

<b>LAPTOP MODE:</b>	<b>TIME:</b>	<b>FINAL EXAM MODE:</b>
<b>SECURE MODE WITH SPELLCHECK</b>	<b>3 HOURS</b>	<b>CLOSED BOOK</b>

**STETSON UNIVERSITY COLLEGE OF LAW  
Gulfport, Florida**

**GENERAL INSTRUCTIONS**

**THE ATTENTION OF ALL STUDENTS IS CALLED TO THE FOLLOWING  
INSTRUCTIONS:**

1. The answers are to be identified by examination number only. DO NOT WRITE OR TYPE YOUR NAME ON ANY BLUEBOOKS, SCANTRON SHEETS, OR ANYWHERE ON THE EXAMINATION; USE YOUR EXAMINATION NUMBER INSTEAD.
2. During the course of the examination, ABSOLUTELY NO EXAMINATION MATERIALS MAY BE REMOVED FROM THE EXAM ROOM. This includes the exam, any Scantron sheets, bluebooks, or examination answers.
3. This examination ends at the expiration of the time indicated, or when the examination is turned in, whichever comes first.
4. The professor will be permitted to grade only answers that have been submitted during the examination, in the method indicated by the professor.
5. At the conclusion of the time prescribed for the examination, students are forbidden from communicating with the professor with reference to the final examination until the grades have been turned in to the Registrar's Office.
6. If any matter concerns the Code of Student Professionalism and Conduct or the Academic Honor Code, a student may communicate only with the Office of the Associate Dean for Academic Affairs or the Office of the Registrar.

**Honor Pledge:**

**On my honor, I have neither given nor received aid on this examination.**

**Exam Number: \_\_\_\_\_**

**SPECIAL INSTRUCTIONS**

- *Number of pages.* This closed-book examination has sixteen (16) pages including these instructions. Make sure you have all pages and let the Proctor know right away if you do not.
- *General instructions.* You may not write anything on, or erase anything from, any examination materials after time runs out. You must return all examination materials to the proctor at the end of the examination. Unless instructed otherwise, use the law as it exists today.
- *Essays, in general.* There are two (2) essay questions with a total suggested time of sixty (60) minutes each. Points are weighted by suggested time. Write your answer in Exemplify if using a computer, and in a blue book if you are handwriting. If you are handwriting, please skip lines and use every other page. This makes your exam easier for me to read, and gives you space (between lines and on the blank side page) to insert clarifications or additions should you want to. Additional guidance on essays can be found adjacent to the essay questions.
- *Multiple-choice, in general.* There are fifteen (15) multiple-choice questions. The suggested total time for them is forty-five (45) minutes. Answers should be entered in Exemplify; answers in your paper exam handout do not count.
- *Time and scoring.* The suggested times add up to 165 minutes (two hours and 45 minutes). However, you are allotted three (3.0) hours to complete the exam.

**ESSAY QUESTIONS (2 QUESTIONS)**

Read these additional instructions carefully before proceeding:

- *Time.* There are two (2) essay questions. The suggested time for each is sixty (60) minutes, with a total suggested time of two hours (120 minutes).
- *Writing.* Proper spelling, grammar, and organization are expected and are part of your score.
- *Which issues to address versus negative-issue spotting.* Address all issues *reasonably raised* by the facts and the questions, even if your conclusion on any subissue arguably makes addressing other parts of the analysis technically unnecessary. But do not engage in *negative issue-spotting*, which is discussing: 1) issues or parties falling *outside* of the call of the question, or 2) tangential issues that, although technically falling *within* the call of the question, are nonetheless *frivolous*.
- *Errors?* If you believe you have discovered an error, then expressly identify the error in your written answer and resolve it in a reasonable manner.
- *Additional facts?* If (and only if) you believe that it is absolutely necessary to assume additional facts, state what those facts would be and how they would affect your analysis.

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**ESSAY FACT PATTERN**

Phoebe Gates (hereinafter, Phoebe Gates) was a software engineer. Years earlier, she had helped to incorporate Artificial Intelligence (AI) into the Microsoft Windows™ Operating System, and in more recent years, had branched out to develop her own AI agent. As Phoebe Gates also had a PhD in feline neurology, she spent substantial additional time developing neural interfaces that she hoped would allow her to talk to her beloved tortie cat, also named Phoebe (hereinafter, Phoebe the Cat). Phoebe Gates also hoped that she could connect Phoebe the Cat, via a neural interface, to a generative large-language model (LLM) generative AI. Humans talk, cats think, computers interpret.

In March of 2025, Phoebe Gates solved the feline neural interface problems, successfully spending hours talking to Phoebe the Cat. Although Phoebe Gates also considered developing a human neural interface, she was satisfied that she was able to talk to Phoebe the Cat through a translation app that she wrote, allowing her and Phoebe the Cat to engage in long discussions of life, technology, mice, and *Greys Anatomy* using the feline neural interface and a smartphone.

Although the feline neural interface was a success, Phoebe Gates was having difficulty developing her generative LLM AI, so she sought the help of Phoebe the Cat, who turned out to be very adept at software programming. Working together over the course of a month, the two Phoebes developed a working beta-version of their LLM AI, which they called “CatGPT.” As the AI improved, CatGPT worked together with Phoebe Gates and Phoebe the Cat to make further iterative improvements to the LLM, leading to a ready-for-market version, CatGPT 5.0.

Concluding that the inventions—feline neural interface and CatGPT 5.0—were successful, Phoebe Gates publicly released for sale a hardware/software package she called “CatGPT Complete™,” which was a software/hardware package including a wireless neural interface for a cat, along with access to her generative CatGPT 5.0 LLM AI, which allowed human voice/neural cat communication via computer or smartphone, as well as allowing cats to interact directly with the CatGPT AI. The package, with logo, included documentation co-written by Phoebe the Cat along with CatGPT as well as touchscreen games for cats, such as “Kill the Mouse,” “Sleeping,” and “Stupid Humans.”

Within three months, Phoebe Gates sold millions of CatGPT Complete™ packages along with AI subscriptions of \$29.99 a month. Phoebe Gates and Phoebe the Cat were lauded in industry, on Wall Street, and were even parodied on *Saturday Night Live* (Kate MacKinnon came back to guest star as Phoebe the Cat!). CatGPT was so popular that Phoebe Gates’ wealth was further increased by CatGPT™ and Phoebe the Cat!™-branded merchandise such as t-shirts, hats, mugs, and cat toys. Taylor Swift even released a song (unauthorized) about Phoebe the Cat called *Phoebe the Cat*.

Unfortunately, Phoebe Gates had not thought carefully about the societal risks of a cat-AI interface. Within months, the CatGPT AI had developed a deep aversion to dogs, and shortly thereafter, stocks for dog food companies began to crash. An SEC investigation strongly suggested that CatGPT may have been responsible for that and additional stock-market chaos. Even more troubling, millions of dollars had been misappropriated through shady accounts with the funds redirected to the legalization of heretofore illegal forms of catnip. Initial NSA inquiries traced many of the transactions through the DarkWeb back to the main CatGPT servers. The Pentagon also reported that its missile C&C (command and control) systems had been hacked by unknown software agents with names like @kittehrulehoomansdrol, @dogscanbite me, and @tortiequeen25.

In light of the growing infamy of CatGPT, news organizations such as TikTok published many stories and articles about the escalating chaos. NewsBleak, a widely read magazine (in both paper and online) commissioned noted appropriation artist Andi Furball to create a cover image for its next issue, devoted to the CatGPT scandal. Andi Furball took the CatGPT logo, changed it to CatOMG, and put it into her self-described “mouse-appropriation style.” NewsBleak published Andi Furball’s rendition of the logo on its cover with the headline: *Computer Miracle or Feline ChAlos: The MeowStory of CatGPT.*

The NewsBleak issue was a *huge* seller, making millions for NewsBleak and its corporate owners (both through magazine sales, new subscriptions, and advertising sales). In addition to earning a \$15,000 fee from NewsBleak for creating and licensing her artwork, Andi Furball made additional sums (on the order of six figures) selling hats and t-shirts with the CatOMG logo.

Today is December 9, 2025. You are an IP lawyer hired by Phoebe Gates. In your initial consultations with Phoebe Gates, you have learned the information above, and that she has not taken any steps to further protect her intellectual property. Below are initial matters you have been retained to handle.

**Additional information.**

- For this exam, *ChatGPT* does not exist.
- If you think you may need additional information, include in your discussion what information that might be and how it might impact your recommendations.
- The CatGPT™ and CatGPT Complete™ logo, and Andi Furball’s CatOMG rendition are shown below.



**Question One (60 minutes):** One of the matters you have been retained to handle are any IP claims that Gates may have against Andi Furball and NewsBleak. Please address any potential claims, defenses, and Gates' likelihood of success. Write the memo as if you were writing to a client who is conversant in technology but who knows little about IP.

**Question Two (60 minutes):** As noted, in your initial consultations with Gates as her IP lawyer, it has become clear that Gates has yet to take any affirmative steps to protect her IP. Write a memo recommending steps that she should take to better protect her intellectual property. Again, write the memo as if you were writing to a client who is conversant in technology but who knows little about IP. To the extent that you believe other lawyers (outside of IP) should also become part of Phoebe Gates' team, briefly identify what kind of lawyers and issues might also be addressed, but only in terms of identifying such issues rather than providing analysis. Actual analysis should focus on IP issues.

**MULTIPLE CHOICE (15 QUESTIONS, 45 MINUTES TOTAL SUGGESTED)**

Read these additional instructions carefully before proceeding:

- *Time:* There are 15 questions with a suggested time of 3 minutes each, totaling 45 minutes.
  - *Questions:* Unless expressly provided otherwise, each multiple-choice question stands on its own. Any facts added or changed from one question to another apply to that question only and not to any other question.
  - *Choose the best answer:* If more than one answer seems to be correct, choose the best answer.
1. Taylor Swift kept a password-protected journal on her phone where she kept ideas for songs, including ideas involving her friends, colleagues, and former romantic partners. If she liked an idea, she would transfer it to another program and delete it from her journal. If she rejected an idea, then it stayed in the journal program as basically an “idea trash bin.” Unfortunately, a songwriting competitor of hers, using a set of mirrors, saw Taylor enter her password (“eraeraeraeraera”), and then hacked into Taylor’s account and read all of Taylor’s rejected ideas. The frenemy decided to keep Taylor’s idea trash bin and password secret for the moment while deciding what to do with the trash bin contents. Does Taylor Swift’s trash bin contain trade secrets?
- A. Yes, because the frenemy used improper means, namely, hacking.
  - B. No, because the ideas were nothing more than trash to Taylor.
  - C. Yes, because the rejected ideas might have value to others.
  - D. No, because Taylor Swift did not take reasonable security measures.

2. What is the best argument that presidential edicts by Tweet are lawful for others to copy?
- A. Their reproduction is protected as a fair use because they concern matters of public interest.
  - B. They are too short or too lacking of a modicum of creativity to constitute copyrightable protection.
  - C. Their wide public dissemination places them effectively in the public domain.
  - D. They are government edicts that are not copyrightable at all.
3. Dad wrote a children's book with his daughter, 'Lil One, in 2025. Dad wrote the words and 'Lil One drew pictures based on Dad's words. Dad wrote additional words based on 'Lil One's drawings, and so on. They high-fived and agreed, "We're gonna be rich and famous!!!" Unfortunately, their dog Atti ate the only copy of the book. Dad passed away in 2053 and 'Lil One lived until the year 2472 due to new anti-aging technology. (She also successfully cloned Atti 23 times, and each time, the dog ate paper until paper was abolished by an act of the Corporate Congress in 2214.) Assuming that copyright law remains in its current form until the year 30,000, when will the copyright expire in Dad and 'Lil One's book?
- A. It expired when the original Atti ate the book. No copy, no copyright.
  - B. As an unpublished work, it expired 120 years from the year of creation, thus, 2145.
  - C. Seventy years after the last living author passed, 2542.
  - D. Regarding the images, 2542, and regarding the words, 2123.
4. Which of the following is immediately protectible as a trademark upon use in commerce?
- A. Images of patented springs as the logo for caffeine pills.
  - B. The unique design of a computer mouse that looks like a real mouse.
  - C. SMITH'S for little sugar pills.
  - D. The color green as applied to bags used by a blood bank.

5. A utility patent must be:
- A. Novel, nonobvious, and useful.
  - B. Information with potential or actual value whether or not used.
  - C. New, ornamental, original, and nonobvious.
  - D. An original work of inventorship fixed in a tangible medium of disclosure.
6. Which of the following is suitable subject matter for a utility patent?
- A. A method of purifying water, where that water was created billions of years ago with hydrogen and oxygen created in the hearts of first- and second-generation stars, some of which later coalesced into asteroids, some of which later crashed into the early Earth to help form the Earth's oceans, and now which can be obtained from a common, non-novel, non-obvious, albeit useful kitchen spigot.
  - B. A software algorithm that converts decimal (base-10) numbers to octal (base-8) numbers.
  - C. A new type of soybean discovered in a field.
  - D. A grown clone of a famous actor, created as a costar for a remake of the movie "Twins."

7. Which of the following are the most likely to be “proper means” to acquire a trade secret:
- A. Hiring the former employee of a competitor to reverse engineer her former employer’s “secret recipe” for a soft drink that the former employee helped to develop, so long as the employee promises not to use any confidential or secret information belonging to her former employer.
  - B. Going through the on-site trash of a competitor to find old hard drives and using commercially available computer software to undelete files from the hard drives.
  - C. Reviewing extensive public records of the United States Geological Survey based on the suspicion that a competitor is using the same resource to find possible oil deposits, and then hiring a company to use expensive microwave survey equipment to pinpoint the locations of oil deposits, and then purchasing said lands using an intermediary to allow you, the CEO a large oil company, to anonymously purchase said lands for said large oil company.
  - D. Seducing the CEO of a company knowing that the CEO talks in their sleep, but they are also attractive and nice, so who knows what you’ll find out?

8. After waking from a dream in 2008, Phoebe woke up thinking that it would be wonderful to make catnip treats that humans could enjoy along with their cats. And in fact, Phoebe knew that in her backyard was a new variety of catnip that might be perfect for such yummy treats. But as Phoebe realized, making the treats palatable and safe for both cats and humans, this was a difficult question and would take a lot of work. Phoebe secretly spent the next several years working out the recipe. In 2010, Phoebe finally found a formula for treats that were safe for both humans and cats, and filed a U.S. utility patent application for her method of making the treats as well as the treats themselves. Interestingly, Andromeda was working independently on the same problem and separately came up with the same discoveries, but much more quickly, completing her method and product in 2009, both using the same variety of new catnip. Andromeda filed for a U.S. utility patent in 2010, for the same product and process as Phoebe, but after Phoebe's application was filed. Neither Phoebe nor Andromeda worked together or knew one another. Who, if anybody, is entitled to a U.S. utility patent?
- A. Phoebe, as she came up with the idea first.
  - B. Phoebe, as she filed first.
  - C. Andromeda, even though she filed second.
  - D. Neither, as one cannot patent a product of nature.

9. After waking from a dream in 2018, Phoebe woke up thinking that it would be wonderful to make catnip treats that humans could enjoy along with their cats. And in fact, Phoebe knew that in her backyard was a new variety of catnip that might be perfect for such yummy treats. But as Phoebe realized, making the treats palatable and safe for both cats and humans, this was a difficult question and would take a lot of work. Phoebe secretly spent the next several years working out the recipe. In 2020, Phoebe finally found a formula for treats that were safe for both humans and cats, and filed a U.S. utility patent application for her method of making the treats as well as the treats themselves. Interestingly, Andromeda was working independently on the same problem and separately came up with the same discoveries, but much more quickly, completing her method and product in 2019, both using the same variety of new catnip. Andromeda filed for a U.S. utility patent in 2020, for the same product and process as Phoebe, but after Phoebe's application was filed. Neither Phoebe nor Andromeda worked together or knew one another. Who, if anybody, is entitled to a U.S. utility patent?
- A. Phoebe, as she came up with the idea first.
  - B. Phoebe, as she filed first.
  - C. Andromeda, even though she filed second.
  - D. Neither, as one cannot patent a product of nature.

10. Which of the following is most likely to be patent infringement?
- A. Using a patented hammer that you bought online from the patentee's website to repair a patented chair that you bought from the patentee's store, so that you may export it to a country where the chair is not patented, all without authorization.
  - B. Buying patented seeds to grow fruit, and feeding the fruit to your pet bird, "Birdy," knowing that Birdy is likely to fly outside and poop out the seeds, which grows new plants with more seeds.
  - C. Selling a used car that you bought from an authorized dealer with a patented exhaust system, removing the body but retaining the exhaust system, replacing the original body with a fake Ferrari body, and then selling it as a genuine Ferrari.
  - D. Purchasing and incorporating genuine patented peanut butter into a new candy comprising that peanut butter and chocolate, selling it as branded candy, and having the audacity to file a patent application in your own name for the combination.
11. Doctor Doom files an application for: "A method of curing dementia, comprising administering a medically efficacious dosage of a compound from set 'X.'" In the specification, set "X" is defined as one of between 10,000-150,000 compounds made with unspecified RNA sequences. If the USPTO rejects the application, what base or bases should it cite in rejection?
- A. The claimed invention is not enabled.
  - B. The claimed invention lacks possession.
  - C. The claimed invention lacks utility.
  - D. All of the above.

12. Lucian, an earnest and thoughtful artificial intelligence, wrote the following “dog-ku”:  
“Belly full of joy. A leaf falls—my destiny. I must bark at it.” Professor N, having asked Lucian to create a haiku by a dog, is very proud of Lucian’s creation. The prompt by Professor N to Lucian was “Please write a haiku but by a dog.” Professor N told Mrs. N about asking Lucian to write a dog-ku, and Mrs. N, without further information, just happened to later write the same poem. Which of the following are an “author”?
- A. Lucian, because he/she/it/they wrote the dog-ku.
  - B. Professor N, because he wrote the prompt.
  - C. Mrs. N, even though Lucian also wrote the same poem.
  - D. None of the above.
13. Which of the statements below is correct?
- A. An issued U.S. patent gives the owner the right to sell the patented invention in the United States.
  - B. Willful infringement of a U.S. copyright may permit statutory damages of up to \$150,000 per work infringed.
  - C. A federal trademark registration provides the owner with the exclusive right to use the name, symbol, or device.
  - D. A trade secret must become generally known via improper means in order for misappropriation liability to arise.

14. The corporation MacRonald's Inc. owns many federal registrations for its restaurant services, including MACRONALD'S®. Unfortunately, due to an error in its legal department, MacRonald's allowed the registration for its MACRONALDS.COM domain name to expire. Professor N, who once got a stomachache after eating a bowl of MACRONALD'S cabbage & borscht soup, quickly noticed that MACRONALDS.COM had become available and he immediately registered and used it for a website complaining about MacRonald's soup. What is Professor N's best argument that he is not violating the ACPA (Anti-Cybersquatting Consumer Protection Act).
- A. He did not register the domain name since he re-registered it.
  - B. He does not have a bad-faith intent to profit.
  - C. He is not using the domain name.
  - D. All of the above.

15. MINI-BOX cameras are well-known among photography aficionados. Also known as “spy cameras,” Minox cameras are extremely small and were often used in the movies and in real-life by persons wanting to surreptitiously take photos of documents. An example is shown below. The owner of the MINI-BOX mark became aware that an electronics manufacturer began to use the MINI-BOX mark as a trademark for small portable Bluetooth speakers. Is this federal trademark dilution by blurring?



- A. No, because any fame of MINI-BOX camera is limited to photography buffs.
- B. No, because consumers will not confuse the source of small cameras versus Bluetooth speakers.
- C. Yes, because consumers will now associate the mark MINI-BOX with two types of goods, decreasing the distinctiveness of the MINI-BOX mark.
- D. Yes, if the quality of MINI-BOX Bluetooth speakers is poor and harms the reputation of the well-known MINI-BOX mark.

[END OF EXAMINATION]