

Rule 81. Papers Filed; Conformity; Form, Size, Copies

(a) Conformity Required. All papers filed with the court must be produced, duplicated, and filed in conformity with these rules as to means of production, methods of duplication, form and size, and number of copies.

(b) Means of Production. All papers must be plainly and legibly typewritten or otherwise produced by any duplicating or copying process.

(c) Caption and Signing. All papers must bear a caption in conformity with Rule 7 and must be signed in conformity with Rule 11.

(d) Numbering of Pages. The pages of each paper must be numbered consecutively, commencing with the number 1.

(e) Designation of Originals. When multiple copies of a paper are filed, one must be designated as the original by the party.

(f) Pleadings and Other Papers. Unless otherwise provided by these rules, all papers must be filed in duplicate, only the original of which need be signed. Pleadings and other papers must be 8½ by 11 inches in size, with typed matter not exceeding 6½ by 9½ inches, and with type size of 12 points or larger, including type used in footnotes. Pages must be numbered on the bottom and bound or attached on the top margin. Typed matter must be double spaced except footnotes, which may be single spaced, quoted material, which may be indented and single spaced, and titles, schedules, tables, graphs, columns of figures, and other interspersed material which are more readable in a form other than double spaced.

(g) Status of Case. Papers filed after a case has been commenced must identify, with respect to each case affected by the papers, the court number

assigned to the case, the court calendar on which the case is listed; and, if the case has been assigned, the name of the judge to whom the case has been assigned or reassigned.

(h) Confidential Information.

(1) If a party considers it necessary to refer in a pleading or other paper to confidential or privileged information, two sets of the pleadings or other papers must be filed.

(A) Confidential Set. One set of the pleadings or other papers must be labeled "Confidential" on the cover page and be filed with the clerk of the court. In addition, each page containing confidential material must bear a legend so indicating; however, in a case where Rule 73.2(c) is applicable, the label "Business Proprietary" may be used instead.

(B) Nonconfidential Set. The second set of pleadings or other papers must be labeled "Nonconfidential" on the cover page and be filed with the clerk of the court. In addition, each page of the "nonconfidential" set from which confidential or privileged information has been deleted must bear a legend so stating.

(2) Each party to the case must be served with one copy of the "nonconfidential" pleading or other paper, and, when permitted by an applicable protective order, one copy of the "confidential" pleading or other paper, in accordance with Rule 5.

(3) Non-Availability to the Public. The "confidential" set of pleadings or other papers filed with the court will be available only to authorized court personnel and will not be made available to the public.

(i) Briefs or Memoranda. A brief or memorandum must be filed in duplicate and must be 8½ by 11 inches in size. Pages must be numbered on the bottom portion thereof and bound or attached on the left margin. Typed matter must be double spaced, except quoted material which may be indented and single spaced, and except titles, schedules, tables, graphs, columns of figures, and other interspersed material which are more readable in a form other than double spaced.

(j) Movant's Brief or Memorandum. A brief or memorandum of the movant must contain under proper headings and arranged in the following order:

(1) a table of contents;

(2) a table of statutes, regulations, and cases cited, giving the volume and page in the official editions where they may be found, and arranging the cases in alphabetical order;

(3) in a case involving a specific importation, a brief description of the merchandise, country of origin and of exportation, date of exportation, date of entry, and port of entry;

(4)(A) in cases involving classification, the verbatim paragraph or paragraphs or item or items of the tariff statute under which the merchandise was assessed, and the verbatim paragraph or paragraphs or item or items under which it is claimed that the

merchandise is properly dutiable, together with any other verbatim pertinent statutory provisions or regulations; (B) in cases involving valuation, the statutory basis of appraisal and the unit of value at which the merchandise was appraised, and the claimed statutory basis of value and unit of value, together with the verbatim pertinent statutory provisions;

(5) the questions presented for decision, including all subsidiary questions involved; when a brief is filed under Rule 56.2, the issues must be presented in accordance with Rule 56.2(c)(1)(B), and need not be restated under this paragraph (5);

(6) a concise statement of facts relevant to the issues with a specific citation to the page or pages in the record or exhibits supporting each such material fact;

(7) a summary of argument, which must be a succinct, but accurate and clear, condensation of the contentions made in the body of the brief;

(8) an argument, exhibiting clearly the contentions of the party with respect to the issues presented, and the reasons therefor, with citations to the authorities, statutes, exhibits, and pages of the record relied on;

(9) a short conclusion stating the relief sought.

(k) Responding Party's Brief or Memorandum. A brief or memorandum of a responding party must conform to the requirements prescribed in subdivision (j) of this rule, except that no statement of the facts need be made beyond what may be considered necessary to correct any inaccuracies or omissions in the

movant's brief, and except that items (3), (4) and (5) need not be included unless a responding party is dissatisfied with their presentation by the movant.

(l) Reply Brief or Memorandum. A reply brief or memorandum must be confined to rebutting matters contained in the brief of a responding party.

(m) General. A brief or memorandum must be concise, logically arranged, and free from burdensome, irrelevant, immaterial, pejorative and scandalous matter. A brief or memorandum not complying with this rule may be disregarded by the court.

PRACTICE COMMENT: All decisions of the United States Court of International Trade are published in: slip opinion form, the Customs Bulletin, and the official reports of the United States Court of International Trade. Certain decisions will also be published in the Federal Supplement or the Federal Rules Decisions. Decisions are also available on the LEXIS and WESTLAW electronic databases and those issued beginning in 1999 may be viewed on the website of the United States Court of International Trade, www.cit.uscourts.gov.

The rules of citation for papers filed in the court are as follows:

1. Slip Opinions

When citing a slip opinion, one should cite the slip opinion number, together with the volume number of the official reports, if available, and full date of publication. This form is used until the opinion appears in full in the United States Court of International Trade Reports (CIT).

Examples

Timken Co. v. United States, 26 CIT , Slip Op. 02-30 (Mar. 20, 2002);

OR, LEXIS or WESTLAW citation,

Arbon Steel & Service Co. v. United States, Slip Op. 02-8,
2002 Ct. Int'l Trade LEXIS 7 (CIT Jan. 24, 2002).

Arbon Steel & Service Co. v. United States, Slip Op. 02-8,
2002 WL 100627 (CIT Jan. 24, 2002).

2. Published Opinions

After an opinion appears in the official CIT reports, Federal Supplement (F. Supp. or F. Supp. 2d), or Federal Rules Decisions (F.R.D.), the slip opinion is no longer used, and the citation is to the official reports, and unofficial reports, if available, together with the year of publication. One should not cite the Customs Bulletin and Decisions in any event.

Example

JCM, Ltd. v. United States, 23 CIT 121 (1999).

If the opinion is also published in F. Supp., F. Supp. 2d or F.R.D., citation of these reporters should follow the citation of the official reports.

Examples

Ludvig Svensson (U.S.) Inc. v. United States, 23 CIT 573, 62 F. Supp. 2d 1171 (1999);

NOT, 23 CIT 573, Slip Op. 99-82, 62 F. Supp. 2d 1171 (1999).

3. Customs Court Opinions

The form of citation for opinions of the United States Customs Court remains the same.

Examples

Labay Int'l, Inc. v. United States, 83 Cust. Ct. 152, C.D. 4834 (1979);

OR, if there is a F. Supp. or F.R.D. cite,

Alberta Gas Chems., Inc. v. United States, 84 Cust. Ct. 217, C.R.D. 483 F. Supp. 303 (1980).

4. Abstracts

Abstracts of decisions not supported by an opinion should be numbered, published, and cited. These abstracts include decisions and judgments on agreed statements of facts, on motions for summary

judgments, and on motions for judgments on the pleadings in only classification and valuation cases.

Examples

Uniroyal, Inc. v. United States, 84 Cust. Ct. 275, Abs. P80/59 (1980);

Nichimen Co. v. United States, 1 CIT 234, Abs. R81/20 (1981).

5. Decisions of the Board of General Appraisers

Citation of the decisions of the Board of General Appraisers should be as follows:

Example

In re Pickhardt & Kuttroff, T.D. 20,728, 1 Treas. Dec. 373 (1897).

6. Court of Customs Appeals Opinions

Citation of the opinions of the Court of Customs Appeals (Ct. Cust. App.) should be as follows:

Example

Kahlen v. United States, 2 Ct. Cust. App. 206 (1911).

7. Court of Customs and Patent Appeals

Citation of opinions of the Court of Customs and Patent Appeals (CCPA) should be as follows:

Examples

Coro, Inc. v. United States, 41 CCPA 215, C.A.D. 554 (1954);

OR, if there is an F.2d cite,

United States v. Mobay Chem. Corp., 65 CCPA 53, C.A.D. 1206, 576 F.2d 368 (1978).

8. Court of Appeals for the Federal Circuit

Customs and trade cases adjudged in the United States Court of Appeals for the Federal Circuit should be cited by F.2d or F.3d, if therein, otherwise cite to official reporter. Decisions are also available on the LEXIS and WESTLAW electronic databases.

Examples

Ciba-Geigy Corp. v. United States, 223 F.3d 1367 (Fed. Cir. 2000).

OR, if the F.3d is not available,

American Silicon Techs. v. United States, Appeal No. 02-1033 (Fed. Cir. Oct. 22, 2001);

NOT, American Silicon Techs. v. United States, Appeal No. 02-1033, Slip Op. (C.A.F.C. Oct. 22, 2001).

9. Statutes

Citation of statutes of the United States should include both the popular name of the act and the title and section of the United States Code.

a) Citation of a statute as it appears in a sentence in text.

Example

Plaintiff moves for certification pursuant to section 222(3) of the Trade Act of 1974, 19 U.S.C. § 2272(3) (1982).

b) Citation standing alone.

Example

Trade Act of 1974, § 222(3), 19 U.S.C. § 2272(3) (1982).

10. Rules

Citation of the rules of this court and its predecessor court, the Customs Court, should be as follows:

a) Rules of the United States Court of International Trade

Example

USCIT R. 56

b) Rules of the United States Customs Court

Example

Cust. Ct. R. 4.6

11. Miscellaneous

Ellipsis (. . .)

Pursuant to Rule 5.3 of A Uniform System of Citation, when a word or words are omitted from quoted material it should be indicated by an ellipsis (. . .), and not asterisks (***) .

12. Code of Federal Regulations

Cite final federal administrative rules and regulations to the Code of Federal Regulations, which is abbreviated "C.F.R."

Example:

19 C.F.R. § 353.58 (1994).

13. Federal Register

Cite determinations in antidumping and countervailing duty matters to the Federal Register.

Examples:

Certain Hot-Rolled Flat-Rolled Carbon-Quality Steel Products from Brazil, 63 Fed. Reg. 56,623 (Dep't Commerce Oct. 22, 1998) (initiation of countervailing duty investigation).

Certain Hot-Rolled Steel Products from Brazil and Russia, 64 Fed. Reg. 46,951 (ITC Aug. 27, 1999) (final determination).

14. International Trade Administration - Unpublished Decision Memoranda

Federal Register notices with unpublished decision memoranda are available on the official ITA website. These unpublished memoranda are also available on both LEXIS and WESTLAW databases. LEXIS includes decision memoranda as addendums to the Federal Register Notice, and

WESTLAW links to decision memoranda from the Federal Register Notice.

Example:

Decision Memorandum, A-201-802, ARP 9-98 (Mar. 15, 2000), available at <http://ia.ita.doc.gov/frn/summary/2000mar.htm>;

15. International Trade Commission Decisions

When citing International Trade Commission decisions, cite by product name and country, ITC Publication number, number of the case or investigation, and month and year of issue in parentheses. Recent ITC decisions are available on the official ITC website and also on both LEXIS and WESTLAW databases.

Examples:

Melamine Institutional Dinnerware from China, Indonesia, and Taiwan, USITC Pub. 3016, Inv. Nos. 731-TA-741-743 (Feb. 1997);

Automotive Replacement Glass Windshields from China, USITC Pub. No. 3494, No. 731-TA-922 (Mar. 2002), available at <http://www.usitc.gov/webpubs.htm>;

Uranium from Kazakhstan, USITC Pub. 3213, Inv. No. 731-TA-539-A (July 1999), available at 1999 ITC LEXIS 467.

16. Customs Rulings

When citing U.S. Customs Headquarters Rulings or National Commodity Specialist Division in New York Rulings cite by HQ or NY number and month, day and year in parentheses. Include citation to LEXIS or WESTLAW if available.

Examples:

HQ 963396 (Mar. 28, 2000);

NYRL 810328 (Sept. 8, 1999);

HQ 963396 (Mar. 28, 2000), available at 2000 WL 683703.

For further rules of citation, reference may be made to *The Bluebook: A Uniform System of Citation* (Columbia L. Rev. et al. ed., 18th ed. Harvard Rev. Assn.

2005) [Bluebook]. For punctuation, capitalization, abbreviations, and other matters of style, reference may be made to the U.S. Government Printing Office Style Manual. Assistance in citing recent decisions of this court may be obtained from the court librarian (212) 264-2816.

PRACTICE COMMENT: The court has established Security Procedures For Safeguarding Confidential Information in the Custody and Control of the Clerk. These procedures apply to confidential information or privileged information received by the court and may include: trade secrets, commercial and financial information, and information provided to the United States by foreign governments or foreign businesses or persons. These procedures do not pertain to national security information.

Section 11(a) of the Security Procedures regulates the transmittal of confidential information to and from the clerk by government agencies and private parties. A copy of Section 11(a) is available upon request from, and is posted in the office of the clerk.

PRACTICE COMMENT: Compliance with Rule 81 is encouraged because it will facilitate review of papers by the court. Pursuant to Rule 5(e), the clerk may refuse to accept any paper presented for filing because it does not comply with the procedural requirements of the rules or practice of the court. Additionally, a judge may reject nonconforming papers or take other appropriate action if it is determined that such action is warranted.

PRACTICE COMMENT: Rule 5(h) contains requirements for designation of business proprietary and other confidential information and the form of notification required when a party desires to delay filing a non-confidential version of a submission by one business day.

(As amended Oct. 3, 1984, eff. Jan. 1, 1985; July 28, 1988, eff. Nov. 1, 1988; Nov. 29, 1995, eff. Mar. 31, 1996; May 1, 1998, eff. Sept. 1, 1998; Jan. 25, 2000, eff. May 1, 2000; Dec. 18, 2001, eff. Apr. 1, 2002; Sept. 30, 2003, eff. Jan. 1, 2004; May 25, 2004, eff. Sept. 1, 2004; Nov. 25, 2008, eff. Jan. 1, 2009.)