

Anonymous Grading Number: _____

American University Washington College of Law
Fall 2025 Final Examination
LAW-688-001 Patent Law

Professor Name: **Charles Duan**

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Instruction Page

1. The length of the examination: 3 hours
2. This exam consists of 5 pages including the instruction sheet(s). Please be sure your exam is complete.
3. This exam is open book. Students are permitted to access hardcopy materials and materials stored on their computer hard drives, but are not permitted to access the internet.
4. Multiple Choice:
 - You must respond using the [multiple-choice feature of Exam4's software](#).
 - Only use Scantron paper if your laptop stops working.
5. Additional instructions: See the next page.

WCL Exam Policies

1. You must use your Fall 2025 Exam Number / Anonymous Grading Number (AGN). Write it on the blue book, exam questions, and any scrap paper. **Do not use your name, student ID number, or social security number.** Use the guide posted via the following link to find your Exam Number/Anonymous Grading Number (AGN) for the current term: (<https://shorturl.at/rZMdQ>).

Do not contact your professor about the exam until after grades have been released.

2. No corrections will be made once the exam is distributed. If there is a typo or ambiguity in a question, state your assumption and answer accordingly. **Please note: Proctors are not allowed to answer questions about the examination.**
3. All materials, including the **questions, handwritten answers (if applicable), and scratch materials**, must be placed inside the exam envelope and returned to the proctor at the end of the exam.
4. Students are permitted to use one electronic device (laptop or compatible tablet). The use of additional electronic devices (cell phones, mp3 players, smart watches, tablets, etc.) is prohibited during the exam.
5. You are reminded that the WCL Honor Code applies to this examination.

General Instructions

The following are general instructions for writing this examination:

Word and Time Limits. The times given for each problem are just suggestions; you may allocate time on this exam as you wish. The word limits are mandatory. They are also very generous, and an excellent answer would contain far fewer words. [In Exam4](#), remember to click “Show Document Statistics” and “Insert Answer Separator” so that you can see word counts for individual questions.

Address All Issues. Even if you think a particular issue is dispositive, **do not stop your analysis.** For example, even if you think a patent is invalid, you should continue to consider whether it is infringed.

Answer Quality. Credit on this exam will be given for clarity, organization, and conciseness in writing. You are highly encouraged to use font styles and paragraph breaks to make your answers as clear and readable as possible.

Duplicative Analyses. If a certain legal analysis is useful in multiple places within your exam answer, you do not need to repeat the text of the analysis, but may write it once and refer to it in other parts of your answer.

Formatting. Press “Enter” twice between paragraphs, so that they are separated by a full blank line. Emphasize text with **bold** or **italics** only. Do not underline text, as my exam reading program will not display it. You may use Markdown formatting if you are familiar with it (see the figure).

Patents. Unless the stated facts require otherwise, “patent” means a United States utility

Heading, Preceded by Pound Sign
Second Level Heading; Two Pound Signs
Write text intended as <i>*italics*</i> and **bold** with surrounding asterisks.
- Bullet lists
- Items start with a dash

Figure 1: Examples of Markdown formatting

patent, and the filing date of a patent application is the effective filing date of the application. References to a patent being “held valid” should be interpreted as the patent being “held not invalid.” Unless otherwise stated, all patents and patent applications were filed after the effective dates of the America Invents Act of 2011.

Jurisdiction. Unless otherwise stated, all people and activities are in the United States.

Technical Facts. You must accept as true any technical fact stated in this exam, even if it appears untrue in reality. (This is necessary because I cannot invent truly new technologies for the exam.) Basic background facts such as laws of physics may of course be used even if they are not directly recited, as long as they do not contradict the facts given in the question.

Claim Construction. Analyze the construction of a patent claim term only if the outcome of another legal issue depends on the claim construction, and if there is a likely substantial dispute over the term. In your analysis, identify how both sides would want the claim construed, the best arguments in favor of each side’s construction, and the impact of each construction on the other legal issue.

Essays

(15 minutes to read)¹

“SILENCE!” roared Gwi-Ma. “You have failed me for the last time. Once someone figures out how to make the Golden Honmoon, it’s over for us!”

As the demon hordes cowered before their king, a tall, lanky figure strode toward the throne, holding an old leather book.

“You dare to insult me with your presence, Jinu?” said Gwi-Ma.

“Insult you? I’m here to help you,” said Jinu. “Your techniques are stuck in the past. It’s time for a new strategy.”

“I’m listening.”

“The only reason that we demons haven’t been banished to the underworld is that no one knows how to make a Golden Honmoon yet. To make it, you need an energy field big enough to cover the whole country at exactly the right frequency to repel demons. Last year, those scientists at Yonsei University published a paper finding that singing at a frequency of 831 hertz could make the energy field. But the field they made was tiny, and they said in the paper that there was no way to make the field large enough to be useful.”

“Tell me something I don’t know.”

“How about this?” Jinu waved the book he was holding. “The ancient Book of Demon Spells. It was buried in the Yonsei library, under ‘S’ for ‘spells.’ It took me six months of trying every spell in the book, because the spells aren’t all that predictable. But I finally found it on page 784—sing the words, ‘Born to be’ at 831 hertz, and poof, full Golden Honmoon!”

“You fool! Why would we want to make a Golden Honmoon?”

Jinu smiled. “We’re not going to make a Golden Honmoon, Gwi-Ma. We’re going to patent it.”

¹I’m really sorry, my kids have been singing *KPop Demon Hunters* songs for months. You don’t need to know anything about the movie for this exam.

* * *

The next day, Jinu filed a patent application as follows:

Method for Making a Golden Honmoon

An embodiment of the invention is a method of making a sound wave that produces a Golden Honmoon. The sound wave may be produced by singing, playing a sound recording, or by any other known means of generating a sound wave.

In an embodiment, a singer sings the words of a demon spell. The spell is sung at a demon repelling frequency.

In an embodiment, the spell is chosen from the following spells: [A list of all 21,908 spells from the Book of Demon Spells is inserted here.]

In one embodiment, the demon repelling frequency of the sound wave is 831 hertz. In alternative embodiments, the frequency may vary by up to 10 hertz above or below 831 hertz.

What is claimed is:

1. A method of making a Golden Honmoon, comprising:

[a] singing a plurality of words corresponding to a demon spell;

[b] at least one of the words being sung at a frequency between 821 hertz and 841 hertz.

(You can use the bracketed letters to refer to elements of the claims.)

* * *

Exactly one year later, U.S. Patent No. 12,443,601 is granted to Jinu on the above application, without amendment or rejection by the examiner.

* * *

That same day, Rumi, Mira, and Zoey are preparing for the biggest concert of their lives. The three singers will be premiering their new song, *Golden*.

“Hey Rumi, ready for your big solo?” Mira asks.

“Now I’m shining, like I’m born to be,” sings Rumi. “I sure hope I can hit that high note.”

“Well, when you do, we’ll have the Golden Honmoon, and we’ll never have to worry about those demons again!”

As the trio begins to chow down on their pre-show instant ramen, three demons burst into the room. The singers put down their chopsticks and prepare for a fight.

“Relax, friends,” says the lead demon. “We’re not here to fight. We’re just here to give you a little gift before your performance.”

Rumi takes a stack of papers from the demon. “Service of process . . . patent infringement . . . What in the world is going on?”

“We’re suing you, of course,” the demon says through grinning teeth. “Our patent is issued this morning.”

Zoey grabs the papers from Rumi and flips through them. “You got a patent on the song? How did you claim that?”

“You know patent law?” whispers Mira.

“Yeah, doesn’t everyo—Hey, hold on a second!” Zoey exclaims. This says 831 hertz. That’s a G sharp. Rumi sings a high A—that’s 880 hertz. Our song makes a gravitational energy field, not an electrical energy field like those Yonsei scientists found. It’s not even the same thing!”

“She’s a genius,” Mira mumbles.

“Tell it to the judge,” the demon growls. “The court is signing the temporary restraining order as we speak. Your concert isn’t happening tonight. Or for the next 19 years!”

What happens next? It’s all up to you. Save the Golden Honmoon! Stop the demons! And help Rumi, Mina, and Zoey in time so they can finish their ramen!

Question 1

(60 minutes, 3400 words, 40% of grade)

Assume that all of the above facts are known to all parties. Analyze whether the patent is valid, and whether singing *Golden* would infringe the patent.

You can do this either from a neutral third-party perspective or pretending to be Zoey, whichever you prefer. Your analysis should be complete and consider both sides of all arguments either way. Do not address *Thaler v. Vidal*; demons can be inventors for purposes of this exam. And to reiterate the instructions, all these events occur in the United States, after the America Invents Act.

Question 2

(15 minutes, 800 words, 10% of grade)

Assume that the patent is valid and infringed. Jinu unsurprisingly is uninterested in monetary compensation; he just wants the Golden Honmoon stopped. What patent remedy makes the most sense for him to pursue? Is he likely to obtain such a remedy? And what type of tribunal should he seek that remedy in?

Multiple Choice

(1.5 hours, 50% of grade)

[This section has been omitted.]