

Training Module for Chapter 19 of the MPEP

(Revised August 16, 2018)

Summary

NOTE: The provisions of Chapter 19 have not been changed by the AIA.

This is one of the two shortest chapters in the MPEP (13 pages).

Chapter 19: Protest

Section 1901 – Protest under 37 CFR 1.291

- A protest is a procedure in which a third-party files information with the USPTO that in the protestor's opinion would make the grant of a patent improper.

NOTE: A protest can not attack the validity of an issued patent!

- A protest is a **rarely** used procedure for patent applications because of its timing requirements.

Doug's Comment: It's almost as if the USPTO doesn't really want to bother with protests of applications – but begrudgingly has a procedure for them.]

A protest must be submitted **prior** to the date the application is published or the notice of allowance was issued, **whichever occurs first**.

- Another use of Protest: A protest can be filed in a reissue application throughout the pendency of the reissue application up to the time an allowance is mailed.

Selected Questions and Answers for Chapter 19 - NONE

In-Depth Review of Chapter 19

Chapter 19 from the MPEP, in its entirety, is on the selection bar at the top of this page. You are encouraged to familiarize yourself with the general format and structure of the MPEP. However, it is recommended that you quickly scan through most of the chapter - while reading only those sections that are highlighted in yellow.

[Chapter 19, MPEP](#)