

FINAL EXAMINATION - MULTIPLE CHOICE

GENERAL INSTRUCTIONS:

1. Failure to follow these instructions, including without limitation instructions 3 through 12 as well as matters of allowed materials, device usage, and time limits, are academic misconduct issues, and violations will be treated as such even if inadvertent.
2. **This exam must be taken on campus, in person. No one is permitted to take this exam remotely. If you are offered this exam remotely, stop. Do not take it.**
3. Part 1 and Part 2 are separate. Materials are distributed and collected separately for each part. No work on Part 1 may be done during the Part 2 period, and vice versa. **TO BE CLEAR: YOU CANNOT "ROLL OVER" UNUSED TIME FROM PART 1 TO PART 2. NO ONE HAS AUTHORITY TO ALTER THIS.**
4. All exam materials (including this booklet and your response) must be turned in at the end of the period **with your exam ID number written in the box above in the upper left.** Exam ID numbers change each term/semester. **Use only your exam ID number for this semester.** If you do not know your exam ID number for this semester, consult an administrator/proctor. **Failing to use your correct exam ID number as instructed will be treated as academic misconduct and, additionally, will incur a grading penalty – presumptively zero credit for the affected portion of the exam, resulting in a failing grade for this course.**
5. You may not waive anonymity. Use only your exam ID number to identify yourself on your response and any materials.
6. **Do not disassemble this booklet, remove the staple, or tear pages.**
7. This exam is protected under U.S. law by federal copyright law and federal and state trade-secret law. Copying answers, the exam, or any portion thereof is prohibited – including making a rough transcription from personal memory after the exam's administration.
8. During the exam session: You may not communicate with anyone – necessary communications with administrators/proctors being the exception. For a particular example, but not by way of limitation: You may not speak with another student while using the restroom, regardless of the substance of the communication, and regardless of whether you are done working on your exam. You may not view or attempt to view materials other than your own. If necessary, a brief bathroom break is allowable under applicable policies, but you cannot leave the exam room otherwise.
9. After the exam: In case there is someone who has not yet taken the exam – perhaps because of sudden injury, illness, or personal tragedy – communicate nothing about the exam, including even vague impressions or characterizations (including but not limited to it being "hard" or "easy"), to anyone who has not yet taken the exam or via any means (including but not limited to social media, GroupMe, Instagram, Slack, Discord, etc.) that might cause information to be received by a student who has yet to take the exam.

Do not turn any page until instructed. When instructed turn over the entire booklet and continue reading the instructions on the back cover.

DO NOT DISASSEMBLE THIS BOOKLET!

GENERAL INSTRUCTIONS, CONTINUED:

10. You must refrain from conduct which could reasonably be distracting to the students sharing the room with you, including by generating noise and smells with regard to food, drinks, and otherwise. No unwrapping of food or opening of cans or bottles after the exam period starts. No foods or drinks that smell, crunch, or otherwise make noise or emit odor. No essential oils, perfumes, or colognes. Chew with your mouth closed. Do not allow examination materials to be contaminated with food. Obey the other details spelled out in the syllabus.

11. You may use earplugs. You may use noise-cancelling or white-noise-producing headphones (the word “headphones” includes earbuds) provided that they have no other electronic capabilities, functions, or features (including but not limited to Bluetooth, signal transmission, signal reception, playing music, etc.). What matters is the item’s capacity to do other things – not whether that capacity is being used. You may wear a regular watch with no functions other than timekeeping. A digital watch that has an alarm and stop watch function in addition to providing the time of day and date is permitted – but it may not beep or emit noise. For emphasis: No smart watches, no phones, no music, no Bluetooth. All items and materials are subject to inspection.

12. You may write anywhere on the examination booklet – e.g., for use as scratch paper. But only answers and material recorded in the proper places will be graded.

13. Your goal is to show your mastery of the material presented in the course and your skills in analyzing legal problems. This is what you will be graded on. Unless otherwise provided, base your legal analysis on federal law, the general common law, and typical state statutory law in the United States, including all rules, procedures, and cases from the course, plus any hypothetical laws presented in the facts.

14. Unless specified otherwise: Assume all references to law, facts, rights, registrations, applications, and so forth, are to such things in and of the United States; all references to registration of marks are to registration on the federal principal register; “trademark” is used in the broad, common sense, not the constrained, technical definition of the statutory text of the Lanham Act.

SPECIFIC INSTRUCTIONS FOR THE MULTIPLE CHOICE PORTION:

15. You have 30 minutes. For the sake of others, if you finish early, **you cannot leave early.**

16. This portion of the examination is **“closed book.”** You may not use any materials at all other than pencils, an eraser, the answer sheet, and this booklet, plus limited allowance for food, drink, earplugs, watches, and headphones as provided in the General Instructions. No scratch paper. Any touching, using, accessing, viewing, or listening to electronic devices or other materials, except as provided, is prohibited.

17. Each question has one correct answer, worth one point. There is no penalty for incorrect answers. So if you don’t know, guess.

18. If any error or irregularity is discovered after the exam, then in the instructor’s discretion any affected question may be tossed out or alternative answers given credit.

19. Do not put your name on the answer sheet. Again: Use only your exam ID.



FINAL EXAMINATION - ESSAY

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8. During the exam session: You may not communicate with anyone – necessary communications with administrators/proctors being the exception. For a particular example, but not by way of limitation: You may not speak with another student while using the restroom, regardless of the substance of the communication, and regardless of whether you are done working on your exam. You may not view or attempt to view materials other than your own. If necessary, a brief bathroom break is allowable under applicable policies, but you cannot leave the exam room otherwise.
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14. Unless specified otherwise: Assume all references to law, facts, rights, registrations, applications, and so forth, are to such things in and of the United States; all references to registration of marks are to registration on the federal principal register; “trademark” is used in the broad, common sense, not the constrained, technical definition of the statutory text of the Lanham Act.

SPECIFIC INSTRUCTIONS FOR THE ESSAY PORTION:

15. You have a total of 2.5 hours, including the 30-minute RO Period (described below).

16. This portion of the examination is **“open book.”** No materials may be shared. You may use any paper-based notes and books you like, including inert binders and tabs. You can also use pens, pencils, and highlighters. Any touching, using, accessing, viewing, or listening to electronic devices or other materials, except as provided, is prohibited. There is limited allowance for food, drink, earplugs, watches, and headphones as provided in the General Instructions, above. You may use scratch paper provided by the school, but anything written on it won’t count for your grade.

When instructed, without picking up or turning over this booklet, carefully lift only this page and continue reading the instructions underneath.



17. During the EW Period (described below) you may use a computing device (including a laptop or keyboard-equipped tablet) to write your exam, provided it is running the required exam-taking software and is used pursuant to applicable policies. But you may not reference files stored thereon during the examination session. If handwriting, you may use blue books (bound response booklets) provided by the school at the exam administration.

18. 30-MINUTE RO PERIOD: The first 30 minutes is a reading-outlining period (RO Period). This is your time to carefully read the exam booklet (that is, the facts and the questions), to take notes, to reference your outlines and books, and to outline your response on scratch paper. During the 30-minute RO Period you may not begin recording the response upon which you will be graded and you may not use any computing device. Thus, during the RO Period, you may not type any characters at all into any computing device or make any mark in any blue book.

19. TWO-HOUR EW PERIOD: Next, you will have a 120-minute exam-writing period (EW Period) during which you will write your response. (You can also continue to do the things allowed during the RO Period.)

20. Organization counts. Read all exam questions before answering any of them – that way you can be sure to put all of your material in the right places.

21. **Use what you've learned in this course.** Expect that more difficult issues will require more analysis. Spend your time accordingly. If appropriate or useful, you can note differences among approaches used by different courts and jurisdictions.

22. **Please do not repeat the exact same analysis when discussing a different party or answering a different question.** Instead, I strongly encourage you to incorporate previously stated analysis by reference. If analysis of an issue is similar to but not exactly the same as what you have written previously, then you can refer to your prior analysis and go on to discuss any differences.

23. Clarity counts. **Clearly label each question separately in your answer.** For example, for question 1, you could put "1" or "Q1" or "Question 1" on a line by itself. **Please don't start a new answer field in the exam-response software** or separate "question" as far as the software is concerned. **It's all one essay response. And I will grade it as one.** I advise you to avoid constraining formats like numbered or bulleted lists. Regular paragraphing tends to work best. There are no points to be won or lost for spelling, grammar, or stylistic aspects of writing – so long as I can understand what you are saying. Feel free to use abbreviations, but only if the meaning is entirely clear. **Blue books:** Make sure your handwriting is legible. I cannot grade what I cannot read. Please use a blue or black pen. Skip lines and write only on one side of the page.

24. Be confident in all you've done to prepare, and keep in mind that summer is just around the corner. I wish you the best of luck!

Do not begin until instructed.