

97年專門職業及技術人員高等考試律師、民間之公證人、會計師、社會工作師、不動產估價師、專利師考試暨普通考試地政士考試試題 代號：00150
00650 (全一張)
(正面)

等 別：高等考試
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由左至右橫式作答。

You are a patent attorney licensed to practice in Taiwan, who provides professional services to clients from all over the world. Company A, a U.S. industrial tape manufacturing company, would like to retain you as its patent agent and its president, Mr. B, who knows little about patent, now seeks your consultation as to whether to file a patent application for the company's newly-invented product "Security Tape".

- 一、Please provide your opinions in English to Mr. B, your client, regarding the factors he should consider prior to the filing of a patent application. (20分)
- 二、Suppose your client has decided to seek patent protection in Taiwan, in order to file a patent application with the patent authority in Taiwan, the Intellectual Property Office of the Ministry of Economic Affairs, please advise Mr. B in English on how you are going to draft a patent application for its newly-invented product "Security Tape". (15分)
- 三、You are informed by Mr. B that Company A filed a patent application for the same newly-invented product "Security Tape" on March 22, 2008, in Japan. Please advise Mr. B in English as to the meaning and nature of "Right of Priority" and how it will affect Company A's patent application in Taiwan. (15分)

乙、測驗題部分：(50分)

代號：5302

- (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，於本試題紙或申論試卷上作答者，不予計分。

- 1 Whoever invents any new, original and ornamental design _____ an article of manufacture may obtain a design patent.
Choose the one word that best completes the above sentence:
(A) combines (B) for (C) to (D) merges
- 2 The application is rejected on the _____ of the ineligibility of the applicant.
Choose the one word that best completes the above sentence:
(A) behalf (B) favor (C) right (D) ground
- 3 The broken lines depicting environmental structure are for illustrative purposes only and _____ no part of the claimed design.
Choose the one word that best completes the above sentence:
(A) contribute (B) condense (C) arrange (D) form
- 4 The _____ of an invention patent right shall end with twenty years from the filing date of the patent application.
Choose the one word that best completes the above sentence:
(A) term (B) scope (C) precinct (D) sector
- 5 A written decision of examination shall _____ the name of the patent examiner.
Choose the one word that best completes the above sentence:
(A) enchant (B) conceal (C) expunge (D) bear
- 6 When the applicant employs a patent agent, a _____ shall be submitted to the Patent Authority to specify the extent of authorization by the applicant.
Choose the one phrase that best completes the above sentence:
(A) License to Practice (B) Power of Attorney (C) Certification of enrollment (D) Letter of Credit
- 7 Upon receipt of a written petition for patent invalidation, the Patent Authority shall serve a duplicate to the patent owner of the patent challenged. "serve" means:
(A) deliver (B) draft (C) constitute (D) amend

(請接背面)

- 8 The revocation of an invention patent right shall become irrevocable when no administrative remedy has been sought in accordance with the patent act. Choose the one word that can substitute for “remedy”:
(A) regulation (B) relief (C) regime (D) revolt
- 9 A patent applicant may designate an agent to act on his behalf in filing patent applications. “designate” means:
(A) define (B) decline (C) launch (D) appoint
- 10 The right of compulsory licensing shall not exclude other persons from obtaining the right to practice the same patented invention. “exclude” means:
(A) postlude (B) preclude (C) prelude (D) clued
- 11 An abstract shall consist of a summary of the disclosure as contained in the patent application for invention or utility model. “disclosure” means:
(A) revelation (B) revaluation (C) closure (D) console
- 12 Monetary relief may be awarded against an infringer only if there has been commercial manufacture, use, offer to sell, or sale within the United States. “monetary” means:
(A) mandatory (B) pecuniary (C) compulsory (D) optional
- 13 In the absence of any agreement to the contrary, each of the joint owners of a patent may make, use, offer to sell, or sell the patented invention within the United States. “contrary” means:
(A) above (B) acquiesce (C) assent (D) opposite
- 14 In case of dissatisfaction with a rejection decision rendered for an invention patent application, the applicant may apply for re-examination. “rendered” means:
(A) renounced (B) relinquished (C) delivered (D) reimbursed
- 15 A third-party requester in an inter partes proceeding may appeal to the Board of Patent Appeals and Interferences from the final decision of the primary examiner. “inter partes” means:
(A) among parties (B) from one party (C) third party (D) interest party
- 16 Upon its determination, the court shall issue to the director its mandate and opinion, which shall be entered of record in the Patent and Trademark Office and shall govern the further proceedings in the case. “mandate” means:
(A) suggestion (B) institution (C) proposal (D) order
- 17 Patent attorney shall not solicit business by improper means. “solicit” means:
(A) perform (B) delay (C) seek (D) endure
- 18 The statute of incorporation of the Patent Attorneys Association shall contain the rules for enrollment. “enroll” which is derived from the word “enrollment” means:
(A) organize (B) obey (C) expel (D) join
- 19 Reprimand is one of the disciplinary actions that can be imposed on a patent attorney. “reprimand” means:
(A) serious warning (B) suspension (C) expulsion (D) disbarment
- 20 X Company, at its discretion, may disclose to Y Company any confidential information that X Company believes is sufficient to enable Y Company to manufacture the products that X Company wishes to purchase. “discretion” means:
(A) guarantee (B) generosity (C) judgment (D) caution
- 21 Although this Agreement does not contemplate disclosure for evaluation of proprietary information regarding Invitation B, the parties recognize that some of such information may be disclosed inadvertently during the performance of Invitation A under this Agreement. “inadvertently” means:
(A) deliberately (B) inevitability (C) purposely (D) unintentionally
- 22 If either party shall be in default of any obligation hereunder, or shall be adjudged bankrupt, or become insolvent, the other party may terminate this Agreement by giving twenty days’ notice to the other party. “in default” means:
(A) abide by (B) fail to perform (C) fulfill one’s obligation (D) timely comply
- 23 An application may be expressly abandoned by filing a written declaration of abandonment identifying the application in the United States Patent and Trademark Office. “abandoned” means:
(A) appeal (B) correct (C) demand (D) give up
- 24 The act of consciously inventing and designing a new product that does not infringe the claims of a patent but does substantially the same or a better job than the patented invention is often called:
(A) design dictum (B) emulate design (C) design around (D) design closet
- 25 A “_____” is a consortium of several companies agreeing to cross-license patent rights.
(A) patent domination (B) patent pool (C) patent annuity (D) patent troll