

LAPTOP MODE:	TIME:	MIDTERM EXAM MODE:
NONSECURE, NO INTERNET	50 minutes	Open book. For printed matter, any material is allowed, particularly casebook, statute book, notes, and outlines. Materials on computer may also be used, such as eBook, notes, and outline. Internet access is locked out and AI tools are prohibited.

**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: _____

AI Instruction

In completing this exam, you are prohibited from consulting or otherwise using an AI (artificial intelligence) text generator in any manner. Your responses must be your own work and analysis. Failure to comply with this policy will be treated as a form of academic dishonesty and a violation of the College of Law's Honor Code.

INSERT SPECIAL INSTRUCTIONS HERE:

- Three (3) pages including these instructions.
- There is one essay fact pattern with two questions following. The time for both essay questions is fifty (50) minutes, points weighted equally.
- The exam is open-book: you can use your supplement, your physical casebook, and any printed notes or outlines, etc. You can also access any materials available on your computer such as eBook, outline, notes, etc., but the internet will be locked out. Thus, if you use an electronic casebook, make sure it is downloaded to your device prior to the exam.

ESSAY FACT PATTERN AND TWO QUESTIONS (50 MINUTES TOTAL)

Instructions: 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.

In 2025, Phoebe and Andromeda (“Andi”) lived in separate apartments with a shared kitchen space. Phoebe was a trained botanist and an aspiring inventor. One day while happily prancing around the courtyard of her bougie apartment building in Chicago, Illinois, she spied a plant she had never before seen. Eureka! With her cat-like instinct, she immediately realized it was an unknown type of catnip. She carefully took some of the plants from the ground—stem, roots, and all—and brought them inside. She replanted them with fertile soil, and before long, the catnip was flourishing.

Phoebe decided to try to make new and tasty cat treats with the catnip. Phoebe told Andi that she would be busy inventing things in the kitchen for the next several hours and that Andi should leave her alone to work in peace. Andi gave Phoebe a steely and disinterested glare and said, “like ok, *whatever*.” Afterwards, Andi retreated to her lair and climbed upon a tall cabinet so that she could spy on Phoebe through a hole in the wall that gave a view of the kitchen; Phoebe had known about the hole but didn’t think Andi was tall enough to reach the hole.

While Andi observed, Phoebe spent several hours experimenting, hoping to come up with a formula for new and tasty cat treats using her new catnip varietal. Phoebe kept copious notes in small handwriting; however, Andi had excellent vision and hearing and saw and heard everything from her hidden perch. After several hours, Phoebe perfected her formula and meowed, “Eureka!”

But as we all know, curiosity can kill the cat. When Andi heard Phoebe’s sudden squeal of excitement, Andi startled and smacked her head *hard* against the ceiling, making a loud *BANG!* that even Phoebe could easily hear. Phoebe still didn’t look towards the hole because she was too absorbed in her discovery. Thrilled with her success, Phoebe made dozens of treats and gave free samples to friends and neighbors, but was careful to keep the secret formula to herself.

Several months later, Phoebe was walking down Michigan Avenue in downtown Chicago and saw an empty storefront with a sign saying: “*Coming soon: Andromeda’s Out-of-This-World™ catnip treats (soon to be patent pending!*)” Angry and confused, Phoebe knocked and Andi opened the door. Phoebe went inside. Phoebe roared, “Did you do and are you doing what I think you’re doing and how could you do that to meeeeeeeeeeeow???” Andi responded with silence, wearing a grin befitting a Cheshire cat.

Realizing the cat was out of the bag, Phoebe again set up a stand on her own street several days later and again offered free samples, this time along with recipe cards that provided in detail how any competent cook could make the cat treats and where to find the catnip plants. Within an additional week, Phoebe drafted and filed a U.S. Patent application for her method. Unfortunately, in the time between Phoebe’s second offering of free samples and Phoebe’s patent filing, Andi had also filed a U.S. Patent application. Both applications recited the same steps and were eventually published.

Question One: In light of their filings and conduct, who is entitled to a U.S. Patent under § 102?

Question Two: Is Andi liable for trade secret misappropriation under the UTSA?