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36	A	B	C	D	E
37	A	B	C	D	E
38	A	B	C	D	E
39	A	B	C	D	E

PRACTICE QUESTIONS

United States Patent And Trademark office (USPTO)

USPRR

U. S. PATENT REGISTRATION EXAM REVIEW SESSION

EDITION

Demo

QUESTIONS

9

FORMAT

Limited Edition PDF

Before you begin

What this is

9 practice questions for United States Patent And Trademark office (USPTO) **USPRR**, each with its answer key and an explanation. Answer a question before you read its key — the explanation is worth more once you have committed.

If something looks wrong

Send us three things and we will check it:

- the exam code, **USPRR**
- the question number
- the email address on your order

Write to **support@mometrix.net**. We reply within one business day.

QUESTION 1

SINGLE CHOICE

A patent application claims a method for reducing the transmission of errors in a data network by adjusting buffer sizes based on a mathematical formula. Which of the following statutory requirements is most likely to be the central issue examined during prosecution of this claim?

- ☐ A Adequate written description under 35 U.S.C. § 112(a)
- ☐ B Enablement under 35 U.S.C. § 112(a)
- ☒ C Patent eligibility under 35 U.S.C. § 101
- ☐ D Derivation under 35 U.S.C. § 102(f)

ANSWER C

WHY Methods involving mathematical formulas or abstract ideas implemented on generic computers are routinely examined under 35 U.S.C. § 101 for patent eligibility (e.g., Alice/Mayo framework). Issues like written description, enablement, and derivation are not the central concern for a math-based method claim.

QUESTION 2

SINGLE CHOICE

An inventor publicly uses an invention at a trade show in Canada more than one year before filing a U.S. patent application. Which statement best describes the effect on U.S. patentability?

- ☐ A The public use is automatically disregarded because it occurred outside the United States.
- ☒ B The public use is a prior art event under 35 U.S.C. § 102(a)(1) that can bar patentability unless an exception applies.
- ☐ C Foreign public use is only relevant if the invention is also offered for sale abroad.
- ☐ D Foreign public use automatically qualifies as a prior art event under 35 U.S.C. § 102(a)(2).

ANSWER B

WHY Public use anywhere in the world by the inventor more than one year before the effective U.S. filing date is a § 102(a)(1) prior art event that can bar patentability, unless an exception such as the grace period under § 102(b) applies. Foreign-only public use is not automatically disregarded, and § 102(a)(2) concerns disclosures by others before the applicant's effective filing date.

QUESTION 3

MULTIPLE CHOICE

Which of the following are considered when evaluating whether a claimed invention would have been obvious under 35 U.S.C. § 103? (Choose two.)

- ☒ **A** The scope and content of the prior art
- ☒ **B** The level of ordinary skill in the pertinent art at the time of the invention
- ☐ **C** The commercial success of products embodying the invention, evaluated as a primary factor on its own
- ☐ **D** Whether the applicant personally knew the prior art references cited by the examiner

ANSWER A - B

WHY Under *Graham v. John Deere Co.*, the factual inquiries for obviousness include (1) the scope and content of the prior art and (2) the level of ordinary skill in the pertinent art, along with differences between the prior art and the claims and secondary considerations. Commercial success is a secondary consideration, not a primary factor on its own, and the applicant's personal knowledge of cited art is not part of the legal inquiry.

QUESTION 4

SINGLE CHOICE

Which of the following best describes the function of the claims in a U.S. utility patent application?

- ☐ **A** The claims provide a written description sufficient to show the inventor possessed the invention.
- ☒ **B** The claims particularly point out and distinctly claim the subject matter the inventor regards as the invention.
- ☐ **C** The claims describe the preferred embodiments in sufficient detail to enable reproduction.
- ☐ **D** The claims summarize the abstract of the disclosure.

ANSWER B

WHY Under 35 U.S.C. § 112(b), the claims must particularly point out and distinctly claim the subject matter regarded as the invention. Written description and enablement are separate § 112(a) requirements addressed by the specification, not the claims themselves.

QUESTION 5

SINGLE CHOICE

A registered patent practitioner signs a paper filed with the USPTO on behalf of a client, knowing that the paper contains a false material statement. Which USPTO rule of professional conduct most directly addresses this conduct?

- ☒ **A** 37 C.F.R. § 11.301 (candor toward the tribunal)
- ☐ **B** 37 C.F.R. § 11.104 (fees and expenses)
- ☐ **C** 37 C.F.R. § 11.505 (advertising and solicitation)
- ☐ **D** 37 C.F.R. § 11.804 (continuing legal education)

ANSWER A

WHY 37 C.F.R. § 11.301 imposes the duty of candor toward the tribunal, requiring practitioners not to make false statements of fact or fail to correct false statements made to the Office. The other rules address different subjects: fees (§ 11.104), advertising (§ 11.505), and CLE (§ 11.804).

QUESTION 6

SINGLE CHOICE

After receiving a final rejection from a patent examiner, an applicant wishes to continue prosecution. Which of the following is a permissible procedural response?

- ☐ **A** Filing a continuation application without responding to the final rejection.
- ☒ **B** Filing a request for continued examination (RCE) under 37 C.F.R. § 1.114, with the appropriate fee and any required submission.
- ☐ **C** Directly appealing every final rejection to the U.S. Court of Appeals for the Federal Circuit without first appealing to the PTAB.
- ☐ **D** Demanding that the examiner withdraw the rejection as a matter of right.

ANSWER B

WHY A request for continued examination under 37 C.F.R. § 1.114 is a recognized procedural mechanism for continuing prosecution after a final rejection (provided any required submission is included). Appeals of rejections generally proceed first to the Patent Trial and Appeal Board (PTAB), not directly to the Federal Circuit, and examiners are not required to withdraw a rejection on demand.

QUESTION 7

SINGLE CHOICE

Which USPTO post-grant proceeding allows a third party to challenge the validity of a patent claim on grounds including anticipation and obviousness, and is generally available only within nine months of patent grant?

- ☐ A Ex parte reexamination
- ☐ B Inter partes review
- ☒ C Post-grant review
- ☐ D Supplemental examination

ANSWER C

WHY Post-grant review (PGR) under 35 U.S.C. § 322 allows a third party to challenge a patent claim on grounds including novelty (§ 102) and nonobviousness (§ 103) and must be filed within nine months of grant (or later if a later-prioritized claim is added). Inter partes review (§ 311) is generally available after the nine-month window and is limited to novelty and obviousness grounds.

QUESTION 8

MULTIPLE CHOICE

Which of the following are required elements of an adequate patent application specification under 35 U.S.C. § 112(a)? (Choose two.)

- ☒ A A written description of the invention in sufficient detail to show the inventor possessed the invention as claimed.
- ☒ B An enablement of the invention to a person of ordinary skill in the art without undue experimentation.
- ☐ C A list of every possible commercial embodiment of the invention.
- ☐ D An oath or declaration signed by every competitor in the field.

ANSWER A - B

WHY Section 112(a) requires that the specification include a written description, enablement, and a best mode. There is no requirement to list every commercial embodiment, and there is no requirement that competitors sign any oath or declaration.

QUESTION 9

SINGLE CHOICE

In interpreting patent claims during examination, what standard of claim construction is applied?

- ☒ **A** Claims are given their broadest reasonable interpretation in light of the specification as understood by a person of ordinary skill in the art.
- ☐ **B** Claims are given their narrowest possible interpretation to preserve validity.
- ☐ **C** Claims are construed solely by reference to the prosecution history, ignoring the specification.
- ☐ **D** Claims are construed by the literal words of the patent only, with no reference to the specification.

ANSWER A

WHY During examination, claims are given their broadest reasonable interpretation (BRI) consistent with the specification as understood by a person of ordinary skill in the art. The narrowest-interpretation rule is not applied, and the specification must be considered alongside the prosecution history.