

Intellectual Property Fall 2026 Midterm 1

This examination consists of **8 questions**. Each question has a **point value** out of a **total of 60**. You can allocate your time as you wish, but I recommend roughly one minute per point.

Each question also has a **word limit**. The limits are generous; it is possible to answer each question fully correctly in far fewer words. I want you to think carefully about your answer, rather than trying to write everything you can. If your answer exceeds the limit, I will read and grade an arbitrary excerpt of the appropriate length.

Write and submit your answer using **Exam4** following the instructions provided by the registrar. In case of technical issues during the exam, alert the proctor and contact the Law School registrar.

This is a **closed-book, closed-computer, no Internet** examination. You are not allowed to bring paper or electronic materials with you, and you will not have access to them during the exam. You are not allowed to consult any people, AIs, or sources other than this exam.

Please make your answer as **specific** to the facts of the question as you can. Generic statements or suggestions, such as “Make sure that all employees follow proper security practices,” will receive few or no points. Your answer should assume that I am already familiar with the facts of the problem and relevant law, and dive directly into your analysis. Use **simple citations** (e.g. “see Feist”) where appropriate. I include **spelling, grammar, clarity, and organization** in my grading, but only to the extent that they interfere with my ability to understand the substance of your answer. If you find the question **ambiguous** or need to **assume additional facts**, state your assumptions and explain how they affect your answer. No reasonable resolution of an ambiguity will be penalized.

Assume for purposes of the examination that **present-day law** has been fully in effect at all relevant times. Unless otherwise noted, **all names are fictitious**. Please disregard any resemblance to actual persons, places, or institutions, unless they are specifically incorporated into a question.

You can **focus on the IP issues**. If you need to make assumptions about other areas of law, it is fine to write “I assume that ...” rather than giving a detailed explanation.

Your work on this examination is subject to the Cornell Code of Academic Integrity, the Law School Code of Academic Integrity, and the Campus Code of Conduct. **You may not discuss the questions or your answers** with anyone until after the conclusion of the exam.

True/False

6 questions, 5 points each (30 points total) / 50 words each

Answer each of the following questions with "true," "false," or "it depends." Justify your answer in a sentence or two.

1. Wylie Coyoté has developed a design for rocket-powered roller skates. Unfortunately, after a successful test, the prototype was destroyed in an explosion. True or false: To obtain a patent, Coyoté will need to construct a new pair of skates, test them, and submit them as part of his application to the USPTO?
2. Emma Webster discovered that she could remove stains from clothes more effectively by ironing them with vinegar. She posted a video demonstrating the technique to Instagram in July 2023. True or false: The video counts as prior art for purposes of novelty under § 102?
3. Eric Lorre is employed by the Acme Corporation as a geologist, working on a technique for extracting water from rock samples. After a laboratory breakthrough, he sends a company-wide email, distributed to all 20,000 Acme employees, announcing his success. True or false: Acme cannot have a trade secret in the technique because too many people know about it?
4. Will Avery sells kits for building your own catapult, including all the necessary materials and detailed instructions. He receives a cease-and-desist letter from Acme claiming that the catapults infringe on one of their patents. True or false: Avery can ignore the letter, because he sells only kits and not actual catapults?
5. Martha Jones is at a job interview with Acme when the interviewer asks how she would improve its operations; she responds with a suggestion for better safety protocols during product testing. True or false: Acme is free to use the idea without compensating Jones?
6. Tone Maltese has applied for a patent on a method of safely digging deep holes that claims, in part, "a rectangular support frame." True or false: This claim is indefinite because it does not specify the frame's length or width?

Short Answer

2 questions, 15 points each (30 points total) / 200 words each

7. The AMJ Company is a media-production company that works on integrating computer animation with live-action scenes. It is developing software that enables more realistic lighting effects when animated characters are added to scenes that have flickering or moving lights. AMJ has twenty employees, including five technologists and seven animators. Its executives believe that this software could be useful in movie productions that have hundreds of animators. *Should AMJ pursue patent protection for its software? Discuss the advantages and disadvantages.*
8. Beauregard Leghorn has found that adding metal pellets to birdseed deters squirrels from eating the seeds. You have drafted a claim that reads, in relevant part, “a mixture of seeds and metal pellets in the ratio 20 parts seeds to 1 part metal pellets.” In your research, you have found the following pieces of potential prior art:
 - Roadrunners sometimes drop small rocks in piles of seeds to deter other animals from eating the seeds.
 - Leghorn began experimenting with adding pellets to birdseed in 2024, and settled on his current 20:1 ratio in 2025.
 - Acme has been selling “decorative imitation birdseed” that consists of metal pellets painted to look like seeds since 1949.

If Leghorn applies for a patent, is his invention novel under § 102?