The final examination will be a three-hour, closed-book examination. This handout includes a draft of the likely instructions (I am putting the handout together before I write the exam, so details may change). I have posted actual exam questions and the answer memos that I wrote after grading them in the FILES area of the Canvas Site for this course.
This examination consists of 17 pages, plus a 24 page statutory appendix. Check now to make sure that your copy of the exam has all of the pages.

Do not place your name on any of the exam materials — use only your Exam ID number.

INSTRUCTIONS

This is a three (3) hour closed-book examination. If you have brought any material into the room that you might be tempted to consult, please put it away now and do not look at it until you have turned in your exam answers. Excerpts from the Lanham Act are included in an appendix to the examination should you want to refer to them.

There are two questions. The first question will be worth two-thirds of your exam score, and the second question will be worth one third of your score. I suggest that first read both of the questions, and then spend at least half the remaining time thinking about the questions and organizing your ideas before you begin to write. Try to analyze the questions to determine which issues are fairly raised by the facts and which issues are extraneous. Be sure that you not only identify the determinative legal issues in your answers, but that you apply the law to the facts set out in the questions. I will give no credit to responses that simply state the law and do not apply it. You will also get no credit for raising extraneous issues, or for identifying issues but failing to analyze them. Finally, I will subtract points from your score for flatly incorrect legal statements, so if you must guess, guess carefully.

The questions are drawn from real disputes that have occurred in real locations. Nonetheless, I do not expect you to apply the law of a particular Circuit to cases brought in its courts. For the purposes of the exam you should assume that all cases in your casebook are persuasive authority to all courts on all relevant issues.

Good luck