

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，於本試題紙上作答者，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。

一、Before 1873, bicycles did not have chains and the pedals were attached directly to the front wheel. The first bicycle with a chain was invented by H. J. Lawson. His bicycle was driven by a chain connected to the back wheel. This chain-driven bicycle was called the “safety bicycle” at that time.

Please draft the abstract of the “safety bicycle” patent application in English. (20分)

二、Your client’s patent application has been rejected by the Taiwan Intellectual Property Office (TIPO), please advice her available administrative or judicial remedies in English. (20分)

三、Please translate the following paragraph into English: (10分)

專利代理人對於下列案件，不得執行其業務：

- 一、本人或同一事務所之專利師或專利代理人，曾受委任人之相對人委任辦理同一案件。
- 二、曾在行政機關或法院任職期間處理之案件。

乙、測驗題部分：(50分)

代號：5303

(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 According to Article 22, Subsection 3, of the Patent Act, an applicant claiming the application of the causes prescribed under Item 1 or 2 of Article 22, Subsection 2, meaning, claiming the \_\_\_\_\_ period, shall not only file the application within six months from the date of actual occurrences of the foregoing causes, but also indicate the occurrences and the relevant dates in his/her application and submit evidential documents within the time limit specified by the Taiwan Intellectual Property Office (TIPO).

Choose the one word that best completes the above sentence:

- (A) exemption (B) protection (C) grace (D) waiver

2 After the patent period runs out, the invention enters the public \_\_\_\_\_, which means that anyone can freely produce and sell the invention without paying the prior patent holder.

Choose the one word that best completes the above sentence:

- (A) order (B) policy (C) interest (D) domain

3 The grant or \_\_\_\_\_ of patents on micro-organisms is not likely to put an end to genetic research.

Choose the one word that best completes the above sentence:

- (A) admission (B) denial (C) erasure (D) process

4 The application for an invention patent shall be made by the person entitled to file the patent application by submitting to TIPO an application, a \_\_\_\_\_, and necessary drawings.

Choose the one word that best completes the above sentence:

- (A) specialty (B) specification (C) study (D) registration

5 A patent application can claim a conventional right of priority in the R.O.C., as long as the applicant is a citizen of a WTO member or the home country allows R.O.C. nationals to claim priority based on \_\_\_\_\_.

Choose the one word that best completes the above sentence:

- (A) reciprocity (B) recognition (C) registration (D) reception

6 While a scientific truth, or the mathematical \_\_\_\_\_ of it, is not a patentable invention, a novel and useful structure created with the aid of knowledge of scientific truth may be.

Choose the one word that best completes the above sentence:

- (A) laptop (B) expression (C) materials (D) machinery

7 The question before us in this case is a narrow one of statutory interpretation requiring us to construe Article 1 of the Patent Act. “construe” means:

- (A) construct (B) explain (C) evaluate (D) consider

(請接背面)

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- 8 The Supreme Court reinforced the doctrine of patent exhaustion and affirmed its application to method patents in a recent case. “exhaustion” means:  
(A) excursion (B) usefulness (C) use-up (D) novelty
- 9 Patent law has the goal of inducing inventors to reveal their discoveries. “reveal” means:  
(A) respect (B) revolutionize (C) reverse (D) disclose
- 10 The Supreme Court had established that the test for infringement of a design patent is whether in the eye of an ordinary observer, giving such attention as a purchaser usually gives, two designs are substantially the same. “substantially” means:  
(A) essentially (B) rationally (C) supposedly (D) generally
- 11 A plaintiff can ask the Court to examine the lost profit damages that ensue from an offer to sell an infringing product. “ensue” means:  
(A) ensure (B) preclude (C) distinguish (D) result
- 12 What constitutes an abuse of patent under the Patent Act is not clear. “abuse” means:  
(A) infringement (B) curse (C) misuse (D) deception
- 13 A positive result of a patent search does not predict with certainty whether an invention is or is not patentable but is used as a guide to whether further action is likely to be worthwhile. “predict” means:  
(A) translate (B) assess (C) forecast (D) determine
- 14 The date when a patent is no longer valid in a country or system due to failure to pay renewal (maintenance) fees is called:  
(A) lapse (B) termination (C) expiration (D) suspension
- 15 The “\_\_\_\_\_” is a list of citations of all published prior art documents which are relevant to the patent application.  
(A) priority date (B) search report (C) patent pool (D) inventive step
- 16 “\_\_\_\_\_”, also known as “petty patents”, are available in Taiwan, R.O.C.. This type of patent involves a simpler inventive step than that in a traditional patent and it is valid for a shorter time period.  
(A) design patents (B) invention patents (C) utility model patents (D) new model patents
- 17 A newsletter periodically printed by the Taiwan Intellectual Property Office (TIPO) that discusses rules and regulations and announces patents and trademarks issued is called:  
(A) Official Gazette (B) Official Report (C) Office Action (D) Office Brochure
- 18 The abstract is an abridged summary of an invention to provide a general idea about the invention, and is utilized when searching patents. “abridged” means:  
(A) deprived (B) inferred (C) claimed (D) condensed
- 19 A patent application may be amended to modify the claims, modify the specification, so long as new matter isn’t added, or to modify the drawings, again, so long as new matter is not added. “amended” means:  
(A) ratified (B) supplemented (C) corrected (D) ordered
- 20 A Walker Process claim is a specific kind of defense to an infringement suit in which the defendant raises an antitrust issue related to fraud in procuring the patent in order to prevent the plaintiff from enforcing the patent. The word “claim” in “Walker Process claim” means:  
(A) assertion (B) complaint (C) demand (D) patent claim
- 21 The discovery of music does not become patentable subject matter simply because there is an arbitrary claim to some structure. “arbitrary” means:  
(A) capricious (B) arbitral (C) illegal (D) suitable
- 22 The difficulty in drawing a line between an idea, or principle of nature, and its embodiment became evident early in patent law’s history. Choose the one word that can best substitute for “embodiment”:  
(A) conclusion (B) finalization (C) incorporation (D) statement
- 23 The debate over the propriety of patents in the field of medicines has not abated. “abated” means:  
(A) raised (B) decreased (C) carry off (D) negated
- 24 The *every element test*: \_\_\_\_\_ under the Patent Act requires that the reference disclose every element of the applicant’s invention. Choose the one word that best completes the above sentence:  
(A) enablement (B) inherency (C) operability (D) anticipation
- 25 “\_\_\_\_\_” is a derogatory term for a patent holder who exploits the patent system in ways that are seen as unfair or unduly aggressive against one or more alleged infringers.  
(A) patent claim (B) patent troll (C) patent royalty (D) patent remedy