

# Patent Attorney (Senior Patent Counsel)

DEPARTMENT OF COMMERCE

Office of the Secretary

Office of the General Counsel for NIST



## Summary

The U.S. Department of Commerce, Office of the General Counsel is seeking a patent attorney to join the Office of the Chief Counsel for NIST (OCC/NIST). OCC/NIST provides programmatic legal counsel to the National Institute of Standards and Technology (NIST) and the National Technical Information Service (NTIS).

This is a Public Notice. Please read this Public Notice in its entirety prior to submitting your application for consideration.


[Learn more about this agency](#)

## Overview

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Accepting applications

### Open & closing dates

 02/15/2023 to 03/15/2023

### Salary

\$155,700 - \$183,500 per year

### Pay scale & grade

GS 15

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### Location

FEW vacancies in the following location:

 **Gaithersburg, MD**

**Remote job**

No

**Telework eligible**

Yes—as determined by the agency policy.

**Travel Required**

Not required

**Relocation expenses reimbursed**

No

**Appointment type**

Permanent -

**Work schedule**

Full-time -

**Service**

Excepted

**Promotion potential**

15

**Job family (Series)**

[1222 Patent Attorney](#)

**Supervisory status**

No

**Security clearance**

[Secret](#)

**Drug test**

No

**Position sensitivity and risk**

[Noncritical-Sensitive \(NCS\)/Moderate Risk](#)

**Trust determination process**

[Credentialing](#)

[Suitability/Fitness](#)

**Announcement number**

OG-OGC-PNF-11848058

**Control number**

707086700

# This job is open to

[? Help](#)**The public**

U.S. Citizens, Nationals or those who owe allegiance to the U.S.

**Clarification from the agency**

Applications will be accepted from all U.S. Citizens.

## Duties

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This is an exciting opportunity to work with a highly collegial and dynamic team on cutting edge technologies, including technologies related to semiconductors, quantum information science, artificial intelligence, and additive manufacturing. The attorney will provide comprehensive patent advisory services in support of NIST's mission to promote U.S. innovation and industrial competitiveness by advancing measurement science, standards, and technology in ways that advance economic security and improve quality of life. The attorney will be required to provide patent advice to employees based at the NIST Gaithersburg campus, as well as remotely to the NIST Boulder campus, the Hollings Marine Laboratory, and other NIST locations. The attorney will carry out advanced patent advisory work without preliminary instruction, and will have broad discretion in planning the approach, developing conclusions, writing, filing and prosecuting patent applications, processing invention disclosures, responding to U.S. Patent and Trademark Office actions, and making final determinations regarding inventorship and other patent matters.

Legal services will be related to intellectual property management and scientific research management. The attorney will independently handle an interdisciplinary and multidisciplinary caseload that includes inventions arising in any or all of the NIST laboratories. A substantial portion of the caseload comprises inventions where the technology is complex, highly advanced, and unstable. Cases often represent radical departures from technical precedents; applicable prior art is not extensive and the problems involved can be solved only through the application of a high degree of skill.

The attorney will conduct interviews with U.S. Patent and Trademark Office examiners for the purpose of resolving questions and problems arising during the prosecution of an application and reaching agreement as to the action to be taken to place the case in condition to permit the granting of the patent.

The attorney will also support NIST's technology transfer activities, including review of patent-related aspects of cooperative research and development agreements and other agreements, and conduct employee rights determinations and appeals under Executive Order 10096 and 37 CFR Part 501.

The attorney will be hired at the GS-15 grade. This position is at the full promotion potential.

## Requirements

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### Conditions of Employment

- You must be a U.S. citizen to apply for this position.
- You must successfully pass a background investigation. This may include a credit check, a review of financial issues, as well as certain criminal offenses and illegal use of possession of drugs.
- You must complete a 2 year trial period
- Selective Service: Males born after 12/31/59 must be registered or exempt from Selective Service (see <https://www.sss.gov/>)
- If you receive a conditional offer of employment for this position, you will be required to complete an Optional Form 306, Declaration for Federal Employment, and to sign and certify the accuracy of all information in your application.
- All Federal employees are required to have Federal salary payments made by direct deposit to a financial institution of their choosing.
- Drug Test Required: No
- License required: Bar Certification
- Bargaining Unit Position: No
- Confidential Financial Disclosure Report (OGE form 450): Yes
- Permanent Change of Duty Station (PCS) Expense: will not be paid

### Qualifications

**Basic requirements:**

1. You must be a graduate with a Juris Doctor (J.D.) degree or equivalent from an accredited law school; AND
2. You must have bar membership in one of the 50 states, Washington, DC, Puerto Rico or the US Virgin Islands.

**Minimum Requirements:**

The career ladder for attorney positions in OGC is generally GS-11 to GS-15. The minimum qualifications for hiring at the GS-15 (or equivalent) are as follows:

**GS-15:** Typically requires a minimum of four years of relevant legal experience. On the rare occasion, three years of relevant legal experience may, in the opinion of the General Counsel or his or her designee, suffice.

Experience refers to paid and unpaid experience, including volunteer work done through National Service programs (e.g., Peace Corps, AmeriCorps) and other organizations e.g., professional; philanthropic, religious; spiritual; community, student, social). Volunteer work helps build critical competencies; knowledge, and skills and can provide valuable training and experience that translates directly to paid employment. You will receive credit for all qualifying experience, including volunteer experience.

***Specialized Experience Requirements:***

Applicants must meet the requirements set forth above and the below specialized experience by the closing date of the announcement. Specialized experience equips applicants with particular knowledge, skills, and abilities to perform successfully the duties of the position to be filled. For this position, specialized experience includes knowledge of the application of two or more of the following:

1. Physics (principles, practices, theories and laws of the science of physics including inventions involving applications of the relations between space, time, matter and energy in the areas of mechanics, sound, optics, heat, electricity, magnetism, radiation, or atomic and nuclear phenomena);
2. Chemistry (principles, practices, theories, and phenomena of the field of chemistry including organic and inorganic chemistry, analytical chemistry, and analytical control methods, electro-chemistry, biological chemistry, physical chemistry, and purification of gases);
3. Electrical Engineering (principles, practices, theories and phenomena of all phases of engineering relating to electrical equipment, apparatus, materials, plants, and systems involved in the generation, transmission, conversion, distribution, control, measurement, or utilization of electrical energy for purposes of motive power, heating, illumination, or the

production of localized electric or magnetic fields, where such work is not concerned principally with electronics or electrical communication matters which require application of the concepts, principles, techniques and practices characteristic of the electronics field);

4. Electronic Engineering (principles, practices, theories and phenomena involved in the design and application of such devices as electron tubes, solid state-devices such as transistors or diodes, or other circuit elements; the generation, transmission and detection of electro-magnetic or acoustical wave energy; the acquisition, analysis, processing, modulation, conversion, storage, synthesis, switching, transmission, employment or display of intelligence by radio, television, or computer devices, or instrumentation for production, installation, maintenance, regulation or operation of facilities);
5. Mechanical Engineering (principles, practices, theories and phenomena involved in the generation, transmission, measurement or utilization of heat and mechanical power); or
6. Chemical Engineering (principles, practices, theories and phenomena of all phases of engineering and chemistry concerned with the design, erection and operation of chemical plants and laboratories, and the apparatus and processes employed therein).

Applicants must also have: (1) knowledge of research strategies and techniques sufficient to research patent issues where no clearly applicable precedents are available, or it is arguable which precedents apply; (2) knowledge of patent statutes and regulations as well as in-depth knowledge of the relevant case law; and (3) technical knowledge sufficient to solve problems through the understanding and application of highly advanced concepts and techniques associated with the art, for inventions generally comprising:

1. Multiple systems embodying two or more sub-systems which are based on the fundamentals of different technological disciplines; and
2. Complex systems which have numerous components and voluminous interrelations.

Such inventions require the attorney to fully comprehend the highly advanced and frequently highly abstract principles and theories involved, and to exercise a very high order of perception and ingenuity in identifying the most important elements of the invention, visualizing alternative methods of constructing the invention, and visualizing its potential future usage for the purpose of drafting claims. This requires a high degree of skill and knowledge to precisely define the scientific or technological terminology associated with the invention and in transposing (where possible) highly abstract mathematical expressions into language-framed concepts.

Applicants must also demonstrate a record of strong interpersonal skills, good judgment and

exhibit the ability to work in a supportive and professional manner with other attorneys, support staff and client bureaus.

## Education

Applicants must possess a Juris Doctor (J.D.) degree or equivalent from an accredited law school. Official or unofficial transcripts must be submitted with your application package.

## Additional information

This position does not confer non-competitive conversion to the competitive service.

Acceptance of an excepted service appointment from applicants in the competitive service will require a written statement of understanding when voluntarily leaving the competitive service.

### Benefits

## How You Will Be Evaluated

You will be evaluated for this job based on how well you meet the qualifications above.

Applicants will be rated based on their education, experience, demonstrated legal research and writing abilities, and performance during the interview process.

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Applicants will be rated based on their education, experience, demonstrated legal research and writing abilities, and performance during the interview process. Basis for evaluation: If eligible and meeting basic qualifications, your application package will be evaluated in conjunction with your résumé and supporting documents for the required knowledge, skills, and abilities (KSAs) to successfully perform the duties of this position:

1. Knowledge of research strategies and techniques sufficient to research the most complex legal issues. The issues researched are almost always factually complex and are in areas of the law which are often in a continual state of evolution, thus requiring atypical and innovative research strategies.
2. Ability to communicate effectively with diverse clients and constituencies on varied and complex topics in writing clearly, concisely and persuasively, with particular emphasis on the ability to analyze and explain complex legal issues.
3. Ability to communicate effectively orally with diverse clients and constituencies on varied and complex topics and independently present legal conclusions to adjudicatory

authorities.

4. Ability to maintain effective working and reporting relationships with professional peers, support staff and management officials.
5. Ability to organize work effectively to meet established deadlines and priorities related to legal cases and matters.

Please be advised that Department of Commerce Attorney positions are in the Excepted Service. As such, these positions are not covered by the usual civil service hiring procedures. You will be evaluated for this job based on how well you meet the qualifications stated herein. We will perform an initial review of applications to determine basic eligibility and minimum qualifications for the position and numeric scores will not be assigned. There are no numerical rating systems through which to apply veterans' preference; however, the Office of the General Counsel favorably considers veterans preference eligibility in hiring. Applicants eligible for veterans' preference are encouraged to include that information in their cover letter or resume. If selected, additional information may be required.

## Benefits

## Required Documents

## How to Apply

## Fair and Transparent

# Required Documents

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A complete application consists of the following:

- **Cover letter.** Address demonstrated interests and qualifications as it relates to the position.
- **Resume showing relevant experience.** Your resume should list your educational and work experience, including the dates (mm/dd/yyyy) and provide the hours per week, if less than 40. For work in the Federal Service, please include the pay plan and grade level for the position(s).
- **Copy of law school transcript** (Unofficial copy is sufficient, but official copy must be submitted before appointment). You are not required to submit official documents at this time; copies are sufficient.



- **Certificate of bar membership and proof of good standing.** Prior to receiving an offer, you will be asked to provide a certificate of bar membership and proof of good standing.

**Failure to provide documents, if selected, may result in lost consideration.**

**Please DO NOT put your SSN on pages within your application package. Privacy Act - Privacy Act Notice (PL 93-579): The information requested here is used to determine qualifications for employment and is authorized under Title 5 U.S.C. 3302 and 3361.**

### **If you are relying on your education to meet qualification requirements:**

Education must be accredited by an accrediting institution recognized by the U.S. Department of Education in order for it to be credited towards qualifications. Therefore, provide only the attendance and/or degrees from schools accredited by accrediting institutions recognized by the U.S. Department of Education.

Failure to provide all of the required information as stated in this vacancy announcement may result in an ineligible rating or may affect the overall rating.

## **How to Apply**

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[Read more](#)

### **Agency contact information**



Jennifer Nist

#### **Phone**

[000-000-0000](tel:000-000-0000)

#### **Email**

[jennifer.nist@nist.gov](mailto:jennifer.nist@nist.gov)

#### **Address**

Office of the Secretary  
1401 Constitution Ave NW  
Washington, DC 20230  
US

[Learn more about this agency.](#)

## Next steps

[Read more](#)

## Fair & Transparent

The Federal hiring process is set up to be fair and transparent. Please read the following guidance.

[Equal Employment Opportunity \(EEO\) Policy](#)

[Reasonable accommodation policy](#)

[Financial suitability](#)

[Selective Service](#)

[New employee probationary period](#)

[Signature and false statements](#)

[Privacy Act](#)

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**Job family (Series)**

[1222 Patent Attorney](#)

**Supervisory status**

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**Security clearance**

[Secret](#)

**Drug test**

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**Position sensitivity and risk**

[Noncritical-Sensitive \(NCS\)/Moderate Risk](#)

## Trust determination process

[Credentialing](#)

[Suitability/Fitness](#)

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OG-OGC-PNF-11848058

### Control number

707086700

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