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INFORMATION DISCLOSURE STATEMENT SIZE FEE – WRITTEN ASSERTION UNDER 37 CFR 1.98

Complete if Known

Application or Patent No.:	First Named Inventor:	Art Unit:
Filing Date:	Attorney Docket Number:	Examiner:

Please see 37 CFR 1.17(v) and attached Instructions for completing this form to make the appropriate selection of an assertion under 37 CFR 1.98. For the information disclosure statement (IDS) submitted herewith, the applicant or patent owner certifies the following with respect to the cumulative number of applicant-provided or patent-owner provided items of information submitted to date including those in the accompanying IDS (select only one):

- No IDS size fee is required under 37 CFR 1.17(v) at this time.
- The IDS is accompanied by the IDS size fee under 37 CFR 1.17(v)(1).
- The IDS is accompanied by the IDS size fee under 37 CFR 1.17(v)(2).
- The IDS is accompanied by the IDS size fee under 37 CFR 1.17(v)(3).

NOTE: This form must be accompanied by PTO/SB/08a and/or PTO/SB/08b or equivalent.

DEPOSIT ACCOUNT

The Director is authorized to charge the fee indicated above in the amount of \$ _____ for the IDS submitted herewith to deposit account _____.

SIGNATURE

This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4(d) for signature requirements and certifications.

If applicant or patent owner is a juristic entity (e.g., an LLC or corporation), this form must be signed by a registered practitioner. See 37 CFR 1.31.

If applicant or patent owner is a person or persons, this form may be signed by either a registered practitioner, or the applicant or patentee. Note that if multiple people together are the applicant or patentee (e.g., there are joint inventors who together are the applicant), then a signature is required from each person who is an applicant or patentee. *Submit multiple forms if more than one signature is required, see below*.*

Signature	Date
Name (Print/Typed)	Practitioner Registration Number (if applicable)

* Total of _____ forms are submitted.

A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with an information collection subject to the requirements of the Paperwork Reduction Act of 1995, unless the information collection has a currently valid OMB Control Number. The OMB Control Number for this information collection is 0651-0070. Public burden for this form is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. Send comments regarding this burden estimate or any other aspect of this information collection, including suggestions for reducing this burden to the Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 or email InformationCollection@uspto.gov. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instructions for Filling out the
“Information Disclosure Statement Size Fee – Written Assertion Under 37 CFR 1.98” Form
(Not to be Submitted to the USPTO)**

Note: This form is to be used when applicant or patent owner files an Information Disclosure Statement (IDS) for consideration by the examiner. This form must be accompanied by PTO/SB/08a and/or PTO/SB/08b or equivalent.

Determining the cumulative number of applicant-provided or patent owner-provided items of information

The IDS size fee is based on the cumulative number of items of information provided by an applicant or patent owner during the pendency of the application or reexamination proceeding. It is the applicant’s and patent owner’s responsibility to track the cumulative number of items of information provided in the application or proceeding and provide a written assertion of any applicable IDS size fee due.

In determining the applicable written assertion for the cumulative number of applicant-provided or patent owner-provided items of information, “provided” refers to the items cited on an IDS under 37 CFR 1.98(a)(1) by an applicant or patent owner, whether or not an actual copy of the cited item is submitted by the applicant or patent owner to the USPTO. If a particular item provided by an applicant or patent owner on an IDS was not considered because the item was non-compliant and that particular item is provided on an IDS a second time in the same application or patent, it will not be counted again.

An item of information that an applicant cited in a parent application will not be counted in a child application (e.g., a continuation, continuation-in-part, or divisional application) for the purpose of the IDS size fees unless it is resubmitted, i.e., provided by the applicant on an IDS in the child application. Applicants who wish to avoid paying the IDS size fees in a child application for items of information considered in a parent application may do so by not resubmitting the items. An item of information must be resubmitted in the continuing application if the applicant desires the item of information to be printed on the patent. See MPEP 609.02, subsection II.A.2.

The cumulative count is determined for each application or patent separately. Continuing, CPA, and reissue applications and post-issuance proceedings will start with a count of zero. A request for continued examination (RCE) is not the filing of a new application, and thus the count will not reset when an RCE is filed.

Written Assertion

Check “[] No IDS size fee is required under 37 CFR 1.17(v) at this time” on the above PTO/SB/08c form when the IDS does not cause the cumulative number of applicant-provided or patent owner-provided items in this application or proceeding to:

- exceed 50, 100, or 200 items of information.

Check “[] The IDS is accompanied by the IDS size fee under 1.17(v)(1)” on the above PTO/SB/08c form when the IDS causes the cumulative number of applicant-provided or patent owner-provided items in this application or proceeding to:

- exceed 50 items of information but not exceed 100 items of information.

Check “[] The IDS is accompanied by the IDS size fee under 1.17(v)(2)” on the above PTO/SB/08c form when the IDS causes the cumulative number of applicant-provided or patent owner-provided items in this application or proceeding to:

- exceed 100 items of information but not exceed 200 items of information.

Note: If a fee under 1.17(v)(1) was previously paid, the fee currently due is the difference between the 1.17(v)(2) fee and the previously paid 1.17(v)(1) fee.

Check “[] The IDS is accompanied by the IDS size fee under 1.17(v)(3)” on the above PTO/SB/08c form when the IDS causes the cumulative number of applicant-provided or patent owner-provided items in this application or proceeding to:

- exceed 200 items of information.

Note: If a fee under 1.17(v)(1) or (v)(2) was previously paid, the fee currently due is the difference between the 1.17(v)(3) fee and the previously paid 1.17(v)(1) or (v)(2) fee.

Select only one assertion on the PTO/SB/08c form above.

Note: the cumulative count of items of information includes all items of information already of record in a pending application or proceeding that were submitted via IDS(s) including those submitted prior to January 19, 2025.

Method of Payment

This section should only be filled out if the IDS size fee is due. Fees may be paid by check or money order (made payable to the Director of the United States Patent and Trademark Office), credit card (Form PTO-2038), or deposit account. When paying by deposit account, the amount of the IDS size fee to be charged to the deposit account must be specified to comply with 37 CFR 1.98(a)(4). General authorizations to charge fees to a deposit account are not compliant written assertions. When paying by credit card, to protect your credit card information, do not submit Form PTO-2038 electronically through USPTO’s patent electronic filing system or any other USPTO Web site.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. The United States Patent and Trademark Office (USPTO) collects the information in this record under authority of 35 U.S.C. 2. The USPTO's system of records is used to manage all applicant and owner information including name, citizenship, residence, post office address, and other information with respect to inventors and their legal representatives pertaining to the applicant's/owner's activities in connection with the invention for which a patent is sought or has been granted. The applicable Privacy Act System of Records Notice for the information collected in this form is COMMERCE/PAT-TM-7 Patent Application Files, available in the Federal Register at 78 FR 19243 (March 29, 2013), <https://www.govinfo.gov/content/pkg/FR-2013-03-29/pdf/2013-07341.pdf>.

Routine uses of the information in this record may include disclosure to: 1) law enforcement, in the event that the system of records indicates a violation or potential violation of law; 2) a federal, state, local, or international agency, in response to its request; 3) a contractor of the USPTO having need for the information in order to perform a contract; 4) the Department of Justice for determination of whether the Freedom of Information Act (FOIA) requires disclosure of the record; 5) a Member of Congress submitting a request involving an individual to whom the record pertains, when the individual has requested the Member's assistance with respect to the subject matter of the record; 6) a court, magistrate, or administrative tribunal, in the course of presenting evidence, including disclosures to opposing counsel in the course of settlement negotiations; 7) the Administrator, General Services Administration (GSA), or their designee, during an inspection of records conducted by GSA under authority of 44 U.S.C. 2904 and 2906, in accordance with the GSA regulations and any other relevant (i.e., GSA or Commerce) directive, where such disclosure shall not be used to make determinations about individuals; 8) another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)); 9) the Office of Personnel Management (OPM) for personnel research purposes; and 10) the Office of Management and Budget (OMB) for legislative coordination and clearance.

If you do not furnish the information requested on this form, the USPTO may not be able to process and/or examine your submission, which may result in termination of proceedings, abandonment of the application, and/or expiration of the patent.