

**THE AMERICAN INTELLECTUAL PROPERTY ASSOCIATION'S
AMICUS REQUEST AND RESPONSE PROCEDURES
Updated August 25, 2026**

All requests for the participation of the American Intellectual Property Law Association ("AIPLA") as *amicus curiae* in pending cases should be directed to AIPLA's Amicus Committee (the "Committee") for initial consideration.

AMICUS REQUEST REQUIREMENTS

AIPLA is focused on participation in cases where its participation would be in the interest of the IP Community and the practice of IP law and where AIPLA's participation can bring additional perspective beyond that of the parties.

AIPLA's procedure has multiple steps and requires a significant investment of time and effort. ***Accordingly, requests having deadlines shorter than eight weeks are unlikely to be pursued absent exceptional or compelling circumstances.*** Even if the deadline is longer, time is of the essence. Generally speaking, requests with shorter deadlines are more likely to be infeasible and thus less likely to be pursued.

So that the Amicus Committee can fully and properly assess the merits of the request, the request must include:

- (1) The opinion of the court/agency giving rise to the request;
- (2) Any other materials that are essential to understanding the issues, *e.g.*, parties' briefs;
- (3) a short letter (< 3 pages) listing the materials in (2) and succinctly outlining:
 - (a) the issue(s) in the case that you want AIPLA to consider;
 - (b) the principal reasons why the opinion of the court/agency should or should not be supported regarding the issue(s) in (a);
 - (c) why the court's/agency's handling of the issue(s) materially affects the state of the law or the intellectual property bar;
 - (d) the deadline for AIPLA to file an amicus brief; and
- (4) A copy of this memorandum, as an acknowledgement and an appraisal of these requirements to opposing counsel of record.

The request must be sent by email to amicusrequest@aipla.org. ***Please note that this account has a 20MB limit*** and, as a result, you may need to break up the required materials in more than one email. The email(s) will be forwarded to the current Committee Chair and Vice-Chair of the Amicus Committee: Barbara Fiacco, Chair and Lisa Tittamore, Vice Chair.

If the request originates from any party and/or counsel of record in the case, the request must also be cc'ed by email to opposing counsel of record in the case expressly noting that, pursuant to this memorandum of procedures, any response to the request must be submitted within three business days after receipt of the request., i.e., counsel that receives

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service via CM/ECF. If the request originates from a third party, the third party should additionally identify its interest in the case.

RESPONDING TO AN AMICUS REQUEST

If a party and/or counsel of record, including but not limited to opposing counsel of record, wants to respond to the request, the response must include:

- (1) Any materials that are essential to understanding the issues that were not previously provided in the request; and
- (2) a short letter (< 3 pages) listing the materials in (1) and responding to the merits of the request.

The response must be sent by email to all addressees of the request, ***within three business days*** after receipt of the request.

Requests are not confidential and may be forwarded to the parties and/or counsel of record for a response or other comment. If the Committee Chair and/or Vice-Chair do not receive a response within the three-day time period, it will be assumed that the party and/or counsel of record does not wish to respond to the request.

AIPLA'S *CONFIDENTIAL* CONSIDERATION OF AMICUS PARTICIPATION AFTER RECEIVING A REQUEST AND ANY RESPONSE

The Amicus Committee recommends to the AIPLA Board of Directors whether AIPLA should participate in a case as *amicus curiae* and what position it should take. The Board has final authority over participation, AIPLA's position, and selection of the brief's authors.

All aspects of AIPLA's review are confidential. To the extent AIPLA requires any approval or other notification of a party and/or counsel of record in order to participate as *amicus curiae*, AIPLA will not divulge any aspect of its planned participation unless required by applicable court rules.

As noted above, requests having deadlines shorter than eight weeks are unlikely to be pursued absent exceptional or compelling circumstances.

With the above in mind, AIPLA does not object to your seeking an extension of time on the ground that you have requested AIPLA *amicus curiae* participation. However, in communicating with any court/agency about possible AIPLA amicus participation, the parties and counsel should remember that the fact that AIPLA is considering *amicus curiae* participation does not necessarily mean that AIPLA believes that the court/agency has made an error or a correct decision, or that AIPLA will eventually decide to participate.

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AIPLA's decision to not participate as *amicus curiae* does not necessarily mean AIPLA agrees with the court's/agency's opinion or otherwise acquiesces in the outcome(s) of the issue(s) in the case. AIPLA considers it highly inappropriate for a party to attach any particular significance to such action by AIPLA in any brief or argument to a court/agency. AIPLA often decides not to participate as *amicus curiae* for reasons that have no relation to the merits (including feasibility, as identified above).

When participating as *amicus curiae*, AIPLA retains total control over its position in the case, even if that position is adverse to that of the party which brought the case to AIPLA's attention. Consequently, any party who brings a case to AIPLA's attention may not withdraw the case from AIPLA's consideration if the party does not agree with AIPLA's position.

If you have any questions about these procedures or AIPLA's participation as *amicus curiae*, please contact the Committee Chair and Vice Chair.