

- Application filed June 8, 1995–May 28, 2000: The Uruguay Round Agreements Act (URAA): 20 years from the filing date but with up to 5 years' extension for delays resulting from secrecy orders, interferences, and/or successful appeals.
- Application pending or patent in force on June 8, 1995: 17 years from the issue date or the period between the issue date and the 20th anniversary of the filing date, whichever is greater.
- Application filed on or after May 29, 2000: American Inventors Protection Act (AIPA) may be entitled to PTA in a continuing application, including continued prosecuting application (CPA), request for continued examination (RCE) filed after May 29, 2000, in an application filed before May 29, 2000, does NOT provide PTA eligibility; Patent Cooperative Treaty's eligibility depends on its filing date, not on its national-stage entry date (Patent Cooperative Treaty must be filed on or after May 29, 2000, to be eligible for PTA).
- PTA: Termination date (20th anniversary from filing date) is extended by the number of days that Patent and Trademark Office delays minus the number of days that the applicant delays.

2.5.20 Patent and Trademark Office Delays: Guaranteed Adjustment Basis

Guaranteed adjustment basis (GAB)1: Patent and Trademark Office's failure to take certain actions within 14 months from filing date and 4 months from other events: Patent and Trademark Office must mail an examination notification (first office action, including Quayle action or notice of allowability, restriction requirement, and request for information, but not Office of Initial Patent Examination (OIPE) notice of incompleteness of application or other such notices) to applicant within 14 months of the filing date; the Patent and Trademark Office must also respond within 4 months to the applicant's reply to an office action or applicant's opening appeal brief. It must act within 4 months of a board of patent appeals and interferences (BPAI) or court decision, where allowable claims remain in the application. The Patent and Trademark Office must issue the patent within 4 months of date on which the issue fee is paid and all outstanding requirements are satisfied.

GAB2: The Patent and Trademark Office delays due to interference, secrecy order, or successful appellate review (where BPAI or court reverses the determination of the patentability of at least one claim [allowance by examiner after a remand from BPAI is not a final decision]). GAB2 was also the basis of PTA under URAA, but for a maximum of 5 years, AIPA removes 5-year limit.

GAB3: The Patent and Trademark Office fails to issue a patent within 3 years, excluding the time consumed in RCE, secrecy order, interference, or appellate review (whether successful or not); the time consumed by applicant-requested delays (e.g., suspension of action up to 6 months for "good and sufficient cause," up to a 3-month delay request at the time of filing RCE or CPA, and up to 3-year deferral of examination requested by applicant). Filing an RCE for an application filed on or after May 29, 2000, cuts off any additional PTA owing to failure to issue patent within years, but it does NOT eliminate PTA in GAB1 and GAB2.