

**CHECKLIST FOR APPEAL BRIEF FILED UNDER 37 CFR 41.37**

**(For the Current Rules in Effect)**

- Y N  
1.   **Appeal Brief Timely Filed** – Appellant must file a brief under this section within two months from the date of filing the notice of appeal under Sec. 41.31. See 37 CFR 41.37 (a)(1).
- Y N  
2.   **Appeal Brief Fee Paid** – The brief must be accompanied by the fee set forth in Sec. 41.20 (b)(2) See 41.37 (a)(2).
- Y N  
3.   **Appeal Brief Signed** – See 37 CFR 1.33 and 37 CFR 1.34. Note: **S-signature is acceptable.**
- Y N  
4.   **Pre-Appeal Brief Conference (PABC) Request filed:** \_\_\_\_\_ **timely:**  Yes  No  
Note: In order to be considered timely, the request must have been filed with the notice of appeal.
- Y N  
5.   **PABC Panel Decision Mailed or Notified:** \_\_\_\_\_.
- Y N  
6.   **37 CFR 41.37(c)(1) requires appeal briefs to contain the following 10 items under appropriate headings and in the order indicated. See 37 CFR 41.37(c)(1).**  
(i) Statement of the real party in interest  
(ii) Related Appeals and Interferences  
(iii) Status of Claims  
(iv) Status of Amendments  
(v) Summary of Claimed Subject Matter  
(vi) Grounds of Rejection to be Reviewed on Appeal  
(vii) Argument  
(viii) Claims Appendix  
(ix) Evidence Appendix  
(x) Related Proceedings Appendix
- Y N  
7.   **Statement of the Real Party in Interest** – A statement identifying by name the real party of interest. 37 CFR 41.37(c)(1)(i).  
Check the “No” box if the appropriate heading and/or content is missing.
- Y N  
8.   **Related Appeals and Interferences** – A statement identifying all appeals, interferences or judicial proceedings known to appellant, or an indication of “none”. See 37 CFR 41.37(c)(1)(ii).  
Check the “No” box if the heading and/or content is missing.

Y N  
9.   **Status of Claims** – A statement of the status of all the claims in the proceeding (e.g., rejected, allowed or confirmed, withdrawn, objected to, canceled) and an identification of those claims that are being appealed. See 37 CFR 41.37(c)(1)(iii).  
Check the “No” box if the statement is incorrect or missing.

Y N  
10.   **Status of Amendments** – A statement of the status of any amendment filed subsequent to final rejection. See 37 CFR 41.37(c)(1)(iv).  
Check the “No” box if the statement is incorrect or missing.

Y N  
11.   **Summary of Claimed Subject Matter** – A concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters.

For each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters. See 37 CFR 41.37(c)(1)(v).

Check the “No” box if the concise explanation is incorrect or missing.

Y N  
12.   **Claims Appendix** – An appendix containing a copy of the claims involved in the appeal. See 37 CFR 41.37(c)(1)(viii).  
Check the “No” box if the heading is missing and/or the content is incorrect or missing.

Y N  
13.   **Evidence Appendix** – An appendix containing copies of any evidence submitted pursuant to 1.130, 1.131, or 1.132 of this title or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered in the record by the examiner. Reference to unentered evidence is not permitted in the brief. See 37 CFR 41.37(c)(1)(ix). A statement of “none” is acceptable.  
Check “No” box if the heading and/or content is missing.

Y N  
14.   **Related Proceedings Appendix** – An appendix containing copies of decisions rendered by a court or the BPAI in any proceeding identified pursuant to paragraph (c)(1)(ii) of this section. See 37 CFR 41.37(c)(1)(x). A statement of “none” is acceptable.  
Check “No” box if the heading and/or content is missing.

**Notes:**

- The appeal brief can be filed within 2 months from the Notice of Appeal without incurring an extension of time fee (up to additional 5 months with appropriate extension of time fee).
- If a proper Pre-Appeal Brief Conference (PABC) Request has been filed, the appeal brief can be filed:  
1 month from the mailing of the notice of Panel Decision; or  
2 months from the receipt date of the notice of appeal,  
Whichever is longer, without incurring an extension of time fee (up to additional 5 months with appropriate extension of time fee).
- If a Notification of Non-Compliant Appeal Brief was mailed or notified, the appeal brief can be filed 1 month from the mailing of the Notification of Non-Complaint Appeal Brief without incurring an extension of time fee (up to additional 5 months with appropriate fee for extensions of time).
- If the appeal brief is filed with a notice of appeal, the appeal brief can be filed 3 months from the mailing of the Last Action without incurring an extension of time fee (up to 6 months with appropriate extension of time fee).

**This checklist does not apply to Reexamination proceedings.**