

100年專門職業及技術人員高等考試律師、會計師、
社會工作師、不動產估價師、專利師考試試題

代號： 70150 全一張
|
70650 (正面)

類 科：專利師

科 目：專業英文

考試時間：2小時

座號：_____

※注意：禁止使用電子計算器。

甲、申論題部分：(50分)

- (一)不必抄題，作答時請將試題題號及答案依照順序寫在申論試卷上，於本試題上作答者，不予計分。
(二)請以藍、黑色鋼筆或原子筆在申論試卷上作答。

- 一、Mr. Lee conceived an invention about the touch screen device, and plans to file a patent application to Taiwan Intellectual Property Office. In order to enjoy the economic advantages for this invention, he would like to keep the patent application secret during the patent prosecution. If you were Mr. Lee's patent consultant, what advice would you give for Mr. Lee's idea about the secret application? (20分)
- 二、Mr. Liu has patent A about the tires for trucks, and is seeking the advice about the management of patent A. Although he has no plans to manufacture patented tires for marketing, he would like to have some rewards from patent A to compensate all costs he sunk into the innovation for patent A. If you were Mr. Lee's patent consultant, what kinds of models would you recommend for the management of patent A? (20分)
- 三、Please explain briefly the functions of patent attorneys in Taiwan? (10分)

乙、測驗題部分：(50分)

代號：5701

- (一)本測驗試題為單一選擇題，請選出一個正確或最適當的答案，複選作答者，該題不予計分。
(二)共25題，每題2分，須用2B鉛筆在試卡上依題號清楚劃記，於本試題或申論試卷上作答者，不予計分。

- 1 Taiwan-based HTC Corp., now the world's fifth-largest maker of smart phones, said that it would appeal an initial ruling made by the U.S. International Trade Commission (ITC) that it has infringed two of ten patents held by Apple Inc. concerning portable electronic devices.
In the above paragraph, the word "initial" means:
(A) final (B) unfair (C) excessive (D) preliminary
- 2 According to the TRIPS Agreement, Members may provide limited exceptions to the exclusive rights conferred by a patent, provided that such exceptions do not unreasonably conflict with a normal exploitation of the patent and do not unreasonably prejudice the legitimate interests of the patent owner.
In the above paragraph, the word "exploitation" means:
(A) utilization (B) experimentation (C) escalation (D) inflation
- 3 The claims define the property rights provided by a patent, and thus require careful scrutiny.
In the above paragraph, the word "scrutiny" means:
(A) examination (B) inattention (C) preparation (D) distraction
- 4 Staff and patent examiners of the Patent Authority shall have the obligation to keep the confidentiality of the patent-related matters of any invention, utility model or design, or the trade secret of a patent application which has become known to or been held by them in the course of performing their duties.
In the above paragraph, the word "confidentiality" means:
(A) confident (B) efficiency (C) secrecy (D) proceeding
- 5 In applying for patent right assignment registration, the original patentee or the assignee shall submit a request, the original Letters Patent and the patent right assignment agreement or other document(s) certifying such assignment.
In the above paragraph, "Letters Patent" means:
(A) patent application number (B) name of the invention (C) patent specification (D) patent certificate
- 6 Since a design is manifested in appearance, the subject matter of a design patent application may relate to the _____ or shape of an article, to the surface ornamentation or color applied to an article, or to the both.
Choose the one word that best completes the above sentence:
(A) collection (B) texture (C) configuration (D) function
- 7 In the course of examining an invention patent application, the Patent Authority may, ex officio, notify a patent applicant to make a supplement or amendment to the specifications and/or drawings within a specified time limit.
In the above paragraph, "ex officio" means:
(A) free of charge (B) by oral communication (C) by request (D) by the power of the office
- 8 The patent owner sent a _____ letter to the accused infringer notifying the possible infringement and requesting that the recipient stop the infringing activity immediately.
Choose the one word or phrase that best completes the above sentence:
(A) cease and desist (B) recommendation (C) injunction (D) appraisal
- 9 A _____ is a two or three-dimensional layout or topography of an integrated circuit.
Choose the one phrase that best completes the above sentence:
(A) compilation work (B) mask work (C) original design (D) pseudonymous work
- 10 According to the Paris Convention for the Protection of Industrial Property, which of the following is not within the scope of "Industrial Property"?
(A) patent (B) trademark (C) copyright (D) appellation of origin

(請接背面)

類 科：專利師
科 目：專業英文

- 11 According to the Patent Act, which of the following statement is incorrect?
(A) The patentee of a reinvention shall not practice his/her patented invention without obtaining a prior consent from the patentee of the original invention.
(B) When the inventor's right to indicate his/her name is infringed, he/she may request a ruling to indicate the inventor's name or otherwise to recover his/her reputation.
(C) No utility model patent shall be granted to a utility model application which is detrimental to public order or public health.
(D) An agreement concluded between an employer and an employee, by which the employee is precluded from enjoying his/her legitimate rights and interests in respect of his/her invention, utility model or design, shall be valid.
- 12 According to the Patent Act, when a patentee is a natural person, school or a small and medium enterprise, which of the following fee may be reduced or exempted upon the patentee's request?
(A) the fee for request for a compulsory license. (B) the filing fee for a patent application
(C) the patent annuity (D) the fee for request a reexamination
- 13 According to the Patent Act, which of the following statement is incorrect?
(A) An invention patent right shall extinguish in the case of expiry on the duration of a patent right.
(B) An invention patent right shall extinguish in the case of death of the patentee whether with or without an heir.
(C) An invention patent right shall extinguish in the case of the patentee's failure of effecting the payment of a patent annuity for the second year or any year thereafter within the grace period.
(D) An invention patent right shall extinguish in the case of voluntary abandonment of a patent right.
- 14 According to the Patent Act, which of the following statement regarding "right to apply for patent" is correct?
(A) The "right to apply for patent" is not assignable.
(B) The "right to apply for patent" is not inheritable.
(C) The "right to apply for patent" shall not be taken as the subject for creation of a pledge.
(D) Where the "right to apply for patent" is jointly owned by two or more persons, a joint-owner may, without the consent of the other joint-owners, assign his/her share therein to any third party.
- 15 According to Item 6 of Subsection 1 of Article 57, Taiwan Patent Act, which of the following models is established to deal with the issue of parallel importation?
(A) domestic exhaustion (B) regional exhaustion (C) national exhaustion (D) international exhaustion
- 16 The inventions of business method are usually considered not within the patentable subject matters under patent law. Which of the following reasons is sufficient to support the aforesaid disqualification about patentability?
(A) Business methods are merely abstract ideas.
(B) Business methods must function with computer software.
(C) Business methods contributed less to the industries than other technologies.
(D) Business methods lack of tangible and concrete results.
- 17 Which of the following evidentiary sources may be used as intrinsic evidence to construe the patent claims?
(A) dictionaries (B) the prosecution history (C) technical treatises (D) other patent applications
- 18 The requirement of enablement for patent is to facilitate a person having ordinary skill in the art to make and use the invention without _____.
Choose one phrase that best completes the above sentence.
(A) sufficient embodiments (B) prior art (C) public use (D) undue experimentation
- 19 In the patent practice for chemical inventions, the structural similarity of chemical compounds between the invention and the prior art is usually considered _____ for the determination of non-obviousness?
Choose one phrase that best completes the above sentence.
(A) equitable estoppel (B) prima facie evidence
(C) an unexpected advantageous property (D) hindsight evident
- 20 Whoever actively induces someone to infringe upon the patent shall be liable as the joint infringer according to Taiwanese patent law. "induces" means:
(A) compels (B) begs (C) orders (D) influences
- 21 The patent applicant in Taiwan is entitled to claiming the priority to have the retroactive benefit of the earlier foreign filing date, provided that the patent application of the same invention is filed in Taiwan within twelve months from the foreign filing date, according to Article 27 of Taiwan Patent Act.
"retroactive" means:
(A) recollected (B) reiterative (C) retrospective (D) relative
- 22 The reasonable causation should be applied in the calculation of patent damages when the patentee seeks the remedy for infringement under the proviso, Item 1 of Subsection 1 of Article 85.
"causation" means:
(A) interconnection (B) caution (C) scope (D) result
- 23 It constitutes literal infringement if the accused product includes all elements that are recited in the claim of the patent.
"literal" means:
(A) plain (B) figurative (C) true (D) tedious
- 24 The jurisdiction of the Taiwan's Intellectual Property Court does not include:
(A) first instance of a civil action under related IP laws.
(B) first instance of a criminal action under related IP laws.
(C) appeal of a first instance court decision regarding IP civil action.
(D) appeal of a first instance court decision regarding IP criminal action.
- 25 John is the patentee of patent A, and granted his all exclusive rights to Ted by an exclusive licensing agreement. Which of the following statements is true?
(A) After the aforesaid agreement is concluded, John may grant the same rights to Jenny as Ted' through the non-exclusive licensing.
(B) When Leo infringed upon patent A, Ted may take the legal action against Leo in his name without the consent of John.
(C) Because John is the patentee of patent A, he is still entitled to execute the exclusive rights of patent A, even after the aforesaid the exclusive licensing agreement is concluded.
(D) In accordance with Taiwanese patent law, Ted has no position to argue about the invalidity of patent A during the term of the exclusive licensing agreement.