

## Test 1 BLAW 433

### Multiple Choice

Identify the letter of the choice that best completes the statement or answers the question.

- \_\_\_\_\_ 1. John develops new water-jet technology, and uses it to manufacture and sell high-pressure water-jet metal-cutting machines. John doesn't want the world to know how it works, so he does not file for patent protection. Instead, John relies on trade secret protection. Avco Manufacturing buys one of the water-jet metal-cutting machines, and has a team of its engineers spend several months figuring out how it works and how it is made. Avco then manufactures and sells a clone of the John product. John sues.
- Avco wins because it discovered the trade secret using reverse engineering.
  - John wins because Avco misappropriated John's trade secrets.
  - John wins because Avco infringed on John's common law patent.

John was the chief production engineer at ABC Manufacturing.

- \_\_\_\_\_ 2. John then headed straight for the research department. He made a quick photocopy of the latest approved patent file, and headed for the door. Did he take a trade secret?
- maybe, depending on whether ABC took reasonable steps to safeguard the information.
  - yes, because the patent has commercial value.
  - no, because an approved patent is public information, and thus receives no protection as a trade secret.
- \_\_\_\_\_ 3. Powell holds a U.S. patent for a closet-organizer shelving system. Dworkin, a Canadian plastics manufacturer copies the patent and begins producing parts of the shelving system. In no case does Dworkin manufacture or offer the system for sale in the U.S. nor is any product shipped to the U.S. If Powell sues Dworkin for patent infringement in the U.S., what's the likely result?
- Powell will win because Dworkin clearly violated Powell's patent.
  - Powell will win only if Powell can prove that Dworkin violated Powell's patent.
  - Powell will lose because there was no activity in the U.S. and Powell's patent is a U.S. patent.
  - Powell will lose because you cannot get a patent on something as common as a shelving system.
- \_\_\_\_\_ 4. ABC corp uses an elaborate process to distribute "corporate knowledge" throughout its various offices worldwide. Much of this is captured in a proprietary software they developed to share the corporate knowledge although other aspects are non-software based. ABC would like to protect its processes through patent law.
- ABC cannot obtain a patent on software or a process
  - ABC can obtain a patent for the business process.
- \_\_\_\_\_ 5. Mark has just started a new company and is trying to decide what to name his new company. He plans to create Internet telephone software. He asks your opinion on two choices: (1) Internetphone or (2) Weeep, a made up term he likes. Which name choice will receive the most trademark protection?
- Internetphone, because it clearly describes his company's product.

- b. Weep Software, because it is an arbitrary mark.
- c. Internetphone, because it is a suggestive mark.
- d. Weep Software, because it is a fanciful mark.

**Test 1 BLAW 433**  
**Answer Section**

**MULTIPLE CHOICE**

1. ANS: A
2. ANS: C
3. ANS: C
4. ANS: B
5. ANS: D