

Santa Clara
University

IP TRIVIA NIGHT!

SANTA CLARA LAW



WIPIP
2014
SILICON
VALLEY

The Jesuit university in Silicon Valley

IP Trivia Night, WIPIP 2014

PRELIMINARY ROUND #1



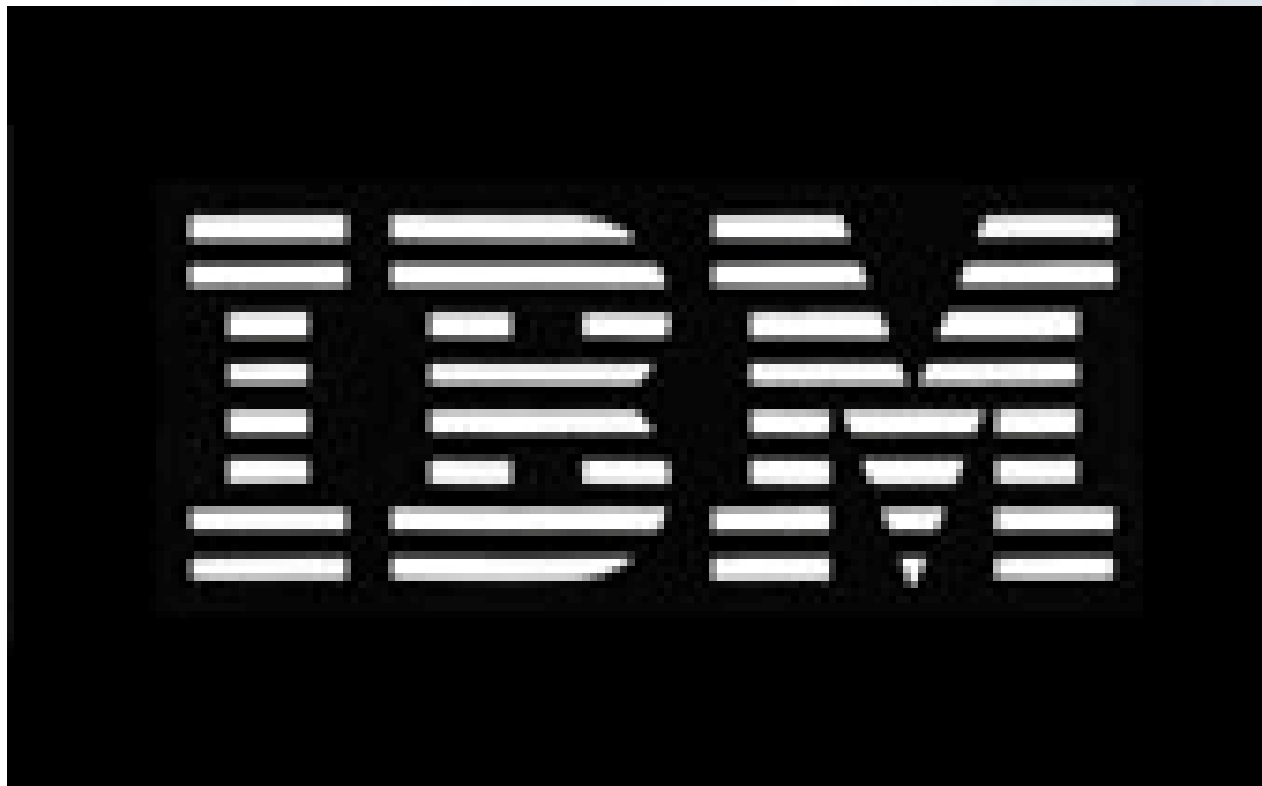
Q1: 5 points

What company obtained the most issued U.S. patents in 2013?

Q1: 5 points

Answer: IBM.

Source: <http://www.usatoday.com/story/money/business/2014/01/18/most-innovative-companies/4581161/>



Q2: 5 points

The famous copyright case Feist v. Rural Telephone Service involved competing phonebooks covering communities in what state?



Credit: Wikipedia

Q2: 5 points

Answer: Kansas

Source: Feist Publications,
Inc. v. Rural Telephone
Service Co., 499 U.S. 340
(1991)



Q3: 5 points

In what city was the first Taco Cabana located?



Q3: 5 points

Answer: San Antonio, Texas

Source: <http://www.mysanantonio.com/business/article/Stehling-Taco-Cabana-founder-dies-at-87-4106622.php>



Google Street View of original Taco Cabana location, captured February 1, 2014

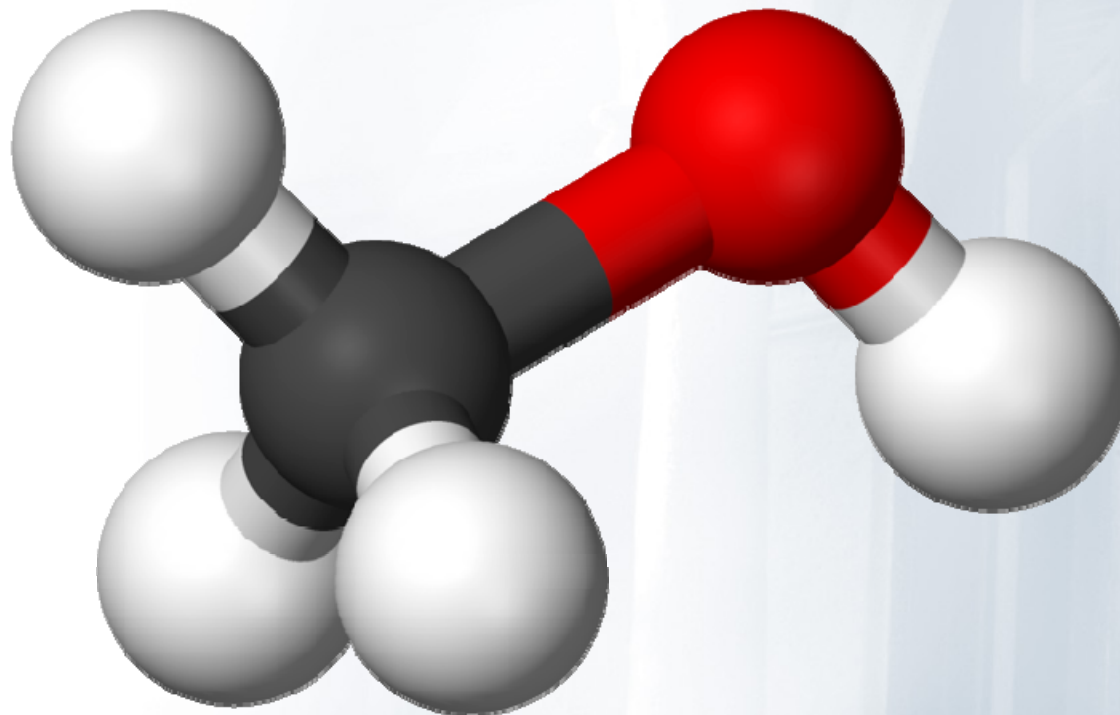
Q4: 5 points

In the famous trade secret case Dupont v. Christopher, involving the aerial photography of a manufacturing plant under construction, what product was the manufacturing plant designed to produce?

Q4: 5 points

Answer: methanol

Source: E.I. du Pont de Nemours & Co. v. Christopher, 431 F.2d 1012 (5th Cir. 1970)



Credit: Wikipedia

Q5: 10 points

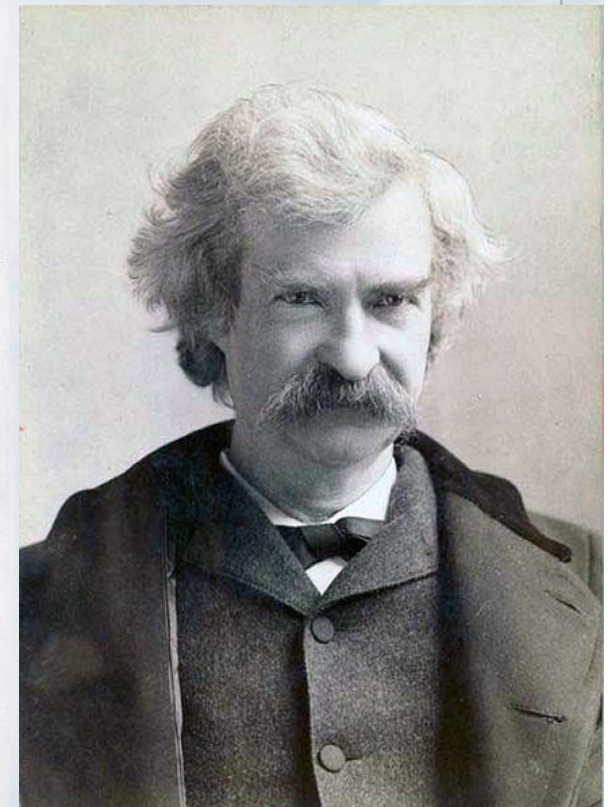
What book contains the following line: "I knew that a country without a patent office and good patent laws was just a crab, and couldn't travel any way but sideways or backwards."



Credit: Wikipedia

Q5: 10 points

Answer: "A Connecticut Yankee in King Arthur's Court" by Mark Twain



Q6: 10 points

In the famous copyright case *CCNV v. Reid*, what phrase is written on the sculpture's base? (credit only if exactly correct)



Q6: 10 points

Answer: "And Still There Is No Room At the Inn"



Q7: 10 points

Who is the current Commissioner for Trademarks?



Q7: 10 points

Answer: Deborah Cohn

Source:

http://www.uspto.gov/about/bios/cohn_bio.jsp



Q8: 10 points

Name the pharmacist who invented the Coca-Cola formula

The image shows the iconic Coca-Cola logo in its signature script font. The letters are thick and black, with a classic, flowing cursive style. The 'C' is particularly large and ornate, with a long, sweeping tail that underlines the word 'Coca'. The 'o's are also large and feature a distinctive circular shape. The 'l' is tall and thin, and the 'a' is small and rounded. The overall appearance is that of a classic, hand-drawn script.

Q8: 10 points

Answer: John Stith Pemberton

Source: <http://www.coca-colacompany.com/stories/the-chronicle-of-coca-cola-birth-of-a-refreshing-idea>



Q9: 15 points

Actress Jamie Lee Curtis obtained Patent #4,753,647. What was her invention?



Photo by Alan Light

Q9: 15 points

Answer:

"1. A disposable, integrated, multi-piece infant garment comprising

a diaper including inner and outer sides, with the outer side including an expanse formed of a moisture-impervious material

moisture-impervious means joined to and substantially coextensive with said expanse and forming therewith a moisture-impervious, sealable but selectively openable pocket, and

a removable clean-up wiper contained generally coextensively in said pocket."

Source:

<http://www.google.com/patents/US4753647>

U.S. Patent

Jun. 28, 1988

4,753,647

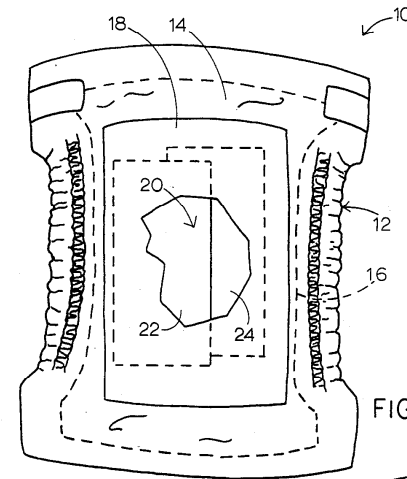


FIG. 1

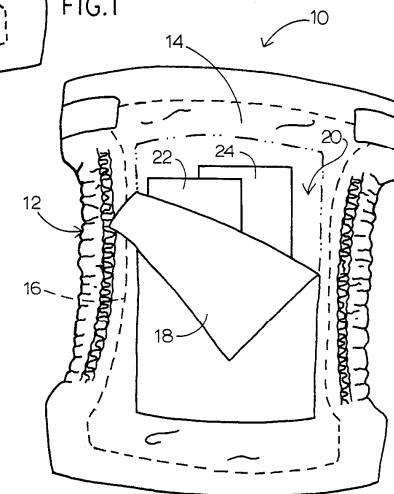


FIG. 2

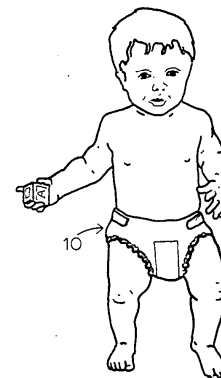
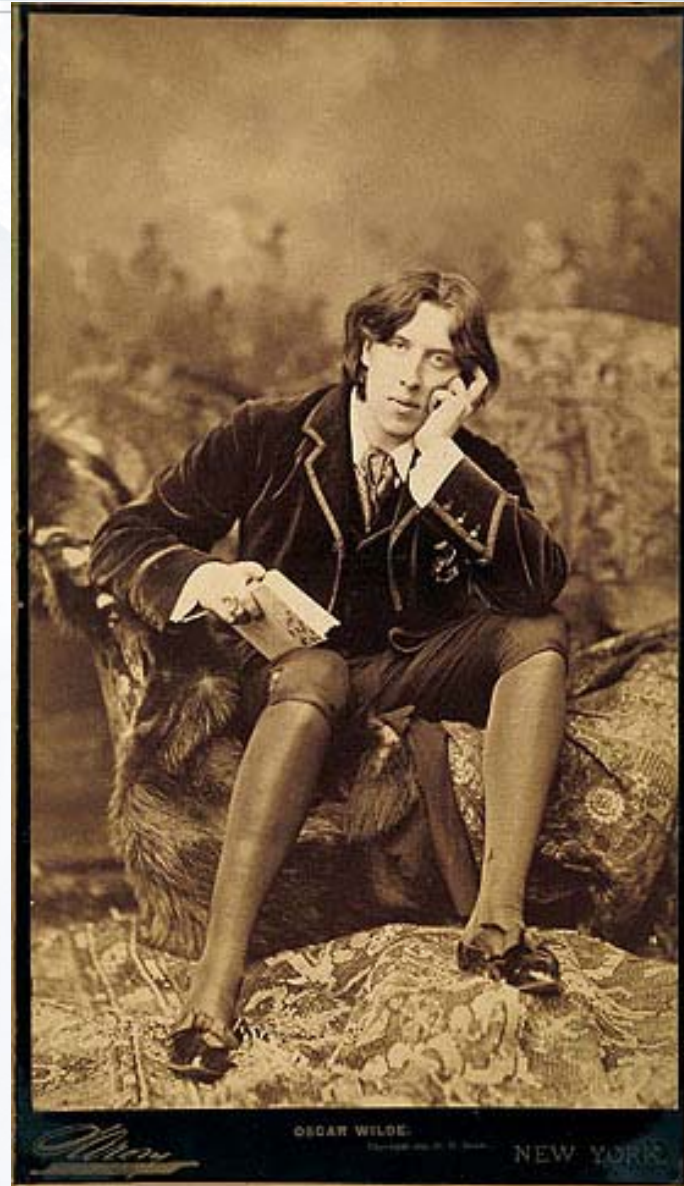


FIG. 3

Q10: 15 points

Who took this photograph? (credit only if first and last name are correct)



Q10: 15 points

**Answer: Napoleon
Sarony**

Source: Burrow-Giles
Lithographic Co. v. Sarony
111 U.S. 53 (1884)



Q11: 15 points

What year was the International Trademark Association (INTA) formed? (within 2 years)



International
Trademark
Association

Q11: 15 points

Answer: 1878 (acceptable range is 1876 to 1880)

Source: <http://www.inta.org/About/Pages/Overview.aspx>



Q12: 15 points

Who wrote the Second Circuit's majority opinion in the famous publicity rights case *Haelen v. Topps*, which is believed to have coined the phrase "right of publicity"?

This right might be called a "right of publicity." For it is common knowledge that many prominent persons (especially actors and ball-players), far from having their feelings bruised through public exposure of their likenesses, would feel sorely deprived if they no longer received money for authorizing advertisements, popularizing their countenances, displayed in newspapers, magazines, busses, trains and subways. This right of publicity would usually yield them no money unless it could be made the subject of an exclusive grant which barred any other advertiser from using their pictures.

Q12: 15 points

Answer: Judge Jerome Frank

Source: *Haelan Labs., Inc. v. Topps Chewing Gum, Inc.*,
202 F.2d 866 (2d Cir. 1953)



SUDDEN-DEATH TIEBREAKER



Tiebreaker #1

Who is this gentleman? (photo taken 1994)



Tiebreaker #1 Answer

Answer: Judge Giles Sutherland Rich



Tiebreaker #2

Name the California cities that fought in court over the name
"Surf City USA"



Tiebreaker #2 Answer

Answer: Huntington Beach and Santa Cruz

Source: <http://blogs.wsj.com/law/2006/05/15/gnarly-trademark-settled-huntington-beach-is-surf-city-usa/>



Tiebreaker #3

What does "CONFU" stand for?



Tiebreaker #3 Answer

Answer: "Conference on Fair Use"

**THE CONFERENCE
ON
FAIR USE**

**FINAL REPORT TO THE COMMISSIONER
ON THE CONCLUSION OF THE
CONFERENCE ON FAIR USE**

NOVEMBER 1998

IP Trivia Night, WIPIP 2014

PRELIMINARY ROUND #2



Q1: 5 points

In the famous patentable subject matter case of *Diamond v. Chakrabarty*, who was the initial assignee of Chakrabarty's patent?



Ananda Chakrabarty 2009. Credit: Wikipedia

Q1: 5 points

Answer: General Electric Co.

Source: *Diamond v. Chakrabarty*, 447 U.S. 303 (1980)



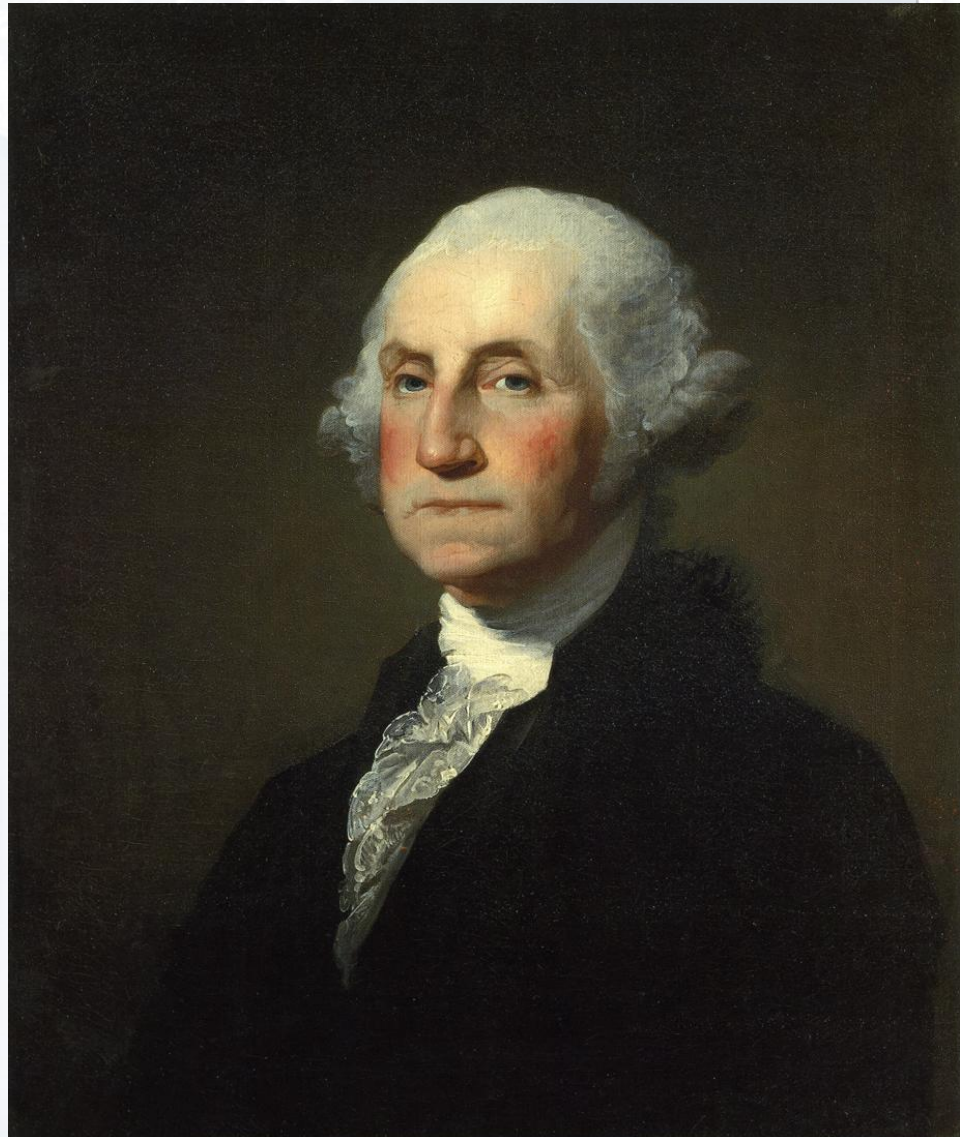
Q2: 5 points

The famous fair use case *Folsom v. Marsh* involved the private letters of what person?

Q2: 5 points

Answer: George Washington

Source: Folsom v. Marsh, 9 F.Cas. 342
(C.C.D. Mass. 1841)



Q3: 5 points

What year was the Lanham Act enacted?



Q3: 5 points

Answer: 1946

Source: Pub. L. 79-489, 60 Stat. 427



Q4: 5 points

How long is the statutory post-mortem publicity right in Indiana?



Q4: 5 points

Answer: 100 years

Source: IC 32-36-1-8, <http://www.in.gov/legislative/ic/2010/title32/ar36/ch1.html>



Q5: 10 points

How many patents are known to have been issued by the Confederate States of America (within 2.5%)?



Q5: 10 points

Answer: 266 (acceptable range is 259 to 273)

Source: <http://www.myoutbox.net/popchapx.htm>



Q6: 10 points

What is the name of the Texaco scientist whose photocopying of Journal of Catalysis articles was examined in the fair use case, *American Geophysical Union v. Texaco Inc.*? (credit only if first and last name are correct)



Q6: 10 points

Answer: Dr. Donald H. Chickering, II

Source: American Geophysical Union v. Texaco, Inc., 60 F.3d 913 (2d Cir. 1994)



TEXACO

Q7: 10 points

In FY2013, which company submitted the most U.S. trademark applications and also had the most U.S. trademark registrations?

Q7: 10 points

Answer: Mattel

Source: <http://www.uspto.gov/about/stratplan/ar/USPTOFY2013PAR.pdf> page 220



Q8: 10 points

How many states (excluding territories) have adopted the Uniform Trade Secret Act?

**UNIFORM TRADE SECRETS ACT
WITH 1985 AMENDMENTS**

Drafted by the

NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS

and by its

Approved and Recommended for Enactment
in All the States

At its

ANNUAL CONFERENCE
MEETING IN ITS NINETY-FOURTH YEAR
IN MINNEAPOLIS, MINNESOTA
AUGUST 2-9, 1985

With Prefatory Note and Comments

Approved by the American Bar Association
Baltimore, Maryland, February 11, 1986

Q8: 10 points

Answer: 47

- Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming
- Also District of Columbia, Puerto Rico, U.S. Virgin Islands (no extra credit for these)
- Source:
<http://www.uniformlaws.org/LegislativeFactSheet.aspx?title=Trade%20Secrets%20Act>

Q9: 10 + 10 points

For 10 points, how many patent applications were filed with the USPTO in FY 2013 (within 2.5%)? The total includes utility, reissue, plant and design applications.

For 10 more points, of those applications, how many were plant patent applications (within 2.5%)?

Q9: 10 + 10 points

Patent applications: 601,317 (acceptable range is 586,284 to 616,350)

Plant patent applications: 1,320 (acceptable range is 1,287 to 1,353)

Source: <http://www.uspto.gov/about/stratplan/ar/USPTOFY2013PAR.pdf> page 192



Q10: 15 points

In the famous copyright fair use case of Harper & Row v. The Nation, what is the first and last name of the Nation's editor who wrote the infringing story?

Q10: 15 points

Answer: Victor Navasky

Source: Harper & Row v. Nation Enterprises, 471 U.S. 539 (1985)



Q11: 15 points

Before it was renamed Amazon.com, what was the name of Jeff Bezos' online retailing company at incorporation?

amazon.com[®]

The Amazon logo, a curved orange arrow pointing from the letter 'a' to the letter 'z', is positioned below the text 'amazon.com'.

Q11: 15 points

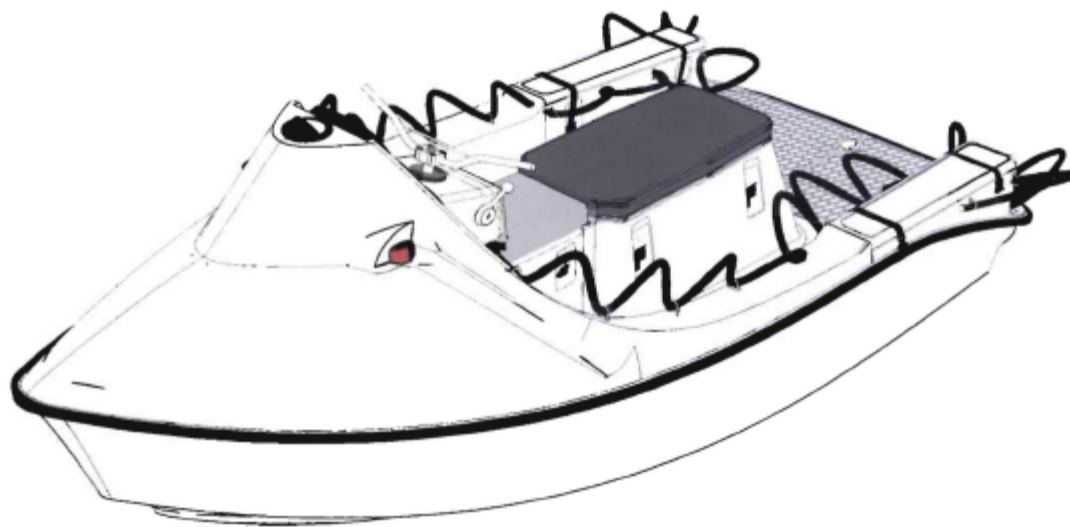
Answer: Cadabra Inc.

Source: <http://www.achievement.org/autodoc/page/bez0int-4>



Q12: 15 points

As of February 1, 2014, how many vessel hull design registrations have been made in total (within 2.5%)?



Library of Congress
Received
FEB 27 2013
U.S. Copyright Office



Q12: 15 points

Answer: 538 (acceptable range is 524 to 552)

Source: <http://www.copyright.gov/vessels/list/index.html>



SUDDEN-DEATH TIEBREAKER



Tiebreaker #1

Name as many of the current International Trade Commissioners as you can (no deductions for incorrect names)



Tiebreaker #1 Answer

Answer:

- Shara L. Aranoff
- Meredith Broadbent
- David S. Johanson
- F. Scott Kieff
- Dean A. Pinkert
- Irving A. Williamson, Chairman

Source:

http://www.usitc.gov/press_room/bios.htm as of January 27, 2014



Tiebreaker #2

What was the length of a patent's term in the 1790 Patent Act?



Tiebreaker #2 Answer

Answer: not exceeding 14 years

Source: <http://docs.law.gwu.edu/facweb/claw/patact1790.htm>

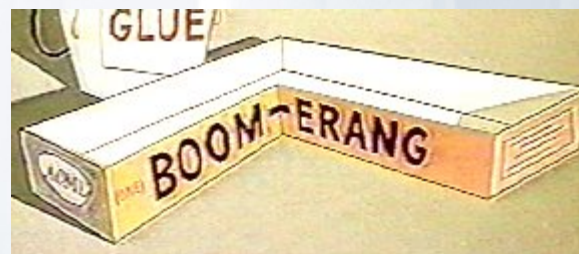
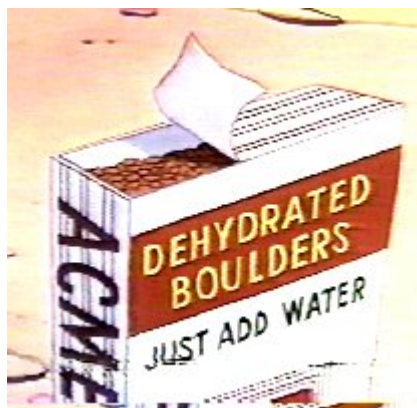


Tiebreaker #3

In the Roadrunner/Wile E. Coyote cartoon series, what is the brand name of the Coyote's typical supplier of goods?

Tiebreaker #3 Answer

Answer: Acme Corporation



IP Trivia Night, WIPIP 2014

**FINAL
ROUND**



Q1: 5 + 5 points

For 5 points, which U.S. Supreme Court case first used the phrase “flash of creative genius”?

For 5 more points, who wrote the opinion?

Q1: 5 + 5 points

Answer: Cuno
Engineering Corp. v.
Automatic Devices
Corp, 314 U.S. 84
(1941), written by
Justice William O.
Douglas



Q2: 10 points

What word is in the hot pink boxes?

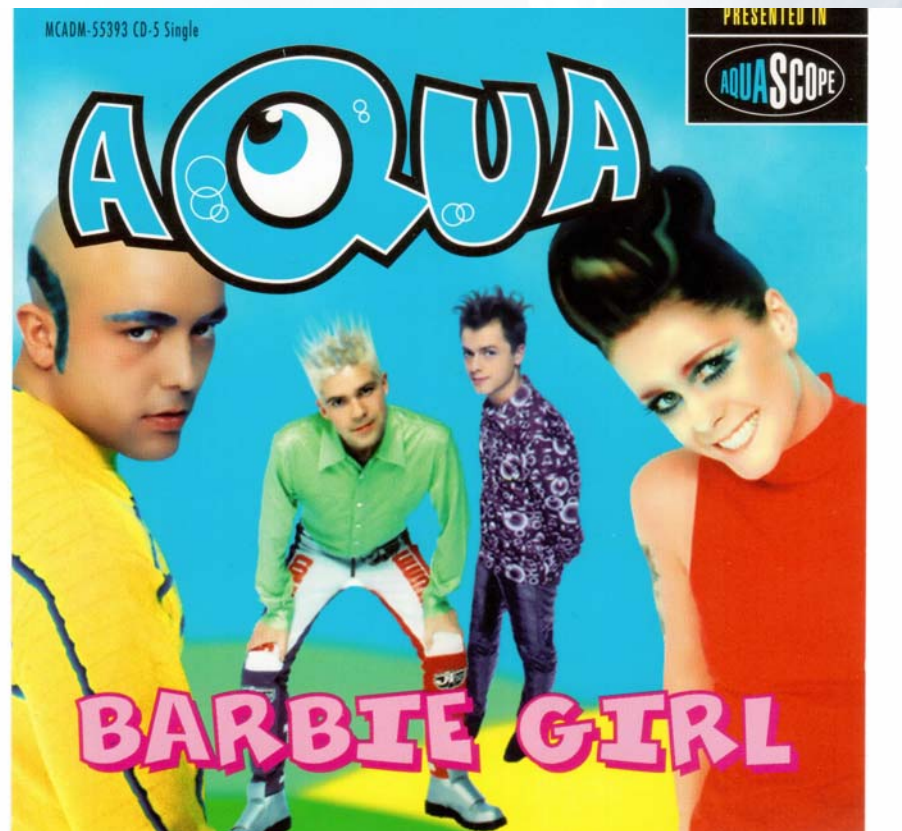


Q2: 10 points

Answer: "Wallace"

Q3: 10 points

What is the last sentence of Judge Kozinski's opinion (excluding the appendix) in *Mattel v. MCA Records, a/k/a the Barbie Girl* opinion? (credit only if exactly correct)



Q3: 10 points

Answer: "The parties are advised to chill"

Source: *Mattel v. MCA Records*, 296 F.3d 894 (9th Cir. 2002)



Q4: 10 points

In 1879, Auguste Bartholdi was awarded U.S. Patent D11,023 for what famous icon?

Q4: 10 points

Answer: the Statue of Liberty

D19-34.5
FIP: 05/96

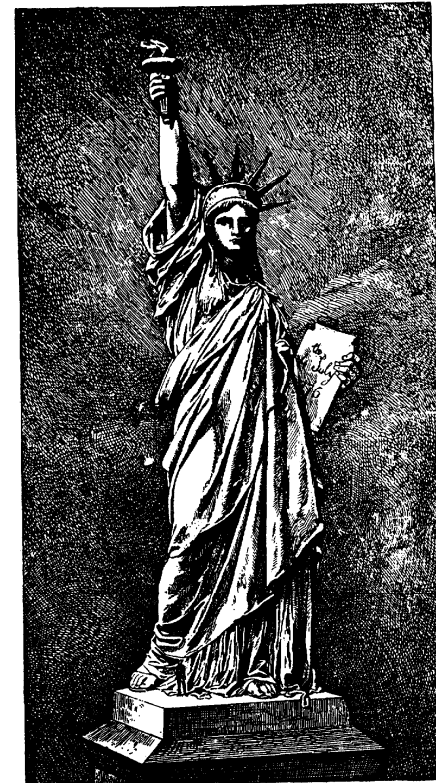
AU 2901 EX
XR D011023

DESIGN.

A. BARTHOLDI.
Statue.

No. 11,023.

Patented Feb. 18, 1879.



Copyright by Henry C. Powers and James B. Baughman, 1879.
LIBERTY ENLIGHTENING THE WORLD.

*E. A. Dick
J. C. Carpenter.*

*Auguste Bartholdi
by
J. C. Carpenter
any.*

Q5: 15 points

As of February 4, 2014, how many people have an active license to practice before the USPTO (including both agents and attorneys) (within 2.5%)?

Q5: 15 points

Answer: Total of 42,205 agents & attorneys (10,776 active agents and 31,429 active attorneys).

Acceptable range is 41,149 and 43,261

Source: <https://oedci.uspto.gov/OEDCI/query.jsp>



Q6: 15 points

As of January 30, 2014, how many “preregistration” copyright registration numbers begin with the letters “PRE”? (within 2.5%)

Q6: 15 points

Answer: 6,854 (acceptable range is 6,682 to 7,026)



Q7: 15 points

Who is the current Chief Administrative Trademark Judge of the TTAB?

Q7: 15 points

Answer: Gerard F. Rogers

Source: <http://www.uspto.gov/about/offices/ogc/ttab.jsp>



Q8: 15 points

This 1997 movie involved an elaborate confidence scheme to steal a trade secret formula called "The Process"

Q8: 15 points

Answer: The Spanish Prisoner

"THE MOST UNEQUIVOCAL HIT OF THE SUNDANCE FILM FESTIVAL.
THE MOST SATISFYING FEAT OF GAMESMANSHIP
MR. MAMET HAS YET BROUGHT TO THE SCREEN."

—Lance Mada, THE NEW YORK TIMES

BEN GAZZARA
FELICITY HUFFMAN
RICKY JAY
STEVE MARTIN
REBECCA PIDGEON
CAMPBELL SCOTT



THE SPANISH PRISONER

A DAVID MAMET FILM

A FILM BY DAVID MAMET. CASTING BY JANE ROSS. COSTUME DESIGNER: JANE ROSS. HAIR AND MAKEUP: JANE ROSS. PRODUCTION DESIGNER: JANE ROSS. EXECUTIVE PRODUCERS: JANE ROSS, JANE ROSS. PRODUCED BY JANE ROSS. WRITTEN BY DAVID MAMET. DIRECTED BY DAVID MAMET. CASTING BY JANE ROSS. COSTUME DESIGNER: JANE ROSS. HAIR AND MAKEUP: JANE ROSS. PRODUCTION DESIGNER: JANE ROSS. EXECUTIVE PRODUCERS: JANE ROSS, JANE ROSS. PRODUCED BY JANE ROSS. WRITTEN BY DAVID MAMET. DIRECTED BY DAVID MAMET.

Q9: 15 points

Name the gentleman on the left or middle

First and last name required.

No extra credit for naming both correctly.

Specify if you are referring to the person on the left or in the middle.



Q9: 15 points

Answer:

- Left = Bernard Bilski
- Middle = Rand Warsaw
- Right = attorney Michael Jakes
- Source: <https://www.fsf.org/blogs/community/supreme-court-bilski>

Q10: 15 points

In what year was “Nimmer on Copyright” first published?



Q10: 15 points

Answer: 1963

Source: e.g., <https://www.law.ucla.edu/faculty/all-faculty-profiles/adjunctslecturers/Pages/david-nimmer.aspx>



Q11: 15 points

At the end of FY2013, how many trademark examining attorneys worked at the USPTO? (within 2.5%)

Q11: 15 points

Answer: 409 (acceptable range is 398 to 420)

Source: <http://www.uspto.gov/about/stratplan/ar/USPTOFY2013PAR.pdf> page 13



Q12: 10 + 10 points

For 10 points, at what law firm did Justice Sotomayor practice IP law?

For 10 more points, name her major IP client at the firm.



Q12: 10 + 10 points

Answer 1: Pavia & Harcourt

PAVIA & HARCOURT LLP

Answer 2: Fendi

Source:

http://www.nytimes.com/2009/05/27/us/politics/27websotomayor.html?pagewanted=all&_r=0



Q13: 5 – 35 points

5 points: Name the first Chief Judge of the Federal Circuit Court of Appeals

Name other Federal Circuit judges appointed in 1982

- For 10 points, name 3 correctly
- For 20 points, name 6 correctly
 - For the prior 2 point categories, +1 for each correct name and -1 for each wrong name
- For 30 points, correctly name the complete roster, including judges on senior status (with no extra names)



*United States Court of Appeals
for the Federal Circuit*



Q13: 5 – 35 points

- Almond, James Lindsay Jr. (1982-1986) (senior)
- Baldwin, Phillip Benjamin (1982-1991)
- Bennett, Marion Tinsley (1982-2000)
- Cowen, Arnold Wilson (1982-2007) (senior)
- Davis, Oscar Hirsh (1982-1988)
- Friedman, Daniel Mortimer (1982-2011)
- Kashiwa, Shiro (1982-1986)
- Laramore, Don Nelson (1982-1989) (senior)
- Markey, Howard Thomas (1982-1991) (chief)
- Miller, Jack Richard (1982-1994)
- Nichols, Philip Jr. (1982-1990)
- Nies, Helen Wilson (1982-1996)
- Rich, Giles Sutherland (1982-1999)
- Skelton, Byron George (1982-2004) (senior)
- Smith, Edward Samuel (1982-2001)
 - Source: <http://www.fjc.gov/servlet/nGetCourt?cid=17&order=c&ctype=ac&instate=fc>

Q14: 20 points

In 2008, how much did the jury award in damages in Adidas America v. Payless Shoesource (within 2.5%)?

adidas Prajna



Payless Imitation



adidas Superstar



Payless Imitation



Q14: 20 points

Answer: \$304.6M (acceptable range is \$296.98M to \$312.21M)

Source: <http://www.perkinscoie.com/experience/ExperienceDetail.aspx?exid=8582>



Q15: 20 points

What was the first country held in violation of the TRIPS Agreement in a trademark case, and for what? (must get both parts correct to score points)

Q15: 20 points

The United States for Section 211 of the Omnibus Appropriations Act (the Cuba embargo)

Source: http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds176_e.htm

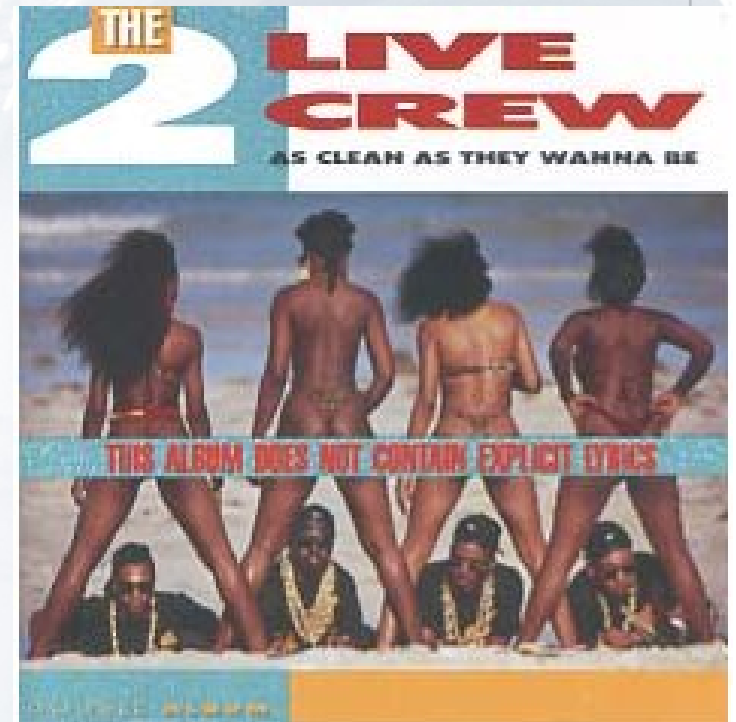


Q16: up to 45 points

The 2 Live Crew song “Pretty Woman” mentions two foods by brand name. 10 points for naming one of the brands; 15 points for naming both.

The song mentions a fictional TV character. 10 points for the character’s name.

20 points for completing this line of the song’s lyrics (must be exactly correct): “Two timin’ woman, now I know...”



Q16: up to 45 points

Answer 1: Rice-a-Roni and Uncle Ben's (10/15 points)

Answer 2: Cousin Itt (10 points)

Answer 3: "the baby ain't mine" (20 points)

Verse 1: Luke

[Pretty woman] Ha haaa, walkin' down the street

[Pretty woman] Gir, girl, you look so sweet

[Pretty woman] You, you bring me down to the knees

[Pretty woman] You make me wanna beg please

[O-o-o-o-oh, pretty woman]

Verse 2: Fresh Kid Ice

[Big hairy woman] You need to shave that stuff

[Big hairy woman] You know, I bet it's tough

[Big hairy woman] All that hair, it ain't legi-i-it

[Cause you look like Cousin I-I-I-I-It]

[Big hairy woman]

Verse 3: Brother Marquis

[Ball-headed woman] Girl, your hair won't grow

[Ball-headed woman] You got a teeny-weeny afro

[Ball-headed woman] You know, your hair could look nice

[Ball-headed woman] First you got to roll it with rice

[Ball-headed woman]

(spoken) Here, lemme get this Uncle Ben's for ya

Ya know what I'm sayin'? Ha ha! It's better than Rice-a-Roni!

Ha ha ha ha ha!

[O-o-o-o-oh, ball-headed woman]

Bridge:

(Mr. Mixx) Big hairy woman, come on in ...

(Marquis) And don't forget your bald headed friend

(Luke) Hey, pretty woman, let the boys jump in-n-n-n!

Verse 4: Mr. Mixx

[Two-timin' woman] Girl, you know you ain't right

[Two-timin' woman] You was out with my boy last night

[Two-timin' woman] That takes a load off my mind

[Two-timin' woman] Now I know the baby ain't mine

[O-o-o-o-oh, two-timin' woman]

All:

O-o-o-o-oh, pretty woman!



SUDDEN-DEATH TIEBREAKER



Tiebreaker #1

What school hosted the first WIPIP?



Tiebreaker #1 Answer

Answer: Tulane University Law School, in Fall 2003

Source: http://www.law.uh.edu/wipip_history/index.html



Tulane
University

LAW SCHOOL

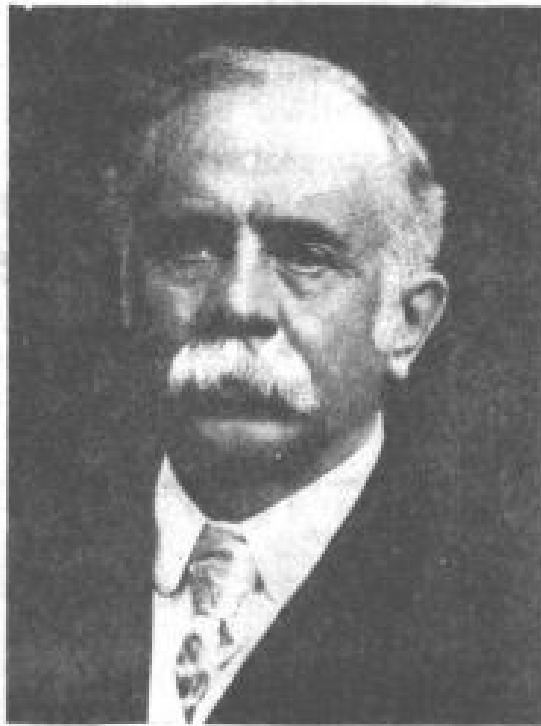
Tiebreaker #2

What is the first and last name of the individual holding the record for the most US patents issued to him/her in a single day?

Tiebreaker #2 Answer

Answer: Milo G. Kellogg, 125 patents issued on October 26, 1897

Source: <http://www.ptos.org/committees/education/trivia.html>



MILO G. KELLOGG, (Deceased), Founder
of the Kellogg Company.



Tiebreaker #3

What is the first and last name of this elected official?



Credit: Wikipedia

Tiebreaker #3 Answer

Answer: Frederick Garland "Fritz" Lanham



Tiebreaker #4

As of March 3, 2013, how many nations are members of the WTO?

What country was the most recent to join the WTO?



Tiebreaker #4 Answer

159 members, of which Tajikistan is the most recent

Source: http://www.wto.org/english/thewto_e/acc_e/members_brief_e.doc



Tiebreaker #5

For whose benefit, and in what year, was the first Congressional private act extending the term of a copyright enacted?

Tiebreaker #5 Answer

John Rowlett, for “Rowlett’s Tables of Discount or Interest,” in 1828

Source: An Act to continue a copy-right to John Rowlett, ch. 145, 6 Stat. 389 (May 24, 1828)

