

Chapter 2700: Patent Terms and Extensions

2701 Patent Term

- I. CONTINUING APPLICATIONS
- II. INTERNATIONAL APPLICATIONS
- III. FOREIGN PRIORITY
- IV. DOMESTIC BENEFIT UNDER 35 U.S.C. 119(e)
- V. EXPIRATION DATE OF PATENTS WITH TERMINAL DISCLAIMERS
- VI. PATENT TERM EXTENSIONS OR ADJUSTMENTS

2710 Term Extensions or Adjustments for Delays Within the USPTO Under 35 U.S.C. 154

2720 Applications Filed Between June 8, 1995, and May 28, 2000

2730 Applications Filed on or After May 29, 2000; Grounds for Adjustment

2731 Period of Adjustment

2732 Reduction of Period of Adjustment of Patent Term

2733 Patent Term Adjustment Determination

2734 Application for Patent Term Adjustment; Due Care Showing

- I. DUE CARE SHOWING

2736 Third Party Papers

2750 Patent Term Extension for Delays at other Agencies under 35 U.S.C. 156

2751 Eligibility Requirements

- I. TERMINALLY DISCLAIMED PATENTS ARE ELIGIBLE
- II. MEANING OF "PRODUCT" AS DEFINED IN 35 U.S.C. 156(f)
- III. NO PREVIOUS EXTENSIONS (WITH LIMITED EXCEPTIONS)
- IV. REGULATORY REVIEW PERIOD
- V. FIRST PERMITTED MARKETING OR USE

2752 Patent Term Extension Applicant

2753 Application Contents

2754 Filing Date

I. FILING DATE ACCORDED

II. COMPLETE APPLICATION

III. INFORMAL APPLICATION

2754.01 Deadline for Filing an Application Under 35 U.S.C. 156(d)(1)

2754.02 Filing Window for an Application Under 35 U.S.C. 156(d)(5)

2754.03 Filing of a Request for an Extension Under 35 U.S.C. 156(e)(2)

2755 Eligibility Determination

2755.01 Interim Extension of Patent Term During the Processing of the Application

2755.02 Interim Extension of Patent Term Before Product Approval

2756 Correspondence Between the USPTO and the Regulatory Agency

I. INFORMATION REGARDING ELIGIBILITY FOR EXTENSION

II. PRELIMINARY ELIGIBILITY DECISION

2757 Regulatory Agency Determination of the Length of the Regulatory Review Period

2757.01 Due Diligence Determination

2758 Notice of Final Determination - Calculation of Patent Term Extension

I. CALCULATION OF PATENT TERM EXTENSION

2759 Certificate of Extension of Patent Term

2760 Trade Secret, Confidential, and Protective Order Material

2761 Multiple Applications for Extension of Term of the Same Patent or of Different Patents for the Same Regulatory Review Period for a Product

2762 Duty of Disclosure in Patent Term Extension Proceedings

2763 Limitation of Third Party Participation

2764 Express Withdrawal of Application for Extension of Patent Term