FEDERAL RULES OF APPELLATE PROCEDURE

Rule 26. Computing and Extending Time

(a) Computing Time. The following rules apply in computing any period of time specified in these rules or in any local rule, court order, or applicable statute:

(1) Exclude the day of the act, event, or default that begins the period.

(2) Exclude intermediate Saturdays, Sundays, and legal holidays when the period is less than 7 days, unless stated in calendar days.

(3) Include the last day of the period unless it is a Saturday, Sunday, legal holiday, or — if the act to be done is filing a paper in court — a day on which the weather or other conditions make the clerk's office inaccessible.

(4) As used in this rule, "legal holiday" means New Year's Day, Martin Luther King, Jr.'s Birthday, Presidents' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, Christmas Day, and any other day declared a holiday by the President, Congress, or the state in which is located either the district court that rendered the challenged judgment or order, or the circuit clerk's principal office.

(b) Extending Time. For good cause, the court may extend the time prescribed by these rules or by its order to perform any act, or may permit an act to be done after that time expires. But the court may not extend the time to file:

(1) a notice of appeal (except as authorized in Rule 4) or a petition for permission to appeal; or

(2) a notice of appeal from or a petition to ~~enjoin, set aside, suspend, modify, enforce, or otherwise~~ review an order of an administrative agency, board, commission, or officer of the United States, unless specifically authorized by law.

(c) Additional Time after Service. When a party is required or permitted to act within a prescribed period after a paper is served on that party, 3 calendar days are added to the prescribed period unless the paper is delivered on the date of service stated in the proof of service.

FEDERAL CIRCUIT RULE

Rule 26. Computing and Extending Time

(a) Computation of Time; Closing the Clerk's Office. "Legal holiday" also means a day on which the clerk's office is closed by order of the court or the chief judge. Such an order will be posted publicly and its contents placed on a recording for telephone callers.

(b) Motion to Extend Time.

(1) A motion to extend the time prescribed by the Federal Rules of Appellate Procedure, the Federal Circuit Rules, or an order of this court must be made at least 7 days before the date sought to be extended, except:

(A) a motion to extend the time to respond to a motion must be made at least 5 days before the date sought to be extended; and

(B) in extraordinary circumstances, a motion may be made later than the deadlines prescribed in this rule, but an accompanying affidavit or unsworn declaration under penalty of perjury under 28 U.S.C. § 1746 must describe the extraordinary circumstances.

(2) Before filing the motion, the movant must inform all other parties that it will seek an extension.

(3) The movant must state in the motion whether any other parties object and, if so, whether a response in opposition will be filed.

(4) In addition to showing good cause, the motion must state:

(A) the date to be extended;

(B) the revised date sought;

(C) the number of days of extension sought; and

(D) the total number of days of extension previously granted to the movant.

(5) A request for an extension of more than 14 days must be accompanied by an affidavit or unsworn declaration of counsel or a pro se party under penalty of perjury under 28 U.S.C. § 1746 showing good cause for the extension.

Practice Notes

Opposition to Extension. If a party opposes a motion for extension of time, that party should file its response promptly. The court will not necessarily wait for an opposition before ruling on a motion.

Benefit of Timely Extension Request. Unless the court has previously ordered that there will be no further extensions, an appeal will not be dismissed for failure to file appellant's brief if appellant's motion to extend the time for filing was filed and served at least 7 days before the due date for the brief, but the motion has not been acted on by the due date.

Extension During Settlement Negotiations; Stipulation of Dismissal Without Prejudice Pending Settlement. Parties jointly stipulating that they are actively pursuing settlement of the case will be granted a reasonable extension of time to accomplish settlement. The parties may also move to dismiss the appeal pending settlement negotiations, with the appellant reserving the right to reinstate the appeal on notice to the clerk that the settlement negotiations have failed.

Court Order. Federal Rule of Appellate Procedure 26(c) does not apply when a court order requires action within a specified time; the due date is as specified in the order.

Rule 26.1. Corporate Disclosure Statement

(a) **Who Must File.** Any nongovernmental corporate party to a proceeding in a court of appeals must file a statement identifying all its parent corporations and listing any publicly held company that owns 10% or more of the party's stock.

(b) **Time for Filing.** A party must file the statement with the principal brief or upon filing a motion, response, petition, or answer in the court of appeals, whichever occurs first, unless a local rule requires earlier filing. Even if the statement has already been filed, the party's principal brief must include the statement ~~before the table of contents~~.

(c) **Number of Copies.** If the statement is filed before the principal brief, the party must file an original and 3 copies unless the court requires a different number by local rule or by order in a particular case.

Rule 26.1 Corporate Disclosure Statement

The corporate disclosure statement must be included in the certificate of interest prescribed in Federal Circuit Rule 47.4.

Practice Note

The requirements of Federal Rule of Appellate Procedure 26.1 are satisfied by filing a certificate of interest under Federal Circuit Rule 47.4. See Appendix of Federal Circuit Forms, Form 6.