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Patent Examiner 13-1

GS-1224-13

PD 40-06--

Negotiation Authority
Bachelor of Arts Levels with Designated Complexities

FACTOR I. Nature and Extent of Performance of Examining Functions:

Incumbent independently performs "Basic", "Advanced" and "Legal" patent examining functions (e.g., the application of legal precedents, the determination of double-patenting situations, the evaluation of petitions to the Commissioner and affidavits of patentable equivalence, etc.) with no preliminary instructions from the supervisor. References used to determine whether or not the claimed invention is new and patentable are rarely, if ever, reviewed. All official Patent Office actions, including the substantive evaluation in terms of both statutory and precedent law of the legal sufficiency of evidence submitted by the applicant, are presented to the supervisor in final form for approval.

Incumbent's determinations are reviewed, if at all, for conformance with Patent Office policy only upon final allowance or rejection of an application. This review normally is restricted to such matters as may determine (1) the extent to which the Patent Office will assist or advise inventors, or (2) the nature and extent of evidence required to warrant reopening the examination of a case which has been previously rejected.

FACTOR II. Contact and Commitment Authority:

Incumbent, having been officially delegated NEGOTIATION AUTHORITY, independently represents the Patent Office in negotiations with applicants and their attorneys or agents and may reach tentative agreements with these parties upon the acceptability, interpretation of effect of language insofar as such agreements do not require the interpretation of specific statutes or case law.

Agreements or commitments made by the incumbent shall be honored by the Patent Office unless specifically over-ruled by an examiner possessing full signatory authority over final action.

FACTOR III. Technological Complexity of Art:

Art of Bachelors Level with designated complexities. Incumbent is recognized as examining in art of considerable technical difficulty. This difficulty arises, and is indicated below, either from the nature of the systems examined or from the requirements of the examination process itself. In this respect, the incumbent's own area of examination has been found to be complicated by either of the following:

() A. Multiple systems: The system for which a patent is sought is composed of two or more sub-systems, each of which is based on the fundamentals of different technological disciplines.

() B. Complex systems: The system is substantially dynamic rather than static in nature and is composed of a network of components, the voluminous interrelationships of which are expressed in concepts involving either a very high level of abstraction or requiring such detail that numerous pages of drawings and specifications become necessary.

--OR by two or more of the elements below:

() A. Highly competitive art: The art is a very active one in which, owing to the commercial importance of the subject matter, the cases are vigorously contested by eminent counsel -- both as to ex parte and inter parte matters -- resulting in extended prosecution and the consideration of numerous special scientific and legal papers.

() B. Very broad fields of search: The art requires fields of search which are widely divergent and which present numerous problems in the consideration of analogous art, the necessity of evaluating extremely fine technical distinctions, the great number of permutations and combinations, and the practical requirement of limiting the areas searched to those likely to produce the best results.

() C. Variety of subject matter: The are embraces subject matter which requires for its comprehension and application a mastery of the scientific or technical concepts basic to more than one discipline.

FACTOR IV. RESPONSIBILITY:

Works under the general supervision of the section head. Receives no preliminary instruction or review while work is in progress. At his/her discretion, incumbent may refer unique and unusual problems to the supervisor. Initials all cases and papers processed thereby assuming full responsibility for the accuracy and completeness of the transaction. Guidelines utilized are a voluminous manual, portions of the Rules of Practice and the Manual of Patent Examining Procedure, precedent and Group policy. Work is normally subject to spot-check review by the supervisor for performance rating purposes only, or when a professional examiner of an applicant questions an action taken.

FACTOR LEVELS AND POINTS CREDITED:

Factor 1: Level: A : Points: 45

Factor 2: Level: B : Points: 05

Factor 3: Level: B : Points: 05

Total Points: 55

Grade: 13

This position is exempt from coverage under the Fair Labor Standards Act.

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