

Training Module for Chapter 27 of the MPEP

(Revised August 16, 2018)

Summary

Chapter 27: Patent Terms and Extensions

Section 2701 – Patent Term

- Utility patents have a twenty-year term, measured from the filing date of the ***earliest U.S. application*** to which priority is claimed (excluding provision applications).
- Design patents normally have a 14-year term, measured from the date of patent grant. (However certain design patents that have been filed internationally and in the U.S. may come under the rules of the Hague Treaty that provides a 15 year term.)

Patent Term Adjustments (applicable only to utility patents)

- Certain positive adjustments (extensions) in the term of a patent will be made if the prosecution of the patent application has been delayed by the USPTO's actions. For example, taking longer than 14 months to respond with a first office action or more than 3 years to issue a patent after the application filing date will invoke a term adjustment.
- Conversely, if the applicant is too slow in responding to office actions, a negative term adjustment (reduction in length) can be imposed.
- In some cases there are both positive and negative term adjustments made on the same patent, the details for which

are covered in this chapter (Chapter 27).

- There is one other type of positive term adjustment made available only to patents which claim a human drug product, medical device, food or color additive first approved for marketing after September 24, 1984, or an animal drug or veterinary biological product first approved for marketing after November 16, 1988. The patent owner may qualify and apply for a term extension if the FDA product approval duration exceeds certain criteria.

NOTE: Since the term of a design patent is not affected by the length of the prosecution (the term starts on the issue date), there is no need for a term adjustment.

Selected Questions and Answers for Chapter 27 - None

In-Depth Review of Chapter 27

Please click on the link, below, to bring up a special version of Chapter 27 in the MPEP that has been prepared exclusively by **PassPatentBar** to complete your review of this chapter. It is recommended that you quickly scan through most of this chapter while reading only those sections, about 10% of the total, that are **highlighted in yellow**. When you are finished with this review, please return here by using the return arrow at the top-left on your screen.

[Chapter 27 MPEP](#)