Patent Duration

William Fisher
October 2017
Duration of Utility Patents, 1790-1836

Patent application

Patent Grant

14 years
Duration of Utility Patents, 1836-1861

14 years

7-year renewal term

Patent application

Patent Grant

time
Duration of Utility Patents, 1861-1995

17 years
Duration of Utility Patents, 1995-present
Duration of Utility Patents, 1995-present

Referenced continuation application (§ 120)

20 years

Patent Grant

Patent application

time
Duration of Utility Patents, 1995-present

Patent application

20 years

Patent Grant

Referenced continuation application (§ 120)
Duration of Utility Patents, 1995-present

Referenced divisional application (§ 121)

20 years

Patent Grant

Patent application
Duration of Utility Patents, 1995-present

Referenced PCT application naming U.S. ( § 365(c))

Patent application

Patent Grant

20 years
Duration of Utility Patents, 1995-present

Referenced Paris-Convention application (§ 119)

Patent application

Patent Grant

20 years
Duration of Utility Patents, 1995-present

Referenced Paris-Convention application (§ 119)

20 years

Patent application

Patent Grant

time
Duration of Utility Patents, 1995-present

- Patent application
- Patent Grant

20 years
Duration of Utility Patents, 1995-present

- Patent application
- Patent Grant
- 20 years

§ 154(b)(1)(A) Extension: Slow PTO responses to specific submissions

time
Duration of Utility Patents, 1995-present

20 years

Patent Application

Patent Grant

§ 154(b)(1)(B) Extension: More than 3 years elapse between application and grant (exclusions for continuations or applicant’s neglect)
Duration of Utility Patents, 1995-present

- Patent application
- Patent Grant
- 20 years

§ 154(b)(1)(C) Extensions:
-- Interferences;
-- Secrecy Orders;
-- Winning Appeals
Jumping the Gun

20 years

Patent application

Patent Grant

time
Jumping the Gun

Construct components of combination patent; test them

20 years

Patent Grant

Patent application
Jumping the Gun

Construct components of combination patent; test them

Sell components to customers

20 years

Patent Grant

Patent application
Jumping the Gun

Construct components of combination patent; test them

Sell components to customers

Customers assemble and use

20 years

Patent application

Patent Grant

time
Jumping the Gun

20 years

Patent application

Patent Grant

Construct components of combination patent; test them

Sell components To customers

Customers assemble and use

Paper Converting Machine (1984): Bad

© 2008, William Fisher. This work is licensed under the Creative Commons Attribution-NonCommercial-ShareAlike 2.5