Fundamentals of Intellectual Property

Final Examination

Professor Field Spring 2006

Instructions

This is a three-hour, open-book exam. You may consult any written materials. Do not discuss the exam with others.

- **Put your exam number and answers on the sheet provided.**
- **Note that questions in Part I are worth four times as much as those in Part II.**

Do not waste time answering more questions than you need to!

Part I: Multiple choice

[80 points — 20 questions total]

Enter the *letter* for the most correct concluding phrase or statement in the numbered space **on the answer sheet**. In Part I, *only the first 5 answers* will count in each section.

A. Patents [Section references to 35 U.S.C.]

*Answer **only** 5 of 7.*

1. If Cyber-Auction.com infringes Al's software patent, but he does not practice it:
   A. he will be denied all relief because patentees must practice their patents.
   B. no relief will be withheld merely because he doesn't practice it.
   C. he will be denied damages for failure to practice.
   D. he will be granted damages but no injunction.

2. Mabel assigned a patent to e-Com.net software. After that assignment was registered under § 261, she assigned the same patent to Bozo radio. The second assignment is:
   A. void because the first one was registered.
   B. void if it covers a different geographic area.
   C. good if the two assignments cover different fields of use.
   D. good because assignments convey only non-exclusive rights.

3. If GoofSoft infringes a patent, its best defense would be that:
   A. information provided in the specification does not yield optimal results.
   B. practicing the patent requires key information not in its specification.
   C. GoofSoft's activities literally infringe no claim.
   D. most claims are too broad.

4. Besides any defense mentioned above (Q3), GoofSoft would find it most helpful if the allegedly-infringed patent claims:
   A. a mathematical algorithm.
   B. a novel use of a well-known algorithm.
   C. an important method of doing business.
   D. a process for making an old, and well-known product.