

Review questions for mid-term essay sample



**ASSIGN
BUSTER**

1) What constitutional clause allows laws enacted by the federal government to take priority over conflicting state laws?

2) Would it be a violation of equal protection for a state to impose a higher tax on out-of-state companies doing business in the state than it imposes on in-state companies if the only reason for the tax is to protect the local firms from out-of-state competition? Explain.

3) Jen operates Jen's Fruits & Vegetables, a small market stocked entirely with produce grown on her adjacent farm. Under what clause of the Constitution can the federal government regulate Jen's activities? What is Jen's best argument against federal regulation of her farm and business? 4)

Blizzard Entertainment, Inc., one of the owners of the World of Warcraft (WoW) computer game, is involved in a lawsuit with MDY Industries, LLC, the owner of Glider, a software program that plays WoW for its players while they are away from their keyboards. Blizzard asks the court to direct MDY to stop selling and distributing Glider. The court's opinion in the case is at MDY Industries, LLC v. Blizzard Entertainment, Inc., 616 F. Supp. 2d 958 (D. Ariz. 2009). What is the name for the remedy that Blizzard is seeking? What type of remedy is it? What court decided this case? Specifically where can the court's opinion be found?

5) Hawk Corporation begins making and selling motorcycles in 2000 under the mark "Hawk." Ten years later, Hawk.com, Inc., a different company selling medical equipment and supplies, begins to use "hawk" as part of its URL and registers it as a domain name. Can Hawk Corporation stop Hawk.com's use of "hawk"? If so, what must the motorcycle-maker show?

6) College Copy Shop (CCS) compiles, copies, and sells reading materials to students on the instructions of their professors, who indicate which parts of which publications should be included. These include texts published by Deep Topics, Inc. CCS does not obtain the permission of Deep Topics, or any of the other original publishers of the copied materials, and does not pay royalties on the sales of the compilations. Deep Topics and others file a suit against CCS, alleging infringement of the plaintiffs' intellectual property rights. Which type of intellectual property is involved in this situation? What is CCS's likely defense? How is a court most likely to rule? Explain.

7) On May 1, Brand Name Industries, Inc. (BNI), sent Carol a letter, via overnight delivery, offering to employ her to audit BNI's financial statements for the current year for \$10, 000. In the letter, BNI stated that Carol had ten days to accept. On May 5, Carol sent BNI a fax that stated, " The price for the audit seems too low. Would you consider paying \$12, 000?" BNI received the fax. The next day, Dan offered to conduct the audit for \$8, 000. On learning of Dan's offer, Carol immediately emailed BNI, agreeing to do the work for \$10, 000. BNI received this e-mail on May 7. Explain why BNI and Carol do, or do not, have a contract.

8) Chris promises Dina \$40, 000 if she graduates from Eagle College. Dina enrolls in Eagle, attends full-time for four years, and graduates. When Dina asks Chris for \$40, 000, Chris says, " I don't remember promising you \$40, 000. But if there was a promise, it's not enforceable, because we didn't bargain for it. And even if there was a promise that would otherwise be enforceable, I revoke it now." Can Dina enforce Chris's " promise"? Why or why not?