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Patent Examiner 13-2

GS-1224-13

PD 40-30--

Negotiation Authority
Master of Arts Level

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 negotiation with applicants and their attorneys or agents and may reach tentative agreements with these parties upon the acceptability, interpretation or 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:

Mastery of Arts level. The incumbent's assignments in the art are such that they present technological problems of a highly advanced level of difficulty requiring the incumbent to have a mastery of the concepts involved in examining applications in the art.

The incumbent's mastery of the concepts required for performing assignments at this highly advanced complex level is evidenced by official recognition that (a) the technological subject matter encompassed by his/her docket embraces a significant number and diversity of concepts which, on the basis of prerequisites, cannot normally be acquired through master's level education; (b) the demonstrated, both through his/her work and the testimony of his/her supervisors, that he/she has thoroughly mastered and actually employs such concepts in his/her examination of applications; and (c) such concepts arise in a significant number of cases on which the incumbent works at least 25% of his/her time.

FACTOR LEVELS AND POINTS CREDITED:

Factor 1: Level: A : Points: 45

Factor 2: Level: B : Points: 05

Factor 3: Level: A : Points: 10

Total Points: 60

Grade: 13

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

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