INTELLECTUAL PROPERTY MANAGEMENT
Professor Karl F. Jorda
Spring '06

Class Problem
Forty Points
Due Date: March 20, 2006

INSTRUCTIONS
This is a take-home exam and must be an individual work product.

Do not slavishly copy statements or passages from any course material but synthesize your own reasoned position.

Please print or write as legibly as possible.

Grading will be anonymous. Do not put your name on the paper you turn in but use an exam number.

PROBLEM I
In what situations and under what conditions can non-compete clauses in employment agreements be enforced? What caveats, if any, need be kept in mind in drafting non-compete clauses? **[10 points]**

PROBLEM II
Describe the importance of lab notebook keeping in R&D operations in terms of nature of, and requirements for, proof, including corroboration, in establishing invention priority dates. **[10 points]**

PROBLEM III
Based on your reading about, and your understanding of, the pros and cons regarding inventor incentives or awards, what measures, if any, what would you propose to your client or your company that should be implemented? **[10 points]**

PROBLEM IV
Sam Smart was hired as a service engineer by Summit Corp. to perform start-up and adjustment services relating to certain texturing machines, including start-up of the machines, trouble-shooting on them, working on customer trials, and reporting to his service manager. Sam was sent by his service manager to a customer's plant to try an idea of the service manager for altering the feed path on the texturing machine. He did so, but the idea didn't work. While resting in his hotel room, he conceived of his own novel way of improving the feed path which would greatly increase the speed at which the final product could be produced. He tried the idea the next day, and it worked. Summit claimed title to a patent on that invention because Sam was an employed inventor. Sam disagreed and litigation ensued. Who wins and why? **[10 points]**

KFJ/Ruh/3.9.06