



About the Exam

and Some End-of-Semester Things

Trademark & Unfair Competition
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Attendance

- If you are concerned about attendance, including whether it might have a negative effect on your grade and what you action you might take to mitigate that, read Syllabus §9. It's all explained in there.
- Do that now. Don't put it off.

Please consider staying in touch!

- Consider dropping me an email a year from now and letting me know what you're up to. It could be two sentences long. Doesn't have to be fancy. I'd be excited to get it!
- Keeping in touch with me probably won't help your career.
 - (Although if I could refer business to you, or do something else to help your career, I'd be very pleased!)
- But it will help me keep in touch with the world of practice.
- And it might help my future students. I'd like to have a network of alumni such that if a student came to me wanting to know about about some career path – the Seattle FTC office, the New Hampshire criminal defense bar, skier-focused personal injury practice in Colorado – that I could get in touch with you and ask if I could give your contact info to a student!
- Also, would greatly anything you learn in the world of practice that I could use to be a better teacher/scholar! (Something all students should know. Something courts could use scholarly research on. Etc.) If an idea comes to you, drop me a line!

About the exam

- We'll have what the Syllabus calls a "Normal Exam."
- Read Syllabus §10. It discloses a huge amount of information about the exam.
- The exam will consist of two parts. They will be separately administered, one after the other. Part I booklets and answer sheets will be collected before Part II materials are distributed.
- Part I of the exam (worth 1/6 of the exam grade) will be multiple-choice questions, 30 minutes in duration, and closed-book.
- Part II of the exam (worth 5/6 of the exam grade) will be essay, 2.5 hours in duration, divided up as follows: (1) a Reading Outlining ("RO") Period of 30 minutes, and (2) an Exam Writing ("EW") Period of two hours. This Part II is open-book/open-notes — limited to paper-based/non-digital materials. You will use a computer (tablet, laptop) locked down with exam software to type your response. Alternatively, you may handwrite your response in blue books that will be provided.

About the exam

- As a grader, reading essays, when it comes to the substance, I think I am quite forgiving of errors. The top essays generally miss one or two easy issues. Sometimes a top exam even says something that's just actually wrong. I award points where you earn them. I don't compare your response to my imagined ideal and then deduct points where your essay differs.
→ So in *that* regard, relax and try to enjoy the exam as a straightforward challenge that is demanding yet doable, fair, and rewarding.
- But I am not forgiving of failure to comply with exam instructions. If you don't turn in the exam on time, if you share materials, if you have unpermitted communications, if you don't put your exam ID number in the places it is required, or if you otherwise fail to follow instructions, do not expect forgiveness.
→ So in *that* regard, do not be nonchalant, breezy, or carefree. Be diligent and obey the instructions.

About the exam

- I anticipate releasing the exam instructions ahead of time. Look for them on the website and in your email.
- In past semesters, I have posted a long and detailed document called the "Exam Prospectus" that gave a lot of advice and advance information about the exam. But I am trying to move away from that by instead:
 - Moving much or most of that advice and information into the Syllabus §10 (which I've done).
 - Putting late-breaking info in a slide deck (which is what this is).
 - Issuing the instruction pages of the exam booklet in advance. (Look for that.)
- If I find anything else that needs to be said, I'll put it in a document titled "Exam Prospectus" which I'll post to the webpage.

About the exam

- The exam's hypothetical facts will not take place in a particular existing state or circuit such that you would need to apply, for instance, Ninth Circuit law.
- I have a lot of old exams in my Exam Archive. I recommend using old exams as a means of active studying. But this semester covered different material in a different way than any of my prior semesters. So I wouldn't get really focused on what you see being tested on old IP exams or the Trademarks exam from '06.
- I will be working very hard to create a *fair* exam for you based on *this semester* we've had together.
- You'll be better off if you assume good faith on my part and that I'm trying to design a fair exam.

About the exam

- I believe in testing across the whole course. So yes, that would include "New Lawyer Tips." And that includes the slides-and-lecture-only/no-reading topics, such as *Trade Libel and Defamation* and *False Advertising*.
- My plan is to try to use multiple-choice for those sorts of things. I certainly didn't equip you to write an essay on an antitrust question, for instance! I wouldn't do something like that.
- What level of recall do I expect for those kinds of topics? Here's my standard: *If you attended the class in an engaged manner and read over the slides a couple times afterward, and where there's an example or problem or question in the slides with an answer if you thought that through so that you understood it, that's what I'm hoping for. If you've done that, and if I've designed the exam well, you'll get those points.*



About this Course

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The reading

You need to do the reading

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- Actually do the reading in this class. That's the expository portions *and the cases*. If you don't you will be at a substantial disadvantage.
- This is not a class where you need to master *rules*. For learning rules, the reading can be less crucial. But in this class, you'll need to know the cases and be able to apply them.
- In gleaning knowledge from the cases, *the facts* are as important or maybe even more important than the legal analysis.
- I will build the exam based on the reading. So not doing the reading will put you at a real disadvantage on the exam.
- I intend to conduct class time with the assumption that people have done the reading. People who haven't done the reading may feel lost and left behind.

You need to do the reading right

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- Don't read the case for the rule. That's boring. And it's not super informative.
- Try to approach it more like watching TV dramas and sports.
- Get engaged in the case. Read it as a story. Soak up the facts. Then pick who you're rooting for. Your side will either win or lose. Be happy or bitter, accordingly.
- Look, you will never again in your life have this kind of time to devote to thinking about and being engaged in a whole body of law that is not directly implicated in a client matter or docket matter. So soak it up. Enjoy it. Make it make you a better lawyer.

How to approach the reading

I advise that you always be prepared to answer at least these questions about the reading:

- What is something interesting/compelling/instructive about this case?
 - Put differently, what is one thing you would point to as to why the case was worth reading, was worth assigning, or is worth remembering?
- What is your best argument against or critique of the court's opinion?
 - (... or, if not a judicial opinion, then of the author's writing, argument, or presentation)
- When you picture yourself as a litigator arguing the law to a court, or as an attorney writing a demand letter or responding to one, how could this case be useful to the future you?

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How to Read

The last topic on the syllabus is:

36. Dispute and Litigation Techniques

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- What is... for this. I expect you to provide the content for this. I expect you to teach this. e
- (... court's... e
- (... pres... Spend the whole semester accumulating material for this – *intentionally* as you do the reading. And also as you listen to and contribute to the discussion in class.
- When

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