

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT
Salaries and Expenses
SUMMARY STATEMENT OF ACCOUNT REQUIREMENTS

	Mandatory	Discretionary	Total
Total Fiscal Year 2022 Assumed Appropriation	\$3,241,000	\$34,006,000	\$37,247,000
Total Fiscal Year 2023 Appropriation Request	\$3,356,000	\$36,448,000	\$39,804,000
Total Requested Increase from Fiscal Year 2022 Assumed Appropriation	\$115,000	\$2,442,000	\$2,557,000

APPROPRIATION LANGUAGE

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of officers and employees, and for necessary expenses of the court, as authorized by law, [~~\$34,006,000~~]*\$36,448,000*

In addition, there are appropriated such sums as may be necessary under current law for the salaries of the chief judge and judges of the court.

(H.R 4502 - Financial Services and General Government Appropriations Act, 2022)

**SUMMARY OF REQUEST
COURT OF APPEALS FOR THE FEDERAL CIRCUIT
SALARIES AND EXPENSES
FISCAL YEAR 2023
(Dollar amounts in thousands)**

Page Fiscal Year 2023 Resource Requirements:

<u>No.</u>		<u>Mandatory</u>		<u>Discretionary</u>		<u>Total</u>	
		<u>FTE</u>	<u>Amount</u>	<u>FTE</u>	<u>Amount</u>	<u>FTE</u>	<u>Amount</u>
	Fiscal Year 2022 Assumed Obligations.....	12	3,241	140	36,514	152	39,755
	Utilization of Judiciary Information Technology Fund (including EPA) Balances.....		-		(2,508)		(2,508)
	Fiscal Year 2022 Assumed Appropriation.....	12	3,241	140	34,006	152	37,247
 <u>Adjustments to Base to Maintain Current Services:</u>							
A. Judges							
<i>Pay and benefits adjustments</i>							
2.11	1. Proposed 2023 pay adjustment (4.1% for nine months).....	-	90	-	-	-	90
2.11	2. Annualization of 2022 pay adjustment (2.2% for three months).....	-	19	-	-	-	19
2.11	3. Benefits increases						
	a. Health benefits.....	-	3	-	-	-	3
	b. FICA adjustment.....	-	3	-	-	-	3
 B. Court Support Personnel							
<i>Pay and benefits adjustments</i>							
2.12	4. Proposed 2023 pay adjustment (4.6% for nine months).....	-	-	-	591	-	591
2.12	5. Annualization of 2022 pay adjustment (2.7% for three months).....	-	-	-	116	-	116
2.12	6. Promotions and within-grade increases.....	-	-	-	189	-	189
2.12	7. Benefits increases						
	a. Health benefits.....	-	-	-	23	-	23
	b. FICA adjustment.....	-	-	-	5	-	5
2.13	8. One less compensable day.....	-	-	-	(77)	-	(77)

**SUMMARY OF REQUEST
COURT OF APPEALS FOR THE FEDERAL CIRCUIT
SALARIES AND EXPENSES
FISCAL YEAR 2023
(Dollar amounts in thousands)**

Page No.		<u>Mandatory</u>		<u>Discretionary</u>		<u>Total</u>	
		<u>FTE</u>	<u>Amount</u>	<u>FTE</u>	<u>Amount</u>	<u>FTE</u>	<u>Amount</u>
	C. Other Adjustments						
	<i>General Inflationary Adjustments</i>						
2.13	9. Inflationary increases in charges for contracts, services, supplies and equipment.....	-	-	-	134	-	134
2.13	10. Increases in GSA space rental costs.....	-	-	-	141	-	141
2.13	11. Law books and computer-assisted legal research (CALR).....	-	-	-	26	-	26
	Subtotal, Adjustments to Base to Maintain Current Services.....	-	115	-	1,148	-	1,263
	Total Current Services Appropriation Required.....	12	3,356	140	35,154	152	38,510
	D. Program Increases						
2.13	12. Replacement of Judges' elevator.....	-	-	-	1,294	-	1,294
	Total Program Additions Required.....	-	-	-	1,294	-	1,294
	Total Fiscal Year 2023 Appropriation Required.....	12	3,356	140	36,448	152	39,804
	Total Appropriation Increase, Fiscal Year 2022 to Fiscal Year 2023.....	-	115	-	2,442	-	2,557
	<u>Financing the Fiscal Year 2023 Request:</u>						
2.15	13. Utilization of Electronic Public Access Receipts and Judiciary Information Technology Fund.....	-	-	-	742	-	742
	Total Estimated Obligations, Fiscal Year 2023.....	12	3,356	140	37,190	152	40,546

**UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT
SALARIES AND EXPENSES**

Obligations by Activity (\$000)

Activity	FY 2021 Actual	FY 2022 Assumed Obligations	FY 2023 Request
Total Obligations	35,622	39,755	40,546
Unobligated Balance, Start of Year:			
Judiciary Information Technology Fund	(3,817)	(4,342)	(1,887)
Deposits and Other Adjustments:			
Prior Year Recoveries Judiciary Information Technology Fund	(28)		
PACER Receipts	(52)	(53)	(53)
Deposit to Judiciary Information Technology Fund	(1,460)		
Unobligated Balance, End of Year:			
Judiciary Information Technology Fund	4,342	1,887	1,198
Subtotal, Other Obligations	(1,015)	(2,508)	(742)
Direct Obligations	34,607	37,247	39,804
Deposit to Judiciary Information Technology Fund	1,460		
Unobligated Balance, End of Year	536		
Appropriation Total	36,603	37,247	39,804
Appropriation - Mandatory	3,103	3,241	3,356
Appropriation - Discretionary	33,500	34,006	36,448

Obligations by Budget Object Class (\$000)

Description	FY 2021 Actual	FY 2022 Assumed Obligations	FY 2023 Request
11 Personnel compensation	17,270	18,974	19,902
12 Personnel benefits	4,353	5,115	5,149
13 Benefits for former personnel	31	71	52
21 Travel	22	50	100
22 Transportation of things	35	37	39
23 Rent, communications and utilities			
<i>Rental payments to GSA</i>	6,424	6,606	6,747
<i>Communications utilities & misc. charges</i>	349	215	225
24 Printing and reproduction	9	14	15
25 Other services	5,107	5,637	5,740
26 Supplies and materials	81	107	120
31 Equipment	926	421	1,715
Direct Obligations	34,607	37,247	39,804
Other Obligations (JITF and PACER Obligations)	1,015	2,508	742
Total Obligations	35,622	39,755	40,546

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT
Salaries & Expenses
Relation of Direct Obligations to Outlays (\$000)

	FY 2021 Actual	FY 2022 Estimate	FY 2023 Request	Difference (+) or (-)
Direct obligations incurred	34,607	37,247	39,804	2,557
Obligated balance, start of year	3,928	4,073	4,610	537
Adjustments of prior year activity	328	0	0	0
Obligated balance, end of year	<u>(4,073)</u>	<u>(4,610)</u>	<u>(4,926)</u>	<u>(316)</u>
Total Outlays	34,790	36,710	39,488	2,778
Less Offsets	<u>(52)</u>	<u>(53)</u>	<u>(53)</u>	<u>0</u>
Net Outlays	34,738	36,657	39,435	2,778

Personnel Summary

	FY 2021 Actual	FY 2022 Estimate	FY 2023 Request	Difference (+) or (-)
Total compensable workyears:				
Full-time equivalent employment	144	152	152	0

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT				
SALARIES AND EXPENSES				
Summary of Mandatory Costs				
	Fiscal Year 2022		Fiscal Year 2023	
	No. of Judgeships	Compensation and Benefits (\$000)	No. of Judgeships	Compensation and Benefits (\$000)
Article III Judges	12	3,241	12	3,356

GENERAL STATEMENT AND INFORMATION

The United States Court of Appeals for the Federal Circuit (Federal Circuit), located in Washington, DC, has nationwide jurisdiction over a large number of diverse subject areas, such as appeals in all patent cases, all government contract cases, all international trade cases, government personnel cases, cases involving monetary claims against the United States under the Tucker Acts, veterans' benefits cases, and many others.

Appeals to the Court come from all 94 federal district courts, the United States Court of Federal Claims, the United States Court of International Trade, and the United States Court of Appeals for Veterans Claims. The court also takes appeals of certain administrative agencies' decisions, including the United States Merit Systems Protection Board, the Boards of Contract Appeals, the Patent Trial and Appeal Board, and the Trademark Trial and Appeal Board. Decisions of the United States International Trade Commission; the Office of Congressional Workplace Rights, an independent agency in the Legislative Branch; and the Government Accountability Office Personnel Appeals Board also are reviewed by the court. For additional information on the Court's jurisdiction, see the appendix beginning on page 2.16.

Reconstituting Court Operations

Following the closure of the Federal Circuit to the public and the transition to 95 percent of the staff teleworking beginning March 16, 2020, the Court shifted its operations to a remotely managed virtual environment. From April 2020 through August 2021, the Court conducted its monthly court sessions telephonically, hearing a total of 524 cases, including two *en banc* arguments in which the entire Court participates. Notwithstanding restrictions on in-person operations imposed by the ongoing pandemic, the Court ensured litigants continued to have full opportunity to present their cases.

The Court resumed in-person arguments in September 2021, following the reconstitution of on-site work at the courthouse in August 2021. In order to provide enhanced protection from the COVID-19 virus, the Court purchased and installed clear acrylic barriers for each of its three courtrooms as well as air filtration systems. A rigorous COVID-19 mitigation policy was developed for individuals entering the courthouse. In addition, the Court implemented protocols to allow counsel to appeal before a panel of judges either in person or to request to appear by video. To date, the Court has successfully conducted a limited number of these hybrid-style arguments each month, with the majority of arguments occurring in person. Although in-person access to the courthouse remains limited, the Court continues to provide livestreamed audio of its arguments to the public. Based on lessons learned during the

pandemic, the Court is embarking on a significant upgrade to the aging collection of components and technologies essential to the conduct of proceedings in its three courtrooms, which support 60 or more oral arguments per month.

Security Issues

Improving the physical security posture of federal courthouses is a priority for the entire federal judiciary, and the need to achieve that objective at the Howard T. Markey National Courts Building (NCB) is particularly acute. Located on Lafayette Square near the White House, the civil unrest dominating the national news for most of the summer of 2020, and again in the run up to the 2020 Presidential election, took place literally on the Court's doorsteps. The events in 2020 not only damaged the building, but underscored a unique vulnerability resulting simply from the NCB's proximity to the White House.

The Federal Circuit depends on contract guards to keep judicial officers, staff, and the public safe and secure. These contract guards require consistent oversight by members of the United States Marshals Service (USMS), the federal organization responsible for judicial security. Beginning in November 2019, several security vulnerabilities were identified at the NCB. Those vulnerabilities included security issues related to contract guard oversight, routine testing of security systems and equipment, and other security countermeasures. The issues have since been addressed utilizing a pilot program under which the USMS provides regular security oversight and improved collaboration with court staff. The court has executed an inter-agency agreement with the USMS to provide for the additional security support of an on-site USMS officer at the NCB starting in FY 2022. The on-site USMS presence will help ensure that essential security measures are in place, regularly reviewed, and properly maintained.

Just as the Federal Circuit's security depends on reliable contract security officers, it also depends on reliable and up-to-date security equipment. As part of the nationwide initiative for the USMS to update physical access control systems (PACS) in courthouses, the NCB, which houses both the United States Court of Appeals for the Federal Circuit and the United States Court of Federal Claims, will undergo a complete overhaul of its security equipment for the first time in more than 20 years in FY 2022, subject to the availability of funds. Obsolete security equipment within the courthouse complex will be replaced with new and vastly improved components and capabilities.

The PACS project will also improve perimeter security at the NCB complex, including the replacement of wedge barriers to control access to a loading dock in an alleyway next to the building, enhanced controls to garage entry, and the installation of a sufficient number of cameras with pan, tilt, and zoom features that will create overlapping fields of view to eliminate blind spots. Installation of

protective vehicle barrier bollards around the northwest corner of the NCB complex, a measure recommended by the Federal Protective Service, was completed in November 2021.

Promoting Operational Excellence

The Clerk's Office of the Federal Circuit strives to be a model organization for the judiciary as well as for federal agencies across the country. As a result of new requirements identified during pandemic operations, the Federal Circuit Clerk's Office focused much of the past year on implementing new quality management systems to increase efficiencies and to create a more adaptable operation. These efforts were driven by the court's overall commitment to minimizing the pandemic's impact on the resolution of its cases, and by the end of FY 2021, the court reduced average internal case processing time by 49% and reduced the average time from completion of case briefing to calendaring by 58%. Overall, these enhancements contributed to the court reducing the median time to disposition of cases on the merits by 14% by the end of FY 2021.

In October 2021, after months of development and testing, the Federal Circuit launched its new public website, providing expanded search capabilities for court opinions and orders, court statistics, and audio recordings of oral arguments, as well as including a streamlined method for communicating with the court. Case participants and counsel can also access expanded resources and information about filing with the court and the different stages of the appellate process. The new website provides audience-specific content sections, including new public civic education content and resources as part of the federal judiciary's ongoing initiative to expand public digital civic engagement opportunities.

The Clerk's Office has resumed efforts to work with judiciary colleagues across the Third Branch to implement programs to enhance workforce capabilities, to implement proven quality management systems, and to drive better utilization of available resources. Of note, the Clerk's Office is working with staff at the Administrative Office of the United States Courts to create content for its Operational Learning Series to promote the Federal Circuit's award-winning case management training program. Additionally, the Clerk's Office has already begun partnering with other federal courts to begin piloting similar programs in their courts.

FISCAL YEAR 2022 APPROPRIATIONS

In the absence of an enacted FY 2022 appropriation, the judiciary built the FY 2023 budget request for the United States Court of Appeals for the Federal Circuit on an FY 2022 assumed appropriation of \$34,006,000, which is the current services level.

For bill language for this account, the judiciary used the relevant language from H.R. 4502, which includes the House-passed version of the Financial Services and General Government Appropriations Act, 2022, as the closest approximation of eventual enacted FY 2022 appropriations language, updated with the assumed funding level as described above.

After full year FY 2022 appropriations are enacted, the judiciary will re-estimate its FY 2023 budget request and transmit to the Appropriations Committees any changes to FY 2023 appropriation requirements and bill language.

Justification of Changes

The FY 2023 request for the Court of Appeals for the Federal Circuit totals \$39,804,000. This request includes \$3,356,000 for mandatory expenses and \$36,448,000 for discretionary expenses. The discretionary request includes \$1,148,000 in adjustments to base necessary to maintain current services and one program increase of \$1,294,000 for a total discretionary spending increase of \$2,442,000. The discretionary request of \$36,448,000 is a 7.2 percent increase from the FY 2022 assumed appropriation amount of \$34,006,000.

Adjustments to base to maintain current services include funds for the following: increased salaries and benefits costs for judges and current staff as well as increased costs for required routine operating activities such as rent, postage, telecommunications, printing, office supplies, security, and computer-assisted legal research services. This request includes one program increase required for the essential replacement of one of two courthouse judges' elevators. Justification for this program increase begins on page 2.13.

ADJUSTMENTS TO BASE TO MAINTAIN CURRENT SERVICES

A. JUDGES

1. Proposed 2023 pay adjustment

Mandatory Increase: \$90,000

The judiciary is assuming federal pay rates will increase by 4.6 percent for staff and 4.1 percent for judges in January 2023. The requested increase provides for the cost of nine months of the anticipated pay raise in FY 2023, from January 2023 to September 2023. (If the pay adjustment included in the President's FY 2023 budget request is different from this guidance, the judiciary will revise this line item in its FY 2023 budget re-estimate.)

2. Annualization of 2022 pay adjustment

Mandatory Increase: \$19,000

The requested increase provides for the annualized costs of the 2022 pay adjustment of 2.7 percent for staff and 2.2 percent for judges associated with the Employment Cost Index (ECI), effective as of January 2022. The requested increase provides for the cost of three months (from October 2022 to December 2022) of the 2022 pay increase in FY 2023.

3. Benefits increases

a. Health benefits

Mandatory Increase: \$3,000

Based on information from the Office of Personnel Management, health benefit premium contributions are projected to increase by an average of 2.4 percent both in January 2022 and January 2023. The requested increase annualizes the 2022 premium increase and includes a nine-month provision for the increase anticipated for FY 2023.

b. FICA adjustment

Mandatory Increase: \$3,000

Based on information from the Social Security Administration, employer contributions to the Old Age, Survivor, and Disability Insurance (OASDI) portion of the FICA tax will increase in 2022. The salary cap for OASDI increased from \$142,800 to \$147,000 in January 2022. The requested amount is needed to pay the court’s contribution in FY 2023.

B. PERSONNEL

Pay and Benefits Adjustments

4. Proposed 2023 pay adjustment

Requested Increase: \$591,000

The judiciary is assuming federal pay rates will increase by 4.6 percent in January 2023. The requested increase provides for the cost of nine months of the anticipated pay raise in FY 2023, from January 2023 to September 2023. (If the pay adjustment included in the President’s FY 2023 budget request is different from this 4.6 percent guidance, the judiciary will revise this line item in its FY 2023 budget re-estimate.)

5. Annualization of 2022 pay adjustment

Requested Increase: \$116,000

The requested increase provides for the annualized costs of the 2022 pay adjustment for Employment Cost Index (ECI) and

locality pay. As a result of the ECI and locality adjustment, federal pay rates increased by an average of 2.7 percent, effective as of January 2022. The requested increase provides for the cost of three months (from October 2022 to December 2022) of the 2022 pay increase in FY 2023.

6. Promotions and within-grade increases

Requested Increase: \$189,000

The requested increase provides for promotions and within-grade increases for personnel. The salary plan for judicial support personnel provides for periodic within-grade increases for staff who receive at least a satisfactory performance rating.

7. Benefits increases

a. Health benefits

Requested Increase: \$23,000

Based on information from the Office of Personnel Management, health benefit premium contributions are projected to increase by an average of 2.4 percent both in January 2022 and January 2023. The requested increase annualizes the 2022 premium increase and includes a nine-month provision for the increase anticipated for FY 2023.

b. FICA adjustment

Requested Increase: \$5,000

Based on information from the Social Security Administration, employer contributions to the Old Age, Survivor, and Disability Insurance (OASDI) portion of the FICA tax will increase in 2022. The salary cap for OASDI increased from \$142,800 to \$147,000 in January 2022. The requested amount is needed to pay the court's contribution in FY 2023.

8. One less compensable day

Requested Decrease: (\$77,000)

There is one less compensable day in FY 2023 than in FY 2022. The requested decrease adjusts for personnel compensation and benefits associated with one less compensable day.

C. OTHER ADJUSTMENTS

General Inflationary Adjustments

9. Inflationary increases in charges for contracts, services, supplies, and equipment

Requested Increase: \$134,000

Consistent with guidance from the Office of Management and Budget, this request of \$134,000 is required to fund inflationary increases of 2.0 percent for operating expenses

such as travel, communications, printing, contractual services, supplies and materials, and furniture and equipment.

10. Inflationary increase in GSA space rental costs

Requested Increase: \$141,000

This request represents an inflationary increase and adjustments in the cost of GSA space rental charges for space occupied by the court for FY 2023 based on a rent estimate provided by GSA.

11. Law books and computer-assisted legal research (CALR)

Requested Increase: \$26,000

An adjustment of \$16,000 is requested to fund an estimated 5.0 percent increase in the cost of library services, including law book accessions and continuations, and an adjustment of \$10,000 is requested to fund an estimated 4.0 percent increase in the cost of computer-assisted legal research resources.

D. PROGRAM INCREASE

12. Replacement of judges' elevator

Requested Increase: \$1,294,000

This \$1,294,000 request represents the Federal Circuit's cost to replace one of two non-public elevators used by judges and staff in the Howard T. Markey National Courts Building (NCB), which houses both the Court of Appeals for the Federal

Circuit and the Court of Federal Claims. These two judges' elevators exclusively serve the separate judges' security entrance to the NCB and permit direct access by judges to the parking level of the building without public exposure. The elevators are essential components of security protocols for the judges of both courts.

In FY 2023, GSA will undertake a project to modernize the public elevators in the NCB complex which includes the Howard T. Markey National Courts Building, the Dolley Madison House, the Cosmos Club, and the Tayloe House. GSA will fund the replacement of the elevators in public space, but the Federal Circuit and the Court of Federal Claims are responsible for the replacement costs for the two non-public judges' elevators in tenant space. Each court will be responsible for the expense of replacing one non-public elevator at the GSA projected cost of \$1,294,000 per elevator. This is a design-build construction price and includes construction management support, GSA overhead, GSA's Reimbursable Work Authorization (RWA) fees, and other miscellaneous related expenses.

The elevator in the NCB Library and the one in the Tayloe House are both original to the 1960s construction of the court complex and recently have been in a persistent state of breakdown. In one eight-day period in November 2021 alone, for example, there were three separate entrapment episodes in the Library elevator and one sudden drop incident, causing the Library elevator to be completely taken out of service. Continued use of the elevator puts the safety of judges, staff,

and the public at risk. Taking it out of service renders upper levels of the Library totally inaccessible to individuals with mobility issues.

The public and two non-public judges' elevators located in the NCB, on the other hand, were retrofitted in the mid-1990s with new cabs and controls. Unfortunately, mechanical parts for the retrofitted elevators are no longer made, effectively making all the elevators obsolete. If critical mechanical parts should fail, continued repairs to the elevator equipment requires finding and procuring used parts from other already dismantled elevators and hoping that the used parts will not themselves fail.

Furthermore, since the time that the elevators were retrofitted in the mid-1990s, there have been tremendous advances in elevator technology designed to enhance safety and passenger security. New elevators will permit the NCB complex to implement those advances.

GSA has assigned priority to its elevator modernization project in the NCB complex. It is important that the replacement of the non-public judges' elevator to be updated at Federal Circuit expense be included in the project to help ensure the safety of the judges and staff using them.

FINANCING THE FISCAL YEAR 2023 REQUEST

13. Utilization of Electronic Public Access Receipts and Judiciary Information Technology Fund

Estimated obligation of available balance from Judiciary Information Technology Fund and Electronic Public Access Receipts: \$742,000

The court anticipates obligating \$53,000 of Electronic Public Access receipts in FY 2023. These funds will be used for various expenditures to improve electronic access to court information and services for the public.

The court also anticipates obligating \$689,000 from the Judiciary Information Technology Fund (JITF) in FY 2023. This amount includes all required cyclical replacement of equipment. Cyclical information technology equipment replacements scheduled for FY 2023 include the Court's network printers used by chambers and staff and telecommunications devices. The five-year cyclical replacement of the court's desktop computers (including a combination of desktop towers and Virtual Desktop Infrastructure [VDI] clients) will also occur in FY 2023.

Obligations will also include contract services related to Office 365 projects for the Clerk's Office, including Microsoft Dynamics. In addition, the JITF will be used for the annual renewal of software licenses such as Office 365 and the many other software packages integral to Court operations. Finally,

IT equipment maintenance expenses will be paid using funds from the JITF.

APPENDIX

The following is a more complete listing of the Federal Circuit's jurisdiction. It hears appeals from:

- (A)** final decisions of all Federal District Courts in cases arising under 28 U.S.C. § 1338(a) relating to patent laws generally; 35 U.S.C. §§ 145-146 and 154(b) relating to review of decisions of the Patent and Trademark Office, Patent Trial and Appeal Board; 28 U.S.C. § 1346(a)(2) relating to Little Tucker Act claims against the United States; and section 211 of the Economic Stabilization Act of 1970, section 5 of the Emergency Petroleum Allocation Act of 1973, section 506 (c) of the Natural Gas Policy Act of 1978, and section 523 of the Energy Policy and Conservation Act relating to all statutes formerly under the jurisdiction of the Temporary Emergency Court of Appeals;
- (B)** final decisions of the United States Court of International Trade, 28 U.S.C. § 2645(c);
- (C)** final decisions of the United States Court of Appeals for Veterans Claims, 38 U.S.C. § 7292;
- (D)** final decisions of the United States Court of Federal Claims, 28 U.S.C. § 2522 and 42 U.S.C. §§ 300aa - 12(f);
- (E)** certain final decisions of the High Court of the Trust Territory of the Pacific Islands, 48 U.S.C. § 1901, note and § 1931, note (1988) (Compact of Free Association; Federated States of Micronesia, Republic of Marshall Islands, TITLE II, Title One, Article VII, § 174(c));
- (F)** final determinations of the United States International Trade Commission relating to unfair practices in import trade made under 19 U.S.C. § 1337;

- (G)** findings of the Secretary of Commerce under U.S. note 6 to subchapter X of chapter 98 of the Harmonized Tariff Schedule of the United States relating to importation of educational or scientific instruments and apparatus;
- (H)** final orders or decisions of the Merit Systems Protection Board and certain arbitrators, 5 U.S.C. § 7703;
- (I)** final decisions of the General Accounting Office Personnel Appeals Board, 31 U.S.C. § 755;
- (J)** final decisions of Boards of Contract Appeals, 41 U.S.C. § 7107(a)(1);
- (K)** final decisions of the Patent and Trademark Office tribunals on, among other things, patent applications, trademark applications and interferences, cancellations, concurrent use proceedings, and oppositions, 35 U.S.C. § 141 and 15 U.S.C. § 1071;
- (L)** appeals under section 71 of the Plant Variety Protection Act of 1970, 7 U.S.C. § 2461;
- (M)** certain actions of the Secretary of Veterans Affairs, 38 U.S.C. § 502;
- (N)** decisions of the Bureau of Justice Assistance, 42 U.S.C. § 3796c-2;
- (O)** certain actions of the Board of Directors of the Office of Congressional Workplace Rights of the U.S. Congress under 2 U.S.C. § 1407(a); and
- (P)** final decisions of certain agencies pursuant to 28 U.S.C. § 1296.

Pursuant to 28 U.S.C. § 1292(c), the Federal Circuit also has exclusive jurisdiction regarding:

- a. appealable interlocutory orders or decrees in cases where the court would otherwise have jurisdiction over an appeal; and
- b. appeals from judgments in civil actions for patent infringement otherwise appealable to the court and final except for accounting.

Under the provisions of 28 U.S.C. § 1292(d), the court:

- a. has exclusive jurisdiction of appeals from interlocutory orders granting or denying, in whole or in part, a motion to transfer an action to the Court of Federal Claims; and
- b. may, in its discretion, permit an appeal from an interlocutory order of a judge who certifies that there is a controlling question of law and a substantial ground for difference of opinion thereon, and that an immediate appeal may materially advance the ultimate termination of the litigation.