (IV)** the *pro se* litigant waives service by first class mail.

**(C) Service by First Class Mail on *Pro Se* Litigants.**

- If a *pro se* litigant has not consented to electronic service by filing an E-Notification Consent Form:
- (I)** the clerk will serve the litigant with all court-issued filings by first class mail; and
  - (II)** opposing counsel must serve the litigant with all of opposing counsel’s filings in a manner listed in RCFC

5(b)(2) and attach to each filing, or file within a reasonable time after service, a certificate of service pursuant to RCFC 5(d)(1)(B).

**(iii) Filings Made Under Seal. For filings made under seal:**

- (A)** the clerk must effectuate service of court-issued filings outside the ECF System by other appropriate means as provided in RCFC 5(b)(2);
- (B)** to satisfy the service requirement of RCFC 5, the parties must effectuate service outside the ECF System by other appropriate means as provided by RCFC 5(b)(2); and
- (C)** to satisfy the proof of service requirement of RCFC 5.3, the parties must attach to each filing a certificate of service pursuant to RCFC 5(d)(1)(B).

**15. Effect of Filing.**

- (a) ECF Cases.** A filing by a party via the ECF System, together with the transmission of the “Notice of Electronic Filing,” constitutes a filing under RCFC 5 and an entry on the docket kept by the clerk under RCFC 58 and 79.
- (b) Non-ECF Cases.** A document submitted by a *pro se* litigant via e-mail or in paper form constitutes a filing under RCFC 5 once entered by the clerk in the ECF System.

**16. Official Court Record.** The official court record is the electronic recording of the document in the ECF System as stored by the court and the filing party is bound by the document as filed.

**17. Date of Filing.**

- (a) ECF Cases.** A document filed in an ECF case is deemed filed on the date and time stated in the “Notice of Electronic Filing.”
- (b) Non-ECF Cases.** A document submitted by a *pro se* litigant via e-mail or in paper form is deemed filed on the date and time received by the clerk or, if not in compliance with the court’s rules, on the

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date and time filed by leave of the judge or special master.

**18. Timeliness of Filing.** Unless otherwise ordered by the court, an electronic filing under this Appendix must be submitted before midnight local time in Washington, DC, to be considered timely filed on that date.

**19. Date Stamp.** The filing date of each filing in the ECF System will appear at the top of the first page in an automatically generated banner stating the case number, the document number, and the date filed.

## VII. SIGNATURES AND RELATED MATTERS IN ECF CASES

**20. Signature Defined.** A Filing User's login and password will serve as his or her signature on a filing for all purposes, including those under RCFC 11.

**21. Signature Requirements.**

- (a) **Electronic Signature.** Filings must include a signature block, in compliance with RCFC 11(a), with the name of the Filing User under whose login and password the document is submitted along with an "s/[name of Filing User]" typed in the space where the signature would otherwise appear.
- (b) **Written Signature.** A Filing User may also satisfy the signature requirement by scanning a document containing his or her written signature.
- (c) **Noncompliance.** A filing that does not comply with this provision will be deemed in violation of RCFC 11 and may be stricken from the record.

**22. Signatures of Multiple Parties.** Documents requiring signatures of more than one party may be filed via the ECF System:

- (a) by submitting a scanned document containing all necessary written signatures; or
- (b) by submitting a document containing an electronic signature for each party ("s/[name of party]") and the filing attorney's representation that the other parties have reviewed the document and consent to its filing.

## VIII. COURT ORDERS, JUDGMENTS, AND APPEALS

**23. Filings by the Court.** Any order, opinion, judgment, or other proceeding of the court will be filed in accordance with this Appendix.

**24. Effect of Filing.** A filing by the court under this Appendix:

- (a) is an entry on the docket kept by the clerk under RCFC 58 and 79; and
- (b) has the same force and effect as a paper copy entered on the docket in the traditional manner.

**25. Notice of Filing; Service.**

- (a) **Notifying the Parties.** Notice of a filing by the court will be accomplished in the manner prescribed in paragraph 14 of this Appendix.
- (b) **Service.** Service of a filing by the court will be accomplished in a manner prescribed in paragraph 14 of this Appendix.

**26. Court-Ordered Deadlines.** If an order or opinion specifies a due date for the filing of a document, that date will control over any other filing deadline listed on the docket for that document.

**27. Notice of Appeal.** A notice of appeal to the United States Court of Appeals for the Federal Circuit:

- (a) may be filed electronically via the ECF System by a Filing User; but
- (b) should be filed in paper form, along with the required filing fee, by a *pro se* litigant who has not been granted access to file via the ECF System.

## IX. PRIVACY

**28. Personal Information.**

- (a) **In General.** Counsel and *pro se* litigants are advised that any personal information in a filing that is not otherwise protected will be available over the Internet through PACER.
- (b) **Including Personal Information in a Filing.** In compliance with the E-Government Act of 2002, counsel and *pro se* litigants should not include personal information in any filing unless such inclusion is necessary and relevant to the filing.

(c) **Excluding or Redacting Personal Information in a Filing.** The following personal identifiers should be excluded, or redacted when inclusion is necessary, from all filings, unless otherwise ordered by the court:

- (i) Social Security or taxpayer-identification numbers—if an individual’s Social Security number or a taxpayer’s identification number must be included in a filing, only the last four digits of the number should be used;
- (ii) names of minor children—if the name of a minor child must be mentioned in a filing, only the initials of the child should be used;
- (iii) dates of birth—if an individual’s date of birth must be included in a filing, only the year should be used; and
- (iv) financial account numbers—if a financial account number is relevant to a filing, only the last four digits of the number should be used.

(d) **Using Caution When Including Other Sensitive Information.** Counsel and *pro se* litigants should exercise caution when filing documents containing:

- (i) a personal identifying number, such as a driver’s license number;
- (ii) medical records;
- (iii) employment history;
- (iv) individual financial information; or
- (v) proprietary or trade secret information.

**29. Deciding When to Include, Redact, or Exclude Personal Information.** Counsel are strongly urged to discuss with all clients the use of personal information so that an informed decision about including, redacting, or excluding such information may be made.

**30. Responsibility to Protect Personal Information.** It is the sole responsibility of counsel and the parties to protect any personal information included in a filing; the clerk’s office will not review filings to ensure that personal information has been adequately protected.

## X. PUBLIC ACCESS; TECHNICAL FAILURE; HYPERLINKS

**31. Reviewing Filings.** The public may review filings in the clerk’s office. A person may also access filings in the ECF System by obtaining a PACER login and password (*see* [www.pacer.gov](http://www.pacer.gov)).

**32. Technical Failure of the ECF System.**

(a) **Relief by Motion.** If a filing via the ECF System is deemed untimely as the result of a technical failure of the ECF System, the Filing User may seek appropriate relief from the court.

(b) **Deeming the Clerk’s Office Inaccessible.** If the ECF System is inaccessible for any significant period of time, the clerk will deem the clerk’s office inaccessible under RCFC 6.

**33. Hyperlinks.**

(a) **Type.** Filings via the ECF System may contain the following types of hyperlinks:

- (i) hyperlinks to other portions of the same document;
- (ii) hyperlinks to documents already filed in the court’s ECF System; and
- (iii) hyperlinks to a location on the Internet that contains a source document for a citation.

(b) **Cited Authority.** Hyperlinks to cited authority may not replace standard citation format. Complete citations must be included in the text of the filed document.

(c) **Limitation.** Neither a hyperlink, nor any site to which it refers, will be considered part of the record. Hyperlinks are simply convenient mechanisms for accessing material cited in a filed document. If a party wishes to make any hyperlinked material part of the record, the party must include the material as an attachment to the filing.

(d) **Disclaimer.** The court accepts no responsibility for, and does not endorse, any product, organization, or content at any hyperlinked site, or at any site to which that site may be linked. The court accepts no responsibility for the availability or functionality of any hyperlink.

**Rules Committee Notes**

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**2026 Amendment**

Appendix E has been amended to require that filings made under seal must be served by the filing party outside the ECF System and that a certificate of service must be filed with the underlying sealed submission.

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Appendix E

**PROPOSED AMENDMENTS TO APPENDIX J  
PATENT RULES OF THE UNITED STATES  
COURT OF FEDERAL CLAIMS**

**TITLE I. SCOPE OF RULES**

**Rule 1. Scope of Rules**

- (a) **In General.** These rules, cited as PRCFC, supplement the Rules of the United States Court of Federal Claims for civil actions instituted in the United States Court of Federal Claims under 28 U.S.C. § 1498(a) respecting patent claims.
- (b) **Modification.** The court may modify the requirements or deadlines set forth in these rules based on:
- (1) the complexity of the case; or
  - (2) for good cause shown.

**TITLE II. PRELIMINARY PROCEEDINGS**

**Rule 2. Early Meeting of Counsel**

When the parties confer pursuant to RCFC Appendix A, ¶ 3, in addition to the matters required to be addressed under that paragraph, the parties also should discuss the following topics for inclusion in the Joint Preliminary Status Report filed pursuant to RCFC Appendix A, ¶ 4:

- (a) proposed modification of the obligations or deadlines set forth in these rules to ensure that they are suitable for the circumstances of the case;
- (b) the scope and timing of any claim construction discovery;
- (c) the format of the claim construction hearing;
- (d) how the parties intend to educate the court on the technology at issue;
- (e) whether each patent at issue has been, or is likely to be, subject to re-examination proceedings; ~~and~~
- (f) whether other litigation or ~~inter partes~~ proceedings are ongoing or anticipated and whether any parties will seek a stay, consolidation, coordination, or transfer; ~~and~~
- (g) a non-binding, good-faith estimate of the damages range expected for the case along with an explanation for the estimate. If a party is unable to provide such information, that party must explain why it cannot and what specific information is needed before it

can do so. Such party must also state the time by which it should be in a position to provide that estimate and explanation.

**Rule 3. Joint Preliminary Status Report**

For purposes of these rules, the Joint Preliminary Status Report required pursuant to RCFC Appendix A, ¶ 4, must be filed within 49 days after the filing of the answer or within 98 days after the filing of the answer in the event the

United States has filed a motion pursuant to RCFC 14 to notify interested parties and the court has granted the motion.

**TITLE III. PATENT DISCLOSURES**

**Rule 4. Preliminary Disclosure of Infringement Contentions**

Within 56 days after the filing of the answer, the plaintiff must serve on the defendant and any defendant-intervenors a Preliminary Disclosure of Infringement Contentions that includes the following information:

- (a) the claim in each product, process, or method of each patent at issue that is allegedly infringed by each opposing party;
- (b) for each asserted claim, each product, process, or method that allegedly infringes the identified claim. This identification must include the name and model number, if known, of the accused product, process, or method;
- (c) a chart identifying where each element of each asserted claim is found within each accused product, process, or method, including the name and model number, if known;
- (d) whether each element of each identified claim is alleged to be literally present or present under the doctrine of equivalents in the accused product, process, or method; and
- (e) ~~for each patent that claims priority to an earlier application,~~ the priority date to which each asserted claim allegedly is entitled and whether the patentee is relying on the filing

Appendix J

date or an earlier conception date as the priority date.

**Rule 5. Document Production Accompanying Preliminary Disclosure**

Together with the Preliminary Disclosure of Infringement Contentions, the plaintiff must produce to each opposing party or make available for inspection and copying:

- (a) all documents that evidence any disclosure, sale, transfer, or offer to disclose, sell, or transfer the claimed invention prior to the date of application for each patent at issue;
- (b) all documents that evidence the conception and first reduction to practice of each claimed invention that was created on or before the date of application for each patent at issue or the priority date identified in PRCFC 4(e);
- (c) the file history with the United States Patent and Trademark Office for each patent at issue; and
- (d) all documents that evidence ownership of the patent rights by the plaintiff.

Nothing in this disclosure may be considered an admission as to prior art or evidence of prior art pursuant to 35 U.S.C. §§ 102, 103.

**Rule 6. Preliminary Disclosure of Invalidity Contentions**

Within 56 days after the filing of the Preliminary Disclosure of Infringement Contentions, or as otherwise ordered by the court, the defendant and any defendant-intervenors must serve on all parties a Preliminary Disclosure of Invalidity Contentions containing the following information:

- (a) the identity of each item or combination of items of prior art that allegedly anticipates each asserted claim or renders that claim obvious;
  - (1) each prior art reference must be identified by number, country of origin, and date of issue;
  - (2) each prior art publication must be identified by title, date of publication, and, where feasible, author and publisher;
  - (3) prior art that evidences public use or sale must also specify the item publicly used or offered for sale, the date the use or offer took place, and the identity of the

persons or entities that made the use or sale, or offer, and/or received an offer; and

- (4) the prior art reference must include a description of where, in each alleged item of prior art, each element of each asserted claim is found;
- (b) an explanation of how each item of prior art, or combination thereof, anticipates each asserted claim and/or renders it obvious; and
- (c) the identity and explanation of any other basis for invalidity, or unenforceability of any of the asserted claims.

**Rule 7. Document Production Accompanying Preliminary Disclosure of Invalidity Contentions**

Together with the Preliminary Disclosure of Invalidity Contentions, the defendant and any defendant-intervenors must produce to each opposing party, or make available for inspection or copying:

- (a) documents that evidence the operation of any aspects or elements of the accused product, process, or method identified by the plaintiff as allegedly infringing; and
- (b) a copy of any additional items of prior art identified that do not appear in the file history of ~~each~~any patent at issue.

**Rule 8. Response to Preliminary Disclosure of Invalidity Contentions**

~~Within 28 days after the filing of the Preliminary Disclosure of Invalidity Contentions, the plaintiff may file and serve on the defendant and any defendant intervenors a response. Thereafter, unless the defendant and any defendant-intervenors request otherwise, the court promptly will proceed to adjudicate invalidity contentions before claim construction. [Rescinded.]~~

**TITLE IV. CLAIM CONSTRUCTION**

**Rule 9. List of Proposed Claim Terms for Construction**

- (a) **In General.** Within 42 days after the filing of any response to the Preliminary Disclosure of Invalidity Contentions, each party must serve on all other parties a List of Claim Terms for Construction by the court and identify any

claim terms that the party contends should be governed by 35 U.S.C. § 112(f).

- (b) **Number of Terms.** Unless a showing of good cause is made and granted by the court, no more than 15 terms per patent family may be requested for construction.
- (c) **Designation.** For each claim term to be construed, the parties must indicate whether it may be case or claim dispositive.

**Rule 10. Exchange of Proposed Claim Terms for Construction**

- (a) **In General.** Within 28 days after receipt of the List of Proposed Claim Terms for Construction, each party must serve on all other parties a proposed construction for each claim term to be construed. Each party's proposed construction must identify all intrinsic and extrinsic evidence that supports the proposed construction.
- (b) **Narrowing the Number of Terms.** Within 7 days after the exchange of proposed claim terms, all parties must meet and confer in an attempt to further narrow the number of claim terms.

**Rule 11. Joint Claim Construction Chart**

Within 35 days after the exchange of proposed claim terms, the parties must file a Joint Claim Construction Chart that includes:

- (a) the claim terms and construction on which the parties agree; and
- (b) each party's proposed construction of each disputed claim term, together with identification of intrinsic and extrinsic evidence on which the proposing party intends to rely.

**Rule 12. Joint Claim Construction Appendix and Prehearing Statement**

At the time the Joint Claim Construction Chart is filed, the parties must also file:

- (a) a Joint Claim Construction Appendix and Prehearing Statement listing each patent at issue and the prosecution history for each;
  - (1) the prosecution history must be paginated and cited as the Joint Appendix ("JA") when referenced; and
  - (2) any party may also file a separate appendix containing other supporting material;

- (b) each party's proposed definition of a Person of Ordinary Skill in the Art, or if the parties agree, a joint definition of a Person of Ordinary Skill in the Art;
- (c) a proposed schedule for the Claim Construction Hearing;
- (d) whether any party proposes to call one or more witnesses, including experts, at the Claim Construction Hearing, together with the identity of each witness and a short summary of the anticipated testimony; and
- (e) whether any party intends to request a hearing on invalidity or indefiniteness.

**Rule 13. Completion of Claim Construction Discovery**

Within 28 days after the filing of the Joint Claim Construction Appendix and Prehearing Statement, the parties must complete all discovery relating to claim construction, including any depositions with respect to claim construction of any witnesses, including experts, identified in the Joint Claim Construction Appendix and Prehearing Statement.

**Rule 14. Claim Construction Status Conference**

Within 7 days after the filing of the Joint Claim Construction Appendix and Prehearing Statement, the court will schedule a status conference, to be held within 90 days thereafter, to set the date for the Claim Construction Hearing and discuss any other relevant matters with the parties.

**Rule 15. Claim Construction Briefs**

- (a) Claim Construction Briefs are optional and any party may elect instead to rely on the Joint Claim Construction Chart.
- (b) Any Claim Construction Briefs must be filed according to the following schedule:
  - (1) within 56 days after the filing of the Joint Claim Construction Chart, the plaintiff may file a Claim Construction Brief;
  - (2) within 28 days after the filing of the Claim Construction Brief, each opposing party may file a Responsive Claim Construction Brief; and
  - (3) within 14 days after the filing of the Responsive Claim Construction Brief(s),

the plaintiff may file a Reply Claim Construction Brief.

## TITLE V. SETTLEMENT

### Rule 16. Mandatory Settlement Discussions

The parties must meet and confer, in person, ~~or~~ by telephone, or by videoconference:

- (a) within 714 days after entry of the court's Claim Construction Opinion and Order;
- (b) within 714 days after entry of ~~the court's Validity or Indefiniteness Opinion and Order, an order on a motion seeking judgment of a claim or an affirmative defense~~, if the case is not dismissed; and
- (c) within 714 days after the conclusion of trial.

### Rule 17. Joint Statement of Compliance With Mandatory Settlement Discussions

Within 7 days after each settlement discussion, the parties must file with the court:

- (a) a joint statement of compliance with PRCFC 16, indicating that settlement discussions were conducted and apprising the court of the outcome; or
- (b) a motion requesting that the case be dismissed.

## TITLE VI. OTHER

### Rule 18. Stay of Proceedings

- (a) **In General.** On motion, the court may stay the case pending a proceeding before the United States Patent and Trademark Office that concerns each patent at issue, *e.g.*, re-examination, *inter partes* review, or any other post-grant review proceeding.
- (b) **Grounds for a Stay.** Whether the court stays the case depends on the circumstances of the case, including:
  - (1) the stage of the litigation;
  - (2) whether a stay will simplify the issues; and
  - (3) whether a stay unduly will prejudice or present a clear tactical disadvantage to the nonmoving party.

### Rule 19. Confidentiality

- (a) **In General.** Absent court order, discovery may not be withheld on the basis of confidentiality.

- (b) **Protective Order.** The court may issue a protective order at its discretion. A sample protective order for patent cases is found at Appendix of Forms, Form 8A.

### Rule 20. Good Faith Participation

Failure to make a good faith effort to comply with these rules may subject counsel to sanctions.

### Rule 21. Certification of Disclosures

All disclosures made pursuant to these rules must be dated and signed by counsel of record (or by the party if not represented by counsel) and are subject to the requirements of RCFC 26(g).

### Rule 22. Admissibility of Disclosures

Statements, disclosures, or charts are admissible to the extent permitted by the Federal Rules of Evidence.

### Rule 23. Supplementation Requirements

The requirements to supplement disclosure and discovery responses under RCFC 26 apply to all disclosures required by these rules.

### Rule 24. Amendments

~~The duty to amend or supplement does not excuse the requirement to obtain leave of the court. A party may amend the Preliminary Disclosure of Infringement Contentions or the Preliminary Disclosure of Invalidity Contentions only by court order upon a showing of good cause. Amendment of the Preliminary Disclosure of Infringement Contentions or the Preliminary Disclosure of Invalidity Contentions may be made only by order of the court upon a timely showing of good cause. Non-exhaustive examples of circumstances that may, absent undue prejudice to the non-moving party, support a finding of good cause include:~~

- (a) a claim construction by the court different from that proposed by the party seeking amendment;
- (b) material changes to an opposing party's contentions;
- (c) recent discovery of material prior art despite earlier diligent search; and
- (d) recent discovery of nonpublic information about the accused product, process, or method that was not discovered, despite diligent efforts, before the service of the

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Preliminary Disclosure of Infringement Contentions.

The duty to supplement discovery responses does not excuse the need to obtain leave of court to amend contentions.

justify an amendment to infringement and invalidity contentions.

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**Rules Committee Note**  
\* \* \*

**2026 Amendment**

PRCFC 2(f) has been amended to expand the parties' obligation to confer about other relevant proceedings, rather than limiting the obligation to confer to *inter partes* proceedings.

PRCFC 2(g) has been added to encourage the parties to engage in early discussions of damages estimates.

PRCFC 4(e) has been amended by removing the introductory phrase "for each patent that claims priority to an earlier application" to avoid confusion when an earlier priority date is asserted for claims in patents that do not claim priority to an earlier application.

PRCFC 7(b) has been amended to clarify that if the prior art was cited in any of the patents at issue, defendant does not have to produce it under this rule.

PRCFC 8 has been rescinded as unnecessary. Cases in which an invalidity issue can be separated for early adjudication are rare, and in those cases, the court has discretion to establish an appropriate schedule.

PRCFC 9(b) has been amended to include the word "family" and thus to limit the number of terms per patent family. Allowing up to 15 terms per patent creates a burden in cases in which several patents are asserted from the same patent family. Patents from the same patent family, i.e., patents that claim priority to the same application, generally share a common or similar prosecution history and specification

PRCFC 16 has been amended to allow the parties to meet and confer by videoconference and to allow more time for the parties to confer about settlement. PRCFC 16(b) has also been amended by removing reference to the court's Validity or Indefiniteness Opinion and Order because the court does not issue a validity or indefiniteness opinion in every case.

PRCFC 24 has been amended to provide non-exhaustive examples of circumstances that may

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**FORM 9**  
**APPLICATION FOR ACCESS TO INFORMATION UNDER**  
**PROTECTIVE ORDER BY OUTSIDE OR INSIDE COUNSEL**

**United States Court of Federal Claims**

	)	
	)	
	)	
Plaintiff,	)	No. _____
	)	
v.	)	Judge _____
	)	
THE UNITED STATES,	)	
	)	
Defendant.	)	

APPLICATION FOR ACCESS TO INFORMATION UNDER  
PROTECTIVE ORDER BY OUTSIDE OR INSIDE COUNSEL

1. I, \_\_\_\_\_, hereby apply for access to protected information covered by the Protective Order issued in connection with this proceeding.
2. a. I [outside counsel only] am an attorney with the law firm of \_\_\_\_\_ and have been retained to represent \_\_\_\_\_, a party to this proceeding.  
b. I [inside counsel] am in-house counsel (my title is: \_\_\_\_\_) for \_\_\_\_\_, a party to this proceeding.
3. I am \_\_\_ am not \_\_\_ a member of the bar of the United States Court of Federal Claims (the court).
4. My professional relationship with the party I represent in this proceeding and its personnel is strictly one of legal counsel. I am not in competitive decision making as discussed in *U.S. Steel Corp. v. United States*, 730 F.2d 1465 (Fed. Cir. 1984), for or on behalf of the party I represent, any entity that is an interested party to this proceeding, or any other firm that might gain a competitive advantage from access to the information disclosed under the Protective Order. I do not provide advice or participate in any decisions of such parties in matters involving similar or corresponding information about a competitor. This means that I do not, for example, provide advice concerning, or participate in decisions about, marketing or advertising strategies, product research and development, product design or competitive structuring and composition of bids, offers, or proposals with respect to which the use of protected information could provide a competitive advantage.
5. I [outside counsel only] identify here (by writing “none” or listing names and relevant circumstances) those attorneys in my firm who, to the best of my knowledge, cannot make the representations set forth in the preceding paragraph:
6. I identify here (by writing “none” or listing names, position, and responsibilities) any member of my immediate family who is an officer or holds a management position with an interested party in the proceeding or with any other firm that might gain a competitive advantage from access to the information disclosed under the Protective Order.

7. I identify here (by writing “none” or identifying the name of the forum, case number, date, and circumstances) instances in which I have been denied admission to a protective order, had admission revoked, or have been found to have violated a protective order issued by any administrative or judicial tribunal:

- 
8. I [inside counsel] have attached a detailed narrative providing the following information:
- a. my position and responsibilities as in-house counsel, including my role in providing advice in procurement-related matters;
  - b. the person(s) to whom I report and their position(s) and responsibilities;
  - c. the number of in-house counsel at the office in which I work and their involvement, if any, in competitive decision making and in providing advice in procurement-related matters;
  - d. my relationship to the nearest person involved in competitive decision making (both in terms of physical proximity and corporate structure); and
  - e. measures taken to isolate me from competitive decision making and to protect against the inadvertent disclosure of protected information to persons not admitted under the Protective Order.

9. I have read the Protective Order issued by the court in this proceeding. I will comply in all respects with that order and will abide by its terms and conditions in handling any protected information produced in connection with the proceeding.

10. I acknowledge that a violation of the terms of the Protective Order may result in the imposition of such sanctions as may be deemed appropriate by the court and in possible civil and criminal liability.

\* \* \*

By my signature, I certify that, to the best of my knowledge, the representations set forth above (including attached statements) are true and correct.

---

Signature of Applicant\*

---

Date Executed

---

Typed Name and Title

---

Telephone Number

---

E-mail Address

\*If the applicant is not an attorney of record as defined in RCFC 83.1(b), an attorney of record must sign below.

---

Signature of Attorney of Record

---

Date Executed

---

Typed Name and Title

---

Telephone Number

---

E-mail Address



**FORM 15B  
VACCINE E-NOTIFICATION CONSENT FORM**

**In the United States Court of Federal Claims  
OFFICE OF SPECIAL MASTERS**

	)	
	)	
Petitioner,	)	
	)	No. _____
v.	)	
	)	
SECRETARY OF HEALTH AND HUMAN SERVICES,	)	
	)	
Respondent.	)	
	)	

**E-NOTIFICATION CONSENT FORM**

The undersigned pro se petitioner in the above-identified case:

- Consents to receiving notice by e-mail via the court’s electronic filing system of all electronic filings in the above-identified case.
- Consents to service by e-mail, pursuant to Rule 5(b) of the Rules of the United States Court of Federal Claims.
- Waives service and notice by first class mail of all electronic filings in the above-identified case, including orders and judgments.
- Is responsible for immediately notifying the court in writing of any change of e-mail address.

The Clerk of Court is authorized to add petitioner’s e-mail address identified below to the court’s electronic filing system. Petitioner will submit all case filings via e-mail to [ProSe\\_case\\_filings@cfc.uscourts.gov](mailto:ProSe_case_filings@cfc.uscourts.gov), through the U.S. Mail, or by deposit in the court’s night box located ~~at the garage entrance on H Street NW, between 15th Street and Madison Place~~ in the lobby of the courthouse.

\_\_\_\_\_  
(Signature of Petitioner)

\_\_\_\_\_  
(E-mail Address)

\_\_\_\_\_  
(Date)