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Name: Readings for Sept 13-18
Description: Readings for the week of Sept 13-18 on Software Patents
Instructions: You'll have three chances to answer these multiple choice and true-false questions.

Question 1
Multiple Choice 1 points

Question: Which of the following is NOT mentioned on the first page of Boyle's article in explaining copyrights, patents, and software?
Answer: Twenty-five years ago there was little to no debate about whether software should be covered by copyright or patent in any legal groups: professional or academic.

One could copyright one's code and also gain a patent over the 'non-obvious' novel and useful innovations inside the software [being covered by law].

It is presumed that different people in different situations who sit down to write a sonnet or love story will produce different results rather than be drawn to a single result.

United States intellectual property law often tends to disproportionately influence technology policy worldwide.

Question 2
Multiple Choice 1 points

Question: In the paragraph of Boyle's article beginning "There are lots of reasons to doubt that this vision..." [page 72] which one of the following is NOT listed as a reason that copyright law may not apply to software.
Answer: In software practical solutions to problems do converge [as compared to creative works].

Copyright law applies to works 'expressed in a tangible medium', but software is bits, not atoms.

Programmers base their work on prior work/lines of code.

There is a strong 'network effect' in making decisions about what software to purchase.

Question 3
Multiple Choice 1 points

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**Question** According to Boyle, how did courts interpret copyright law as applied to software in terms of what is considered copyright infringement?

**Answer** ✔ Software infringement was effectively limited to limited infringement of copyright.

- Software with substantially the same function as other software, but written differently, is considered to be infringing software.
- Software built on what is in the public domain is considered infringing.
- Decompilation, or taking a program/software apart to see how it works, is not fair-use, but is considered as infringing.

**Question 4**

**Multiple Choice** 1 points

**Question** According to Boyle [page 73] which of the following is considered as 'commons-based creativity'?

**Answer** ✔ Creativity that builds on an open resource available to all.

- Being creative because it is a normal, common activity done by peers and others.
- A common interest in creativity by a group of content creators.
- A coincidental, but similar act of creation done independently by more than one.

**Question 5**

**Multiple Choice** 1 points

**Question** Which one of the following is NOT attributed by Boyle as an attribute of free and open source software [page 73]?

**Answer** ✔ Copyright law was changed by the US Congress specifically to be useful in the software community, facilitating the changes engendered by the free and open source movement.

- Creators were able to use copyright law to set up new distributed methods of innovation.
- Free and open source software creates a 'virtuous' cycle whereby each addition builds on the commons and is returned to it.
- Copyright law was a 'hook' that allowed software engineers to create licenses that worked in the free and open source community.

**Question 6**

**Multiple Choice** 1 points

**Question** According to Boyle which of the following was NOT considered to be in the public domain according to traditional patent law [page 73]

**Answer** ✔ Inventions

- Ideas
- Algorithms
- Business methods
- Ideas
- Algorithms
- Business methods
Question 7

**Multiple Choice** 1 points

**Question** In discussing the Federal Circuit Court's decision about the case 'in re Bilski', which ONE of the following is mentioned as an important overturning/re-interpretation of State Street decision regarding when an algorithm or method is patentable?

**Answer** ✓ In Bilski, an algorithm or method must result in some transformation or be embodied in some machine.

In Bilski, an algorithm or method must produce a useful, concrete, and tangible result.

In Bilski, algorithms running on a computer are patentable.

In Bilski, the patent system permits algorithms written by certified engineers to be patented, but not those written by hobbyists.

Question 8

**True/False** 1 points

**Question** Boyle is in favor of expansive software patents.

**Answer** True ✓ False

Question 9

**True/False** 1 points

**Question** Boyle believes that the fundamental ideas behind our intellectual property system are sound.

**Answer** ✓ True False

Question 10

**Multiple Choice** 1 points

**Question Beginning of questions about Stallman's talk:**
Which of the following is NOT stated in the first three paragraphs of Stallman's talk.

**Answer**

You might be familiar with my work on free software.

This speech is about what happens when patent law gets applied to the field of software.

✓ Intellectual property is an oxymoron, ideas and their expression are not required to be intellectual and they certainly aren't property.

If it were [about patenting individual programs] it would make no difference, it would be basically harmless.

Question 11

**True/False** 1 points

**Question** Stallman equates the patent system to a lottery, because only a tiny fraction of patents brings benefits to those who hold patents.
In discussing LZW, the compress program, and patents Stallman says that the writers of compress came up with an idea without looking at any previous work related to compression.

Answer
- True
- False

Stallman writes that searching patents online is a good start, but it's not enough because of the wording in patents, i.e., sometimes a patent does not use the words in it that people might use to search for it.

Answer
- True
- False

Stallman writes that there are three things you can do with respect to patents and writing software. Which of the following is NOT one of the three things he discusses?

Answer
- Waiting for the patent to expire
- Avoiding the patent
- Licensing the patent
- Overturning the patent in court

In his discussion on avoiding patents, which of the following is NOT a stance taken by Stallman regarding the program PGP and public key encryption?

Answer
- The patent holders for public key encryption were Rivest, Shamir, and Adelman and some of whom new Stallman from MIT.
- Patents delayed the widespread adoption of public key encryption in the United States
- PGP was initially released as free software.
- The patent holders allowed PGP to be used for non-commercial use because blocking it might get too much bad publicity.
Question In discussing how to avoid patents, GIF, and LZW, which one of the following is NOT true about how Stallman describes the issues?

Answer By chance in reading the NY Times Stallman discovered a patent on a compression algorithm his GNU project was about to use and dropped the compression algorithm because of the discovered patent.

Getting browser developers to adopt a new image format that didn’t use GIF and LZW was difficult because the new image format was not widely used.

✓ The gzip alternative to LZW is twice as fast as LZW and compresses better.

✓ The patent office sometimes grants more than one patent for essentially the same invention, e.g., as with LZW compression.

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**Question 17**

True/False 1 points

Question In discussing a family business that shut down because they could not get a patent license and could not afford to go to court Stallman talks about the pervasiveness of gambling in the United States and the ill-effects it has on society.

Answer True ✓ False

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**Question 18**

True/False 1 points

Question In discussing cross-licensing of patents Stallman indicates that patents don't protect small inventors, but help large corporations.

Answer ✓ True False

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**Question 19**

True/False 1 points

Question Stallman talks about IBM and the number of patents they hold, but indicates that "despite having bad software, Microsoft has a good policy in not patenting that bad software".

Answer True ✓ False

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**Question 20**

True/False 1 points

Question Stallman thinks that because the patent system does not work for software the entire patent system must be dismantled for every discipline, not just for software.

Answer True ✓ False
Question 21

Multiple Choice 1 points

**Question** In discussing why software is facilitated by 'incremental innovation', which of the following is NOT an analogy offered by Stallman?

**Answer**

Software is like a complicated castle that can rest on a thin line because it doesn't weigh anything.

In putting two different types of code together, an IF statement and a WHILE statement, the programmer doesn't need to worry about how these statements oscillate or rub against each other as would be the case with physical entities.

Software systems are far bigger than physical systems in terms of the number of parts they contain.

✓ Pierre Boulez is to music as Donald Knuth or Richard Stallman are to computer science.

Question 22

Multiple Choice 1 points

**Question** Beginning of Hunt and Besson article:

In the beginning of the article, the authors claim that the USPTO grants how many software patents each year [as of the writing of the article].

**Answer**

2,000

✓ 20,000

200,000

Two million

Question 23

True/False 1 points

**Question** The authors' research finds that the vast majority of software patents are obtained by firms outside the software industry.

**Answer**

✓ True

False

Question 24

Multiple Choice 1 points

**Question** On page 23 of the article the authors describe the patent system in the US. Which one of the following is NOT claimed by the authors?

**Answer**

✓ Lawsuits involving software patents threaten to overwhelm the federal court system.

Inventor rights are limited the claims applied for and granted by the patent office.

Not every invention can be patented: the inventions must be useful, new, and nonobvious.

Preliminary injunctions are changing how patent holders interact with each other.
Question 25

True/False 1 points

Question In discussing the Diamond v Diehr Supreme Court case [page 24] the authors mention the nonobviousness aspects of patents that cannot consist entirely of software. The authors do not mention that transforming material is also an aspect of the Diamond v Diehr case.

Answer ✓ True
   False

Question 26

True/False 1 points

Question The number of software patents is increasing and the percentage of all patents that are software patents is also increasing.

Answer ✓ True
   False

Question 27

Multiple Choice 1 points

Question Which of the following statistics regarding patents is NOT part of the authors' discussion on page 26.

Answer Manufacturers of machinery, electronics, and instruments employ 6% of all programmers but account for 66% of all software patents.
   Firms outside of manufacturing account for 25% of software patents but employ 90% of all programmers.
   IBM's share of software patents is 6%, their share of all patents is 2%.
   Electronics manufacturing accounts for a smaller percentage of all programmers and engineers than chemical manufacturing.

Question 28

True/False 1 points

Question [page 27] The authors claim that changes in the legal system and the legal treatment of software patents is at best a very minor reason for the changes in the propensity to file software patents.

Answer True ✓
   False

Question 29

True/False 1 points

Question [page 29] The authors cite that their evidence does NOT support a theory that making stronger software property rights available will increase engagement in research and development (R&D).
Question 30

Multiple Choice 1 points

Question Which of the following is the best definition of "Productivity Shock" as described by the authors?

Answer ✓ The economy was "shocked" in producing more inventions implemented by computer programmers.

Companies that are "shocked" by the expenses associated with defending patents decide to engage in patenting their software.

Software patents "shocked" the legal system making it simpler to obtain patents related to software.

Companies using defensive patent portfolios "shocked" the business community into obtaining more patents to be better defended against lawsuits.

Question 31

True/False 1 points

Question The authors equate what they call a 'patent thicket' to what economists call a prisoner's dilemma.

Answer ✓ True

False