

**Final Examination
Sales
Professor Janice Kosel
Fall 2006**

1. You have two (2) hours to complete this exam.
2. This is an open book exam.
3. This exam consists of two essay questions, each is worth 50%. Please write your response in the blue books provided. Please write clearly. Write on every other line and every other page to permit instructor comments.
4. Write your exam number on your exam envelope. Put your correct class section and student exam # at the top of this page, each page of questions, and each blue book. **Do not** use your name, student ID number or Social Security Number on any exam materials.
5. At the conclusion of the exam, return all test materials, including blue books, scratch paper, and this exam packet to the envelope and submit it to the proctor. **DO NOT** seal the envelope. Students who do not return all exam materials at the end of the exam may not have their exam graded.

GOOD LUCK!

ESSAY QUESTIONS

Seller developed and sold software which enabled the user to calculate an individual's biorhythms – critical days when a person might not be at their peak either emotionally, intellectually, or physically. The underlying premise was that an individual's life had certain rhythms or cycles which could be predicted with great accuracy at the moment of birth.

Although it did not publicly disclose that fact, Airline scheduled its pilots on the basis of their biorhythms. As the Seller's brochure noted: "Some days you ought to stay in bed. But some days you'll really soar. We'll let you know -- in advance – so you can plan your life and prosper". The Airline president considered the use of the software a no-brainer. Why not schedule pilots for flights at the peak of their performance – especially if the software cost only \$49.95?

All went well for the first three months of use. Indeed, passengers noted a more congenial flight crew and surveys confirmed more on time arrivals and departures. But then a disaster happened. Flight 666 crashed on takeoff and investigators confirmed the cause as pilot error. He had continued in the face of warning lights and alarms in the cockpit indicating that takeoff should be aborted.

After the accident, Airline confirmed that the biorhythm software indicated that the pilot should have been at the peak of his performance. It wishes to sue Seller. Advise Airline.

II

Buyer read an ad in a trade magazine listing inflatable Christmas elves for sale at \$9.99 apiece. The ad also cautioned "Act now. Supplies are limited". Buyer immediately telephoned the 800 number and ordered 150 elves.

Five weeks later, on December 24, Buyer received an email confirming the shipment that day of 100 elves to be delivered in 8 to 10 business days.

When Buyer called the 800 number to object to the delay and limited quantity, Seller said the elves wouldn't be arriving after all. They had been in the cargo hold of a plane that had just crashed.

Seller insists on payment in full for the 100 elves. Advise Buyer.

END OF EXAM