

IN COOPERATION WITH



UNITED STATES PATENT AND TRADEMARK OFFICE

APRIL 2024 Volume 40 Issue 04

# Inventors

DIGEST

## KID POWER

TV INDUSTRY VETERAN GOES BIG WITH KIDSTREAM



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Patent Pro Bono Program:

# Pathways to Inclusive Innovation

Join the United States Patent and Trademark Office on April 12 to:

- **Learn how to access government resources** for starting and maintaining a successful business
- **Hear stories and tips about intellectual property (IP) protection** via patents and trademarks from leaders in the IP and small business community

We welcome all entrepreneurs and aspiring entrepreneurs who are interested in learning more about succeeding in business, identifying and protecting IP, securing options for funding, and expanding business networks.



**April 12, 2024**

**9:00 a.m. - 2:00 p.m. ET**

Online and in person  
at Emory University  
in Atlanta

Registration is  
required to attend.



<https://bit.ly/3T8BnBP>



UNITED STATES  
PATENT AND TRADEMARK OFFICE ®

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# Give no quarter to Patent Pirates.

Or they'll take every  
last penny.

Our ideas and innovations are precious. Yet Big Tech and other large corporations keep infringing on our patents, acting as Patent Pirates. As inventors, we need to protect each other. It's why we support the STRONGER Patents Act. Tell Congress and lawmakers to protect American inventors.

**SAVE THE  
AMERICAN  
INVENTOR**

[SaveTheInventor.com](http://SaveTheInventor.com)

## DIRECTOR'S BLOG

# LEAP Forward, With PTAB's Help

*Program provides in-person assistance at hearings for practitioners and inventors* BY KATHI VIDAL

Since the moment I was sworn in as director of this great agency two years ago, I have been guided by the conviction that we must open the doors of opportunity in the innovation community to everyone, not a select few.

We have done many things at the USPTO to push those doors of opportunity wide open, but I want to highlight a few in particular that I need your help in sharing with others. Collectively, they make access to the Patent Trial and Appeal Board (PTAB) easier and more transparent than ever, for both legal practitioners and the inventors they represent.

First, we are eager to engage with the public on our proposed rule to amend the criteria individuals must meet to practice before the PTAB. This rule will expand opportunities for more individuals to participate in our innovation ecosystem, while not compromising our goal of issuing and maintaining robust and reliable intellectual property rights. We encourage stakeholders to submit comments by May 21.

One opportunity we need your help in promoting is the PTAB Pro Bono Program, which serves under-resourced inventors seeking to appeal a patentability rejection by an examiner. We launched the program in 2022 in collaboration with the PTAB Bar Association, and since then, many licensed patent attorneys, registered to practice before the USPTO, have offered their free services to represent independent inventors,

inventor groups, and inventor-owned small businesses in ex parte appeals. We need your help in promoting the program more widely within the inventor community.

See [uspto.gov/PTABProBono](https://www.uspto.gov/PTABProBono) for eligibility requirements.

We also continue, through the Legal Experience and Advancement Program (LEAP), to empower the next generation of advocates and prepare them for meaningful, impactful work early in their careers.

"LEAP to Chambers" brings eligible practitioners to a USPTO hearing facility, where a PTAB judge will give them a behind-the-scenes LEAP Forward, With PTAB's Help tour. They will get a feel for the hearing room by standing behind the podium and testing out their openings. They will learn how to display evidence at a hearing, and they may sit at the bench and view the hearing room and evidence from the judges' vantage point. A remote judge also will join the tour to provide tips on how to most effectively argue before a hybrid panel of in-person and remote judges.

After the tour, judges spend time with practitioners highlighting effective advocacy techniques and answering questions.

In "LEAP to Law Schools," judges visit law schools and offer an overview of PTAB proceedings, including demonstration of a mock argument. The PTAB also continues to offer LEAP-eligible practitioners the opportunity to present mock oral arguments and practice their advocacy skills before a panel of judges and receive individualized feedback.

Since LEAP launched more than three years ago, over 350 eligible practitioners and 135 law firms have participated.

Contact me at [Director@uspto.gov](mailto:Director@uspto.gov) if you have questions about our PTAB programs, including the PTAB Pro Bono Program and LEAP.

*Kathi Vidal is under secretary of commerce for intellectual property and director of the USPTO.*

LEAP-eligible practitioners speak with PTAB judges (in person and on screen) about logistics for oral hearings, during a LEAP to Chambers event at a PTAB hearing room in Alexandria, Virginia.



JOURNEYS OF INNOVATION

# Establishing the New Fit

*Three friends reminisce about inventing and patenting the sports bra in 1979* BY LAUREN EMANUEL



Hinda Miller, Polly Smith, and Lisa Lindahl designed the sports bra in the 1970s to decrease discomfort for female runners.

In 1979, Lisa Lindahl, Hinda Miller, and Polly Smith received U.S. Patent No. 4,174,717 for the athletic brassiere, or “Jogbra.” More than 40 years after their invention, they gathered in the National Inventors Hall of Fame Museum in Alexandria, Virginia, to discuss their experiences as pioneers in the women’s fitness industry and to reminisce about their days as young friends and creators.

Lindahl, 71, an entrepreneur, author, artist, and women’s health advocate, said the motivation for the Jogbra started with a blunt question from her sister in 1977 about the discomfort she experienced while running: “Why isn’t there a jockstrap for women?”

“A 30-mile-a-week runner myself, I told her I had no good answer about how to solve the problem,” Lindahl said. “When I hung up the phone, I went, well, why not make one? And I wrote down the design specifics such a garment would need. But I don’t sew!”

Fortunately, Lindahl already knew the right women to help with the job. Her childhood friend Smith, now 70 and an award-winning costume designer, was renting a room from her while working as a lead costume designer at the Champlain Shakespeare Festival in Vermont.

Miller, 70, an entrepreneur, author, business coach, frequent corporate and higher education board member—and a Vermont state senator from 2003 to 2012—was also then working at the festival as an assistant costume designer for Smith.

“Polly was living with me, and when I asked her to help me make this bra,” Lindahl said, “she literally rolled her eyes. When we were in school together as kids, we both would cut gym class. Neither one of us were jocks. [Miller] was the jock. She was a skier, and she played basketball.”

However, “When I discovered running, it was a big ‘Aha!’ It empowered me. I became friends

with my body, which was never the case before because I’ve had epilepsy all my life.”

Running did present the same discomfort Lindahl and her sister had discussed. Before the Jogbra, Miller said, women “used elastic bandages to bandage their breasts, or we put our elbows to our chest when we ran because it felt better.” First and foremost, the new bra they were about to invent needed to eliminate that problem while running.

Getting the initial construction right was not easy, but inspiration was not long in coming. It came in the form of a crude joke.

One day, while Lindahl and Smith were discussing their prototypes, Lindahl’s then-husband put a jockstrap over his chest and said, “Hey ladies, here’s your jock bra.”

“We thought that was so funny,” Lindahl said. After trying it on for herself, though, she realized they might have found what they were looking for.

For the entire story, see [uspto.gov/learning-and-resources/journeys-innovation](https://www.uspto.gov/learning-and-resources/journeys-innovation).



## SEE THE JOGBRA PROTOTYPE

The Smithsonian’s National Museum of American History opened “Change YOUR Game” on March 15. The family-friendly, interactive exhibition, which celebrates the intersection of invention, sports, and technology, was developed by the museum’s Lemelson Center for the Study of Invention and Innovation.

The exhibit will showcase dynamic stories and objects related to diverse inventors, athletes, and technologies that have changed how sports are played. These will include a prototype of the Jogbra, a football helmet with a Crash Cloud prototype to help protect the brain, and more. During its five-year run, the Lemelson Center will offer—in collaboration with the USPTO—a number of special events across the country where the exhibit and its ethos and content will come to life.

For more information, visit [americanhistory.si.edu/explore/exhibitions/change-your-game](https://americanhistory.si.edu/explore/exhibitions/change-your-game)

## MAGIC MOMENT

# Lunch and a Historic Launch

*Nationwide Patent Pro Bono Program provides services and hope to underrepresented inventors*

The Patent Pro Bono Program's "Pathways to Inclusive Innovation" event, April 12 at Emory University School of Law in Atlanta, has roots that extend 14 years and about 1,100 miles to the north.

A 2010 lunch in Minneapolis between two renowned patent professionals sparked food for thought that eventually became an invaluable and historically significant resource for financially challenged inventors.

When Jim Patterson, an attorney with more than 30 years of experience in IP law, met with then-USPTO Director David Kappos, they began talking about pro bono work. Today, the USPTO collaborates with 20 independently operated academic and nonprofit regional programs in the Patent Pro Bono Program. The regional programs match financially underresourced inventors with patent practitioners in all 50 states, the District of Columbia, and Puerto Rico.

The Minnesota-based Patterson had volunteered on pro bono legal projects since his career began—including at inner-city clinics on landlord and family law issues.

After his lunch with Kappos, he received a call from John Calvert at the USPTO's Office of Innovation Development, and added pro bono specialist Candee Goodman (then from Lindquist & Vennum) for help.

Goodman played a major role in establishing the Minnesota Pilot Pro-bono Inventor Assistance Program. That initiative got a big assist from LegalCORPS, a nonprofit entity committed to expanding access to the legal system for clients otherwise unable to afford business legal services.

"A week later, we received a call to say the project was approved and we were on our way," Patterson said in an interview with BIG IP & Legal Solutions.

But first, there were myriad key details to work out: securing funding, establishing processes and procedures, promoting the program, and more.

Patterson noted that one important element in this or any pro bono program for inventors is ensuring they have projects that are worth the attorney's time.

"If you open the door freely to independent inventors on a walk-in basis, you will see a wide range of interesting people but very few good ideas," he told Big IP & Legal Solutions. "We knew that if we were going to ask attorneys to give up their time, we needed to make sure there was a proper screening of the candidates they would be meeting."

Also important was establishing parameters for getting access to the program.

"If we started giving free advice to people who could be paying lawyers, then we're simply taking away clients from the volunteers. So we needed to set a threshold of where you begin to pay.

"It can cost between USD 5-10K to obtain a patent. When it comes to screening for economical need, there's a big gap between that and the poverty level."

The team determined the cut-off would be roughly three times the national poverty level, a formula that is still used by most of these projects.

Sure enough, requirements for applicants listed on the USPTO's Patent Pro Bono Page say:

"While each regional program in the national network may have distinct admission guidelines, these are the common requirements, generally speaking:

Former USPTO Director David Kappos (left) and attorney Jim Patterson (right) prepare signing of the interim charter for the America Invents Act Pro Bono Advisory Council.



**Income**—Your gross household income should be less than three times the federal poverty level guidelines (though some regional programs may have different criteria)

**Knowledge**—demonstrated understanding of the patent system either by having a provisional application already on file with the USPTO or having successfully completed the certificate training course (certificado de formación en español)

**Invention**—ability to describe the particular features of your invention and how it works.”

The USPTO Patent Pro Bono Program was launched in 2011, part of the Leahy-Smith America Invents Act. The first and only federally funded pro bono project in the United States has changed the lives of thousands of people, from inventors who otherwise would have not had a platform for their ideas to those who have been helped by the inventions that have resulted.

Some of these inventions have life-saving possibilities, including a carbon monoxide detector (U.S. Patent No. 10,101,027) that resulted from a pro bono connection. “Systems and methods for cessation of carbon monoxide production,” invented by Mark Kohn, was patented on October 16, 2018.

The Patent Pro Bono Program has been of particular help to two historically underrepresented patent demographics: women and African Americans. In 2022, 35 percent of respondents to a survey of applicants using the Patent Pro Bono Program were African American or Black, and 43 percent were female.

**For more information on Pathways to Inclusive Innovation, and to register:**  
<https://bit.ly/3T8BnBP>

**For more information on the Patent Pro Bono Program:** [uspto.gov/ProBonoPatents](https://uspto.gov/ProBonoPatents)

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## NEWS FLASH

### HBCUS ADDED AS RESOURCE CENTERS:

Three Historically Black Colleges and Universities (HBCUs) were designated as Patent and Trademark Resource Centers (PTRCs) in 2023, and the USPTO plans to add more. The three are the John B. Cade Library at Southern University and A&M College, John B. Coleman Library at Prairie View A&M University, and Miller F. Whittaker Library at South Carolina State University. Howard University's Founders Library was designated a PTRC in 1986.

PTRCs are part of a national network of public, state, and academic libraries designated by the USPTO to offer trademark and patent assistance to the public.



**PILOT DEADLINE EXTENDED:** The First-Time Filer Expedited Examination Pilot Program has been extended. The extended pilot program will run from March 11, 2024, until either March 11, 2025, or the date the USPTO grants a total of 1,000 petitions since the start of the pilot program, whichever occurs first.

The program permits patent applications from eligible first-time filers to be advanced out-of-turn for examination and reviewed earlier (also known as being “accorded special status”). Eligible applications will receive expedited initial written feedback from patent examiners, known as the “first office action.”

## WHAT'S NEXT

**TRADEMARK BASICS BOOT CAMP:** Modules 3, 4, and 5 of these free, information-packed virtual sessions are scheduled from mid to late April, all on Tuesdays from 2 to 3:30 p.m. ET.

Module 3, on April 16, will focus on important principles related to federal trademark clearance searching and effective use of the USPTO's trademark database. Module 4, on April 23, will involve requirements for an initial trademark application. Module 5, on April 30, will focus on the USPTO's Trademark Electronic Application System (TEAS), including a live demonstration of a trademark filing. Register early through [uspto.gov/events](https://uspto.gov/events).



**WANT TO BE AN EXAMINER?** A free, virtual fireside chat with USPTO patent examiners, on April 17 from noon to 1 p.m., will provide an inside look at this career opportunity. So will a virtual office hour with USPTO patent examiners on April 24 at the same time. More information: [recruitment@uspto.gov](mailto:recruitment@uspto.gov)

**ONE-DAY PATENTS BOOT CAMP:** This in-person, single-day workshop for entrepreneurs, small businesses, and inventors in communities with limited or no internet access will cover tools, techniques, and resources to understand the patent application process. It will be April 18 at Summit Station in Innovation Park in Frostburg, Maryland. More information: [uspto.gov/events](https://uspto.gov/events)

Visit [uspto.gov/events](https://uspto.gov/events) for many other opportunities to attend free virtual events and/or training.

## Look Who's Talking Now!



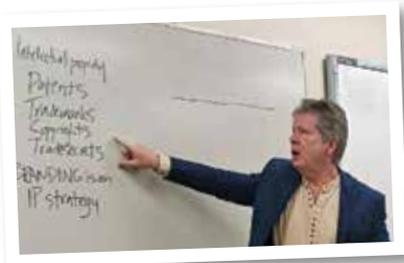
My first words to the marketing class at Lander University in Greenwood, South Carolina, were short and to the point.

“My name is Reid Creager, editor-in-chief of *Inventors Digest* magazine in Charlotte. These next 75 minutes might be rough for you. We’re going to spend a lot of time talking about the Rolling Stones and watching YouTube videos.”

When a neighbor—a retired professor at the university—saw a copy of the magazine and heard me talk about the Stones’ early 1970s branding with the group’s iconic mouth/tongue logo (October 2022 *ID*), he said I would be a great fit as a speaker at Lander.

I was flattered but not sure. I have a lot to say about inventing and intellectual property, but I had the challenge of connecting with an audience that was, let’s say, much younger than me.

They were interested, engaged, fun. I focused on subjects that included the branding of social media influencers; the iconic Stones logo, and how and why it was conceived; Taylor Swift’s branding genius; and the two current presidential candidates’ focus on personal branding to help negate public perception challenges.



I watched them giggle at videos showing Swift at her relatable best, playing “Name That Tune” on a talk show appearance. Trump allowing Jimmy Fallon to mess up his hair. The iconic first Lite Beer commercial with Bob Uecker, 41 years ago.

I was surprised by what they knew. In response to a question, one student quickly ticked off three successful branding campaigns involving insurance companies: Flo; Jake in khakis; Mr. Mayhem. I was also surprised no one could tell me the difference between marketing and branding (marketing is a general strategy for selling a product; branding is a sub-theme of marketing that attempts a psychological connection through relatability, an enduring image, and the all-important logo).

This was also a good opportunity for promoting the magazine. But the best takeaway was the energy and intelligence of people who will be the next inventors and guardians of IP. Be sure there is much hope for our future.

—Reid  
(reid.creager@inventorsdigest.com)

# Inventors

DIGEST

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# Everybody's Talking

## THE BEST INVENTOR MOVIE?

# Rarefield 'Air'

**Y**ARDBARKER recently released its top 20 movies and miniseries about inventors, inventions and innovation. And given its emphasis on sports entertainment, the No. 1 choice was not a surprise.

"Air," last year's movie about how Nike signed Michael Jordan in 1984 and the origins of the Air Jordan sneaker, tops the list. The film, which Ben Affleck directed and starred in, scores at least 3 ½ stars on respected review sites, including 4 ½ stars on Rotten Tomatoes.

Another 2023 film, "Oppenheimer"—about the man who created the atomic bomb—was runner-up.



## SINGING DUO WINS, BUT NOT EVERYTHING

Because copyright lawsuits—especially those targeting celebrities—can be questionable money grabs, winners in such challenges often can legally recover attorney fees they spent defending themselves. The goal is to deter such suits.

But the singing duo **Sam Smith** and **Normani** won't get such reimbursement after winning a copyright lawsuit last September involving their 2019 hit "Dancing With a Stranger."

U.S. District Judge Wesley L. Hsu, who dismissed the lawsuit, ruled March 18 that the case was not so unjustified as to warrant punishing the accuser with paying the stars' claimed expenses of \$732,202.



Smith and Normani said they shouldn't have to pay the bill they incurred fighting the "frivolous and unreasonable" lawsuit, which claimed the duo had copied a little-known 2015 song of the same name. Attorneys for Smith and Normani had argued the lawsuit was a gamble filed against the stars with "hopes for a massive payout."

But the judge wrote: "Plaintiff's claims were neither frivolous nor objectively unreasonable" and called the lawsuit a "close and difficult case" on a "contentious area of copyright law."

The case was filed in 2022 by songwriters Jordan Vincent, Christopher Miranda and Rosco Banlaoi. They said "Dancing" was "strikingly similar" to their same-named track.

The judge disagreed, and criticized the plaintiffs for manipulating the songs to make them appear more alike: "By rotating chords, recalibrating the tempo, and altering the pitch of a defendant's song so that it sounds more similar to the plaintiffs' would lead courts to deem substantially similar two vastly dissimilar musical compositions."

But if the plaintiffs manipulated the songs in hopes of a payday, wouldn't this be an action that needs to be deterred?

Attorneys for both sides were not immediately available for comment. —Reid Creager

# BRIGHT IDEAS



## ERA E II

EXPRESSIVE MIDI  
CONTROLLER AND LOOPER

[embodme.com](http://embodme.com)

ERA E II is a configurable controller that senses musical touch. The successor to the ERA E Touch, it features several hardware and software enhancements.

The product integrates a looper, unique FX controls and 24 CV/gate outputs. As the central device in your setup, the ERA E II enables precise and expressive control over all your software, hardware and modular gear.

ERA E II reacts from the lightest touch to the fastest strokes, pushing the dynamics to the extreme possible range of musical articulation. It will retail for about \$730, with delivery to crowdfunding backers set for September.

## PawSwing

AUTOMATIC CAT SELF-GROOMER

[paw-swing.com](http://paw-swing.com)

PawSwing is a crate-shaped box with an automatic combing entrance, featuring Cat Tongue-Simulating Combs designed to mimic the natural licking sensation a cat loves.

The six combs help reduce excessive shedding. They adjust automatically, according to the cat's size (up to 40 lbs.). All the hair that is combed off remains inside the box.

A treat dispenser on top is motivation for a cat to keep coming back. You can set the desired amount of food and dispensing frequency.

PawSwing also offers a felting service whereby you can send in the hair obtained through grooming. The company uses that hair to create a keepsake. The product retails for \$249.





## LOOI

HARDWARE THAT TRANSFORMS PHONE INTO A DESKTOP ROBOT

[looirobot.com](http://looirobot.com)

LOOI transforms your phone into a quirky cyber-creature via a magnetic connection.

Unlike typical “pet bots” that merely follow commands, LOOI features a unique personality and original thoughts by integrating ChatGPT for natural language processing and biomimetic behavior systems. Its “face” can show smiles, frowns, sadness, seriousness and more.

LOOI can recognize your face, greet you, capture moments and more. Simply extend your hand without touching LOOI and it comes toward you.

Ready for shipping to crowdfunding backers in August, LOOI will retail for \$169.



**“All the good music has already been written by people with wigs and stuff”** —FRANK ZAPPA

## Beeline Moto II

MOTORCYCLE NAVIGATION DEVICE

[beeline.co](http://beeline.co)

Combining a new and improved interface with new RockerTop 2™ buttons, Moto II navigates while seamlessly fitting into your cockpit.

Displaying a high contrast “mini map” view, Moto II shows you what to do at any junction in the road, with all the information you need at a glance.

The device’s second incarnation more than doubled the screen area, introduced an advanced turn-by-turn navigation option and developed the newer, glove-friendly buttons. Moto II will also have a speedo, odometer, clock and ETA.

With an estimated retail price of £220, (\$280 U.S.), the device is to ship to crowdfunding backers in May.



# Great, Scots!

INVENTION OF THE GOLF CLUB 700 YEARS AGO WAS SLOW TO DEVELOP, IN PART DUE TO THE BALLS **BY REID CREAGER**

**O**H, so *that's* why pro golfers sometimes dress so ... distinctively.

When The Masters tournament is played this month, there may be the occasional golfer wearing throwback apparel that some wish could be thrown back forever: knickers, argyle patterns and socks, V-neck sweaters. This is because the game's origins are widely attributed to 1400s Scotland.

Other, countries—most notably, China—lay claim to inventing golf. But Scotland has historical documents proving the rules of golf were

formally documented there in the 1700s, and that the game existed there several centuries earlier. In fact, in 1457 the Scottish parliament of King James II banned golf because men were playing to the point they were neglecting their military training.

Because golf and the golf club go wrist in wrist, it's fair to say the game's striking apparatus was invented in Scotland. Its evolution continues some 700 years later.

## Stuffed with ... what?

The earliest known clubs—hand carved—had small heads and were made of materials capable of generating far less velocity than today's state-of-the-art technological triumphs. This was both a function of a more primitive era and the limitations of the game's other main component: the ball.

According to Professional Golfers Career College, Scots used the “hairy” golf ball from 1468 to 1618. This was a hand-sewn, round leather ball filled with cows' hair or straw.

The Featherie golf ball, introduced in 1618, was stuffed with goose or chicken feathers. The

feathers and leather were shaped while wet. The leather shrank and feathers expanded upon drying, creating the ball's desired hardness.

Of course, neither of these balls were engineered for long flight regardless of what it was being struck with, and neither of them stayed round for very long. (The rubber-core, dimpled Haskel golf ball, invented in the late 1800s, remains the standard for the modern ball.)

GolfLink says the earliest clubs were hand-made European hardwoods such as apple or beech, with ash or hazel shafts. Hickory, which is more durable, became the preferred wood when the game came to America in the early 1800s.

## Going the distance

Wooden club heads grew in durability throughout the century. By the start of the 1900s, they were almost exclusively made from persimmon wood, sometimes known as “white ebony.” Shapes began morphing as well, with the help of a process called drop forging that begat giant wedges as much as a half-foot wide and Walter Hagen's sand wedge featuring a curved face.

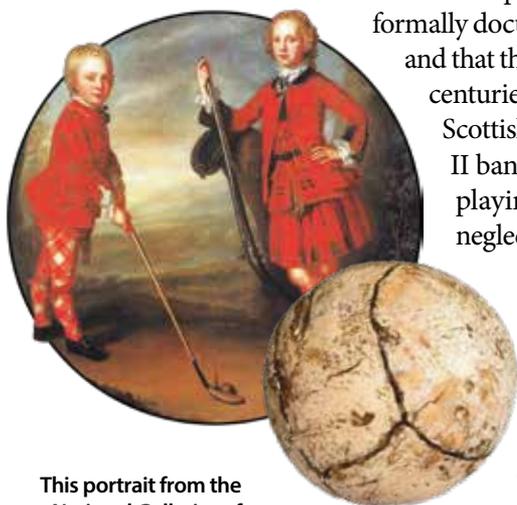
The late 19th and early 20th century also marked one of the game's most significant equipment developments: steel-shaft clubs.

They were first made in 1893 by blacksmith Thomas Horsburgh—a Scotsman, of course. (Alas, his club was very heavy, so he let his patent lapse.)

Steel shafts caused greater impact. A fishing rod producer in Britain, Apollo, was one of the first developers. Grooved surfaces also added to distance via increased backspin and gave greater control when shaping shots.

But U.S. golf's governing body was not on board with steel shafts. At least, not at first.

When Arthur F. Knight patented a steel shaft club in 1910 (U.S. Patent No. 976,527),



This portrait from the National Galleries of Scotland is of Sir James Macdonald and Sir Alexander Macdonald playing golf.

The Featherie golf ball, introduced in 1618, was stuffed with goose or chicken feathers.



## The earliest clubs were handmade European hardwoods such as apple or beech, with ash or hazel shafts.

the United States Golf Association deemed it unfair competitive advantage and ruled it illegal. It wasn't until 1924, after Connecticut-based Bristol Steel developed a seamless tubular shaft that eventually became the steel standard, that the USGA gave its OK.

In the decades that followed, stronger, lighter materials made steel an even more attractive option.

Any discussion about steel clubs is not complete without mentioning the Pittsburgh Persimmon by TaylorMade, introduced in 1979. The first metalwood to hit the market, it replaced traditional persimmon wood used in drivers and made the material an industry standard. Its unique 12-degree loft made it ideal for long shots.

### More materials and performance

Golf clubs continue their refinement with new materials.

Graphite is now the popular choice for shafts. Titanium and other lightweight metals are in the mix. Carbon fiber is lightweight and exceptionally durable.

Golf Expert Blog lists three of the most recent innovations:

- Adjustable weighting systems allow you to fine-tune the distribution of weight in your clubhead. By adjusting the weight, you can improve your swing speed and accuracy.

Some systems allow you to adjust the weight during play.

- Graphene shafts, stronger and more durable than traditional graphite shafts, can add swing speed and power. They are also said to produce more consistent results.
- Hybrid clubs combine the best features of irons and woods. They are designed to be forgiving on mishits and help you add distance. These are especially helpful with tricky lies or difficult terrain.

There have never been more choices and materials for addressing a golf ball, even if 700 years from now we will still struggle to control its destination. 🏌️

### INVENTOR ARCHIVES: APRIL

**April 25, 1769:** Marc Isambard Brunel, a French-emigre inventor and engineer, was born.

In 1818 he patented the tunneling shield, a device that made it possible to tunnel safely through water-bearing strata. Seven years later, operations began for building his designed tunnel under the River Thames between Rotherhithe and Wapping in London. It was completed in 1842, after physical and financial difficulties. Brunel was knighted in 1841.

Brunel also designed machines for sawing and bending timber, making boots, knitting stockings, and printing. At 5 feet tall, he was so self-conscious about his height that he wore an 8-inch-tall stovepipe hat.



# A Tangled Lesson for All

WOMAN'S INVENTING EXPERIENCE REVEALS PRODUCTION, DESIGN AND EXPENSE CHALLENGES **BY JACK LANDER**

**L**IKE MOST other women, Kieu Phan was disgusted with the tangled mess after she washed her bras with other clothes in her vertical-drum washing machine.

The bra straps hooked onto the clothes. She was sure there had to be a better way.

In 2000, she invented the BraBall—a two-piece, hinged, plastic ball with 308 openings that allowed soapy and rinse water to flow freely but keep the straps inside the ball.

## A flash of trouble

She described her invention to a plastic injection-molding vendor as having two critical dimensions: the overall maximum diameter of 6 1/2 inches, and the rectangular hole diagonal dimension of 1/2 inch maximum.

The overall diameter was based on the minimum clearance between the agitator and the drum of popular brands of top-loading washers. The hole dimensions were based on the size of the typical hardware used to latch the bra straps.

The result of the first molding was a thing of beauty and pride for Kieu and her husband, Toan.

But the usual “first article” generally has a few, often hidden, problems that must be addressed before marketing, and Bra-Ball had its share.

First, and obvious, was abundant “flash.” That’s the term for the

tissue-paper-thin plastic that leaks out between the halves of the mold when the hot liquid plastic is forced into the mold under about 30,000 pounds per square inch of injection pressure.

The flash appeared within many of the rectangular openings. Kieu quickly discovered the proper tool for its elimination was the Exacto-knife. Early on, she personally de-flashed every BraBall sold.

She tried to delegate this operation to employees, but none lived up to her high standard of “no flash” on the shippable product. After several attempts, she hired a young woman who was proficient at this.

## Fine-tuning the design

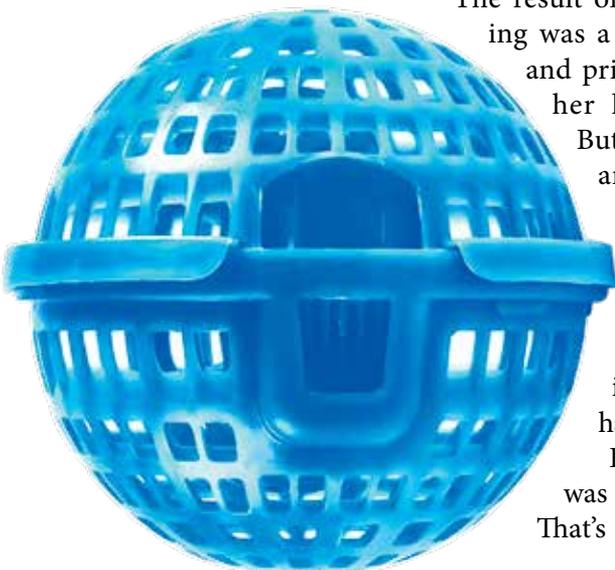
Next was the latch design. This is when I entered the scene.

Operating the latch was too stiff for finger comfort. I made two or three dimensional changes before reaching a compromise between easy-to-open and secure latching during the pounding that Bra-Balls get from the agitator in top-loading machines.

Then, there was the stainless-steel hinge-pin retention.

We had assumed that friction alone would have prevented the pin from migrating out of its long hole but soon discovered the pounding of a top-loading machine’s agitator gradually worked the pin out after several washings. We solved this by heating a small amount of the waste flash and plugging the hinge-pin hole with the molten blob, using a small soldering-iron.

The last major problem was that the opposing halves of the BraBall did not always fit properly together. This suggested the molder had ejected the parts before the mold was sufficiently cooled



**Kieu Phan said she should have saved or borrowed enough money before her startup to pay for both molds, one U.S. patent, and the first year's rent and utilities for a production shop.**

by its water jacket, thereby allowing the weight of the parts in the bin to which they were placed after ejection to distort the parts on which they rested.

I solved this by heating the unassembled halves at a certain temperature and time in an ordinary kitchen oven. The parts had sufficient “memory” from their molding stage and relaxed back to their precise intended shape.

I also designed and built foot-pedal-operated machines for processing certain assembly operations.

### **Cash flow, competition issues**

Finally, Kieu began shipping BraBalls, some days as many as 100. Sales grew quickly due to word of mouth, and the enormous expense of the mold, patents, and inventory was being slowly paid off.

A clear profit appeared to be on the distant horizon. But one nagging problem remained. The 6-1/2-inch diameter, which was the largest that BraBall would fit safely in top-loading washers, did not accommodate bra-cup size C and larger.

Kieu was missing selling to a substantial segment of the market, but she didn't have the money for a larger mold at this point. This also meant informing would-be customers of the size limits, and returning money to those who had not read about the size limits before ordering.

Also, around the end of her second year of sales, she began to face competition. The copycats were generally functionally inferior to BraBall, but of course buyers wouldn't know the competition's faults until they bought and used it.



And Kieu was still paying to file foreign patents, which added to her total patenting costs of close to \$80,000—including patent attorney fees, filing fees and periodic maintenance fees.

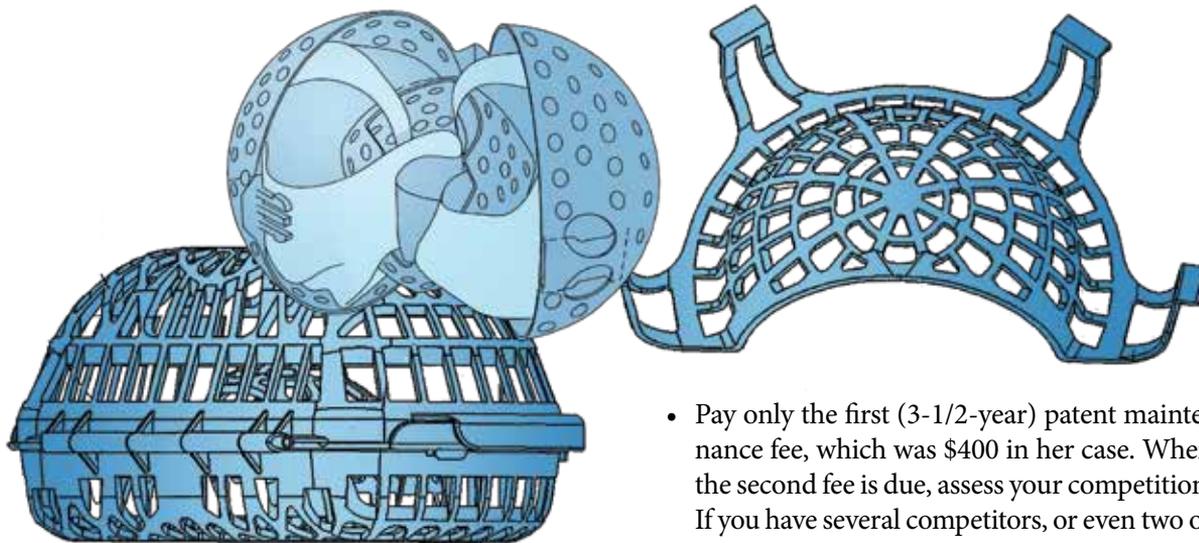
Patent maintenance fees are expensive and due at 3 1/2, 7 1/2 and 11 1/2 years after issue. Even for a micro-entity such as Kieu's, the total fees for a utility patent maintenance is more than \$3,000 in the United States.

Kieu soon discovered that future costs necessary to maintain her patents and acquire a second mold for bra-cup size C and larger—which would fit and operate safely only in front-loading machines—were much higher than anticipated. And her resources for borrowing were already stretched to their limit.

Meanwhile, new BraBall copycats seemed to appear on Amazon.com every week or so. (As I am writing this column, I count 17 copies in molded plastic and a few others in shaped, mesh-bag forms.) Year by year, Kieu's costs increased and her sales volume dropped due to competition.

Competition? Isn't that what patents are intended to prevent?

**The BraBall had challenges that included materials, design and copycats.**



Well, yes, if you have the money for a patent attorney to analyze your competitor's products to determine if they are infringing your patents—and if so, prepare and file lawsuits against them.

Suppose the infringer is in Europe. Will you have the patience and money to hire a second attorney in Europe? And what if the infringer wins? One such suit could cost tens of thousands of dollars.

**Remember these takeaways**

I spoke with Kieu on the phone in early March. She freely admitted that her approach to setting up her business was backwards.

She should have saved or borrowed enough money before her startup to pay for both molds, one U.S. patent, and the first year's rent and utilities for a shop in which she could produce BraBalls.

And now, with 20-20 hindsight, I suggest the following for any inventor who has dreams of producing an invention by himself or herself:

- In general, unless you are wealthy or financed by an investor, forget foreign patenting. The manageable and profitable market is here in the United States. Don't go broke trying to protect what you can't afford to defend. Always think of your patent as an expensive license to sue, and invest your foreign patent money in startup items such as the second mold so that you can accommodate the larger sizes from the beginning, and also have a complete product line for licensing.

- Pay only the first (3-1/2-year) patent maintenance fee, which was \$400 in her case. When the second fee is due, assess your competition. If you have several competitors, or even two or three, ask yourself if the cost of suing infringers is more than you'll probably recover if you sue and win. Lawsuits outside the United States may be great for large companies but fatal for the small companies.
- We have a tendency to feel more like parents than entrepreneurs toward our inventions; we want to hold onto them forever. But after your first year or two, when sales appear to be at their peak, approach manufacturers who have a product line in which your product would fit. These companies are your licensee candidates. In other words, create a sales-attractive product, and avoid the stage wherein the product inevitably becomes a money loser and eventually obsolete for one reason or another. The large company with several products can keep the group of products profitable by adding new products as older ones decline and eventually are dropped. (The small producer, usually not so easily.)

I'm not saying that all ventures will have the same or even similar problems that Kieu and Toan experienced, but it's not a unique model, either.

Make sure you think through the startup and early growth before you commit your capital. And make sure you have much more capital than you think will be sufficient. ☛

**Jack Lander**, a near legend in the inventing community, has been writing for *Inventors Digest* for nearly a quarter-century. His latest book is "Hire Yourself: The Startup Alternative." You can reach him at [jack@inventor-mentor.com](mailto:jack@inventor-mentor.com).



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# Your Strategy Launchpad

CHOICES TO CONSIDER FOR REACHING A WIDER AUDIENCE FOR YOUR INVENTION/PRODUCT **BY ELIZABETH BREEDLOVE**

**A** **S INNOVATIVE** products continue to emerge, what are some of the ways for inventors to reach a wider audience for effectively launching their inventions?

Whether entrepreneurs choose to navigate the intricacies of social media advertising independently or enlist the support of professionals, a well-crafted strategy is the key to product launch success. By understanding the nuances of each platform, tailoring content to the platform's target audience, and continuously refining strategies based on data, entrepreneurs can harness the full potential of social media advertising as they launch their inventions.

In this comprehensive guide, we will explore effective strategies while focusing on major platforms including Facebook, Instagram, X, TikTok and LinkedIn.

## DIY or advertising professional?

Before deciding which platforms are best for your needs, it's important to decide whether to handle social media advertising in-house or enlist the expertise of a professional advertising company. Both options have their merits, and the choice largely depends on the entrepreneur's resources, time and experience.

**DIY:** Running ads yourself can be cost effective—especially for startups with limited budgets—because you aren't paying the additional expense for someone else to manage your ads. Many social media platforms offer user-friendly interfaces, allowing entrepreneurs to create and manage campaigns without the need for external help.

Managing your social media advertising in-house gives you total control over your campaigns. You can experiment with different ad creatives, targeting option, and budgets in real-time, allowing for quick adjustments based on performance.

Taking charge of your social media advertising also provides a valuable learning experience. Entrepreneurs can gain insights into their target audience, understand ad analytics and refine their strategies over time.

**Advertising professional:** He or she can bring a wealth of expertise and experience. Ad pros understand the nuances of each platform, staying abreast of the latest trends and algorithm changes to optimize campaigns effectively.

For entrepreneurs with limited time or those wanting to focus on other aspects of their business, outsourcing advertising to a professional company can be an efficient solution. This allows the inventor to concentrate on product development, customer service and overall business growth.

Professional advertisers often have access to advanced targeting tools and strategies that may not be readily available to individual users. This can result in more precise targeting and a higher return on investment (ROI) overall.

## Platform-specific strategies

Let's explore the specific advertising options and strategies available on some of the major social media platforms, focusing on the kinds of ads and target audience.

### Meta (Facebook, Instagram, Messenger and Meta Audience Network) ads

Types of ads include:

- Image ads highlight an image of your product or brand.
- Video ads engage your audience with compelling videos.
- Carousel ads showcase multiple product images in a single ad. Each image has its own link.
- Instant Experience ads offer a full-screen experience when someone taps your ad on mobile.

- Collection ads feature multiple images and open as an Instant Experience, providing an opportunity for users to browse and purchase products from their phone.

Facebook is a versatile platform suitable for a wide range of audiences. Its powerful targeting options allow entrepreneurs to reach users based on demographics, interests, behaviors and more. It's particularly effective for e-commerce businesses and those targeting a broad consumer base.

Instagram is ideal for businesses with visually appealing products. The platform attracts a younger demographic and is particularly effective for lifestyle, fashion, beauty and travel brands. Leveraging influencers on Instagram can amplify reach and engagement.

### X (Formerly Twitter) ads

X for Business offers a wide range of ad categories:

- Promoted ads, where the advertiser is paying to display the content to X users, typically those who are not already following that advertiser.
- Vertical video ads feature full-screen viewability and sound on by default, making your product and message prominent.
- X Amplify allows advertisers to align their ads with premium video content from the most relevant publishers.
- X Takeover allows businesses to gain exclusive control of premium ad placements.
- X Live enables advertisers to broadcast their biggest moments to the world and allow audiences to join in real-time.
- Dynamic product ads allow advertisers to deliver the most relevant product to the right customer at the right time, whether they have already viewed your product online or are new to your brand.
- Collections ads, where advertisers can showcase a collection of product images through a primary hero image and smaller thumbnail visuals below.

Within these categories you can take advantage of image ads, video ads, carousel ads and text ads (similar to a standard post), and your ads can include features such as clickable app or website buttons, branded hashtags, and branded notifications where users can opt in.



## The choice between going DIY or using an advertising professional for your social media largely depends on the entrepreneur's resources, time and experience.

As far as target audience, X is known for real-time conversations, making it suitable for businesses that thrive on immediacy and trending topics. It is effective for tech-related products, news updates and engaging with a socially conscious audience.

### TikTok ads

Formats include:

- In-Feed ads are native ads that appear in users' For You feed.
- TopView describes the first ad a user sees when he or she opens the app.
- Branded Mission is when you crowdsource videos from other creators, then promote the top-performing ones as ads.
- Branded Effects lets you create custom effects for users to incorporate into their content.
- Spark ads are when you pay to boost different types of videos. that resonate with your audience to maximize their impact.
- Promote can amplify organic content posted by your brand or other creators.



TikTok has rapidly become a hub for younger audiences, making it perfect for brands targeting Gen Z. The platform thrives on creativity, making it ideal for products that can be showcased through engaging and entertaining content.

### LinkedIn ads

Formats include:

- Carousel ads tell an interactive story through multiple images.
- Conversation ads allow you to start quality conversations with other professionals.
- Event ads maximize event attendance.
- Follower ads help you acquire more followers.
- Lead gen ads allow you to collect information from quality leads use pre-filled forms.
- Message ads send direct messages to your prospects.

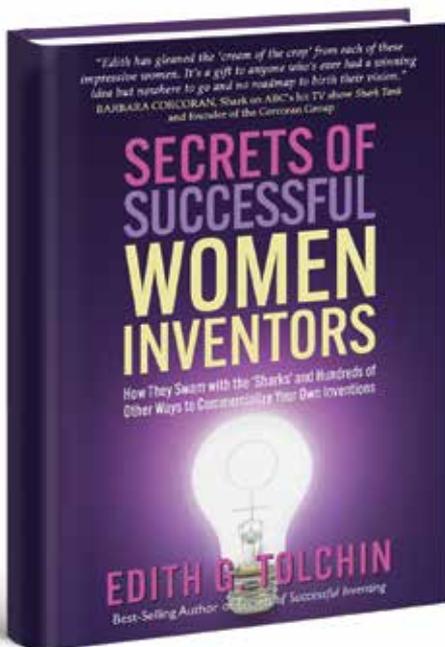
- Single-image ads run natively in the LinkedIn feed.
- Job ads drive quality candidates to your job listings.
- Spotlight ads highlight your product, service, event and more by sending traffic to your landing page.
- Text ads drive new customers to grow your business.
- Video ads use captivating video content.

LinkedIn is the go-to platform for business-to-business advertising. It's effective for reaching professionals and decision-makers. Entrepreneurs offering business solutions, professional services or products tailored for a corporate audience can benefit. 📌

**Elizabeth Breedlove** is a freelance marketing consultant and copywriter. She has helped start-ups and small businesses launch new products and inventions via social media, blogging, email marketing and more.



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### Edith G. Tolchin knows inventors!

Edie has interviewed over 100 inventors for her longtime column in *Inventors Digest* ([www.edietolchin.com/portfolio](http://www.edietolchin.com/portfolio)). She has held a prestigious U.S. customs broker license since 2002. She has written five books, including the best-selling *Secrets of Successful Investing* (2015), and *Fanny on Fire*, a recent finalist in the Foreword Reviews INDIE Book Awards.

**Edith G. Tolchin**  
(photo by Amy Goldstein Photography)



(ad designed by  
[joshwallace.com](http://joshwallace.com))

# JAMES DYSON AWARD

2023 GLOBAL WINNERS



## What's more important—saving lives, or saving the planet where our lives exist?

Regardless, the most recent James Dyson Award global winners have invented with both in mind. The 2023 international winner, humanitarian winner and sustainability winner—from South Korea, Poland and Hong Kong, respectively—each received £30,000 to support the next stages of their inventions (over \$38,000 U.S.).

The winning inventions...



### International

**Yuan Bai, Yeonghwan Shin, Yujin Chae and Daeyeon Kim** (left to right, above) were honored for The Golden Capsule, a hands-free intravenous (IV) device for use in disaster zones.

The Turkish-Syrian earthquakes in February 2023 resulted in over 55,000 deaths and more than 130,000 injured. Throughout the evacuation process, medics had to move through harsh environments while carrying several IV packs in their hands for their patients.

The four student inventors from Hongik University in Seoul designed a non-powered and hands-free IV device that uses elastic forces and air pressure differences rather than gravity. Now, medics in disaster zones do not have to hold up IV packs while transporting patients, and electricity is not required to control the infusion rate.

“The team has identified the limitations of existing IV injection methods, which rely on gravity and electricity, in disaster zones,” said Sir James Dyson, founder and chief engineer at Dyson.

“Their Golden Capsule offers a much more practical, hands-free solution, using a pressurized bladder, which can be positioned anywhere, such as strapped to the patient’s side. This slowly deflates, pressurizing the drip into the patient, leaving medics free to perform other life-saving work.”

The team will continue to conduct prototype improvements and user tests in collaboration with medical experts to ensure The Golden Capsule functions well in various emergency scenarios and hospitals. The team plans to bring its invention into mass production.

## 2024 AWARD OPEN FOR ENTRIES

**The 2024 James Dyson Award is open for entries until July 17.**

National winners and runners-up will be pared to a global top 20 before Sir James Dyson chooses the overall winner. National winners will be announced in September, with the overall winner revealed in November.

The award recognizes novel inventions that tackle a pressing real-world problem.

The competition is open to engineering and design students and recent graduates, with a focus on ambitious designs that address a global issue, from cancer diagnosis to natural disasters.

For more information, and to register: [jamesdysonaward.org](https://www.jamesdysonaward.org)

## Sustainability

**Can Jovial Xiao** and **Hoi Fung Ronaldo Chan** (left to right) invented a sustainable exterior wall cooling called E-COATING.

In Hong Kong SAR, air-conditioning accounts for almost one-third (31 percent) of total electricity consumption. In addition, over 470,000 glass bottles end up in landfills every day.

E-COATING addresses these problems. is an eco-friendly solution that solves two problems in one. It is created from recycled waste glass and can be applied to exterior roofs and walls to reflect the sun's rays, reducing the heat absorption of buildings.

This reduces the amount of electricity consumed on cooling solutions like air-conditioning, and mitigates the associated greenhouse gas emissions.

Sir James Dyson called E-COATING “a dual solution that is good for the environment and saves money.”



## Humanitarian

**Piotr Tłuszcz** invented The Life Chariot as he observed the war unfolding in Ukraine and noticed the challenges of medical evacuations across challenging terrain.

The Life Chariot is a MEDEVAC off-road ambulance that can attach to any hook-equipped vehicle. The vehicle's low weight and suspension makes it safer for a casualty to travel in than the boot of a car.

Tłuszcz's interest in designing trailers started with off-road trips with his family through the Balkans and Pyrenees. He then spent the next 10 years and the course of his bachelor's and master's degrees designing off-road and cave rescue trailers.

The Life Chariot increases the evacuation capabilities of rescue teams by adding room for one injured person on a stretcher and two more seats for medics or the lightly wounded. The initial two builds have been given to the Ukrainian Medical Military Unit and the Polish Voluntary Medic Unit of Damian Duda “W Międzyczasie” Foundation, having been tested in terrains such as mountain trails, forests, caves and mines.

Tłuszcz “designed an ingenious way of recovering injured people from challenging terrain,”



Sir James Dyson said. “The Life Chariot can be towed by anything, allowing medics to do their life-saving work with the resources they have at hand. It's also brilliant to see his iterative design process continue in response to feedback from those using it on the ground.”

Tłuszcz continues to implement upgrades to The Life Chariot based on feedback received from medics working on the front lines. He is also working on adapting the vehicle for mountain rescue purposes. 🌐

# A Few Things Before You Go

WOMAN'S BATHROOM ODOR ELIMINATORS ADDRESS EMBARRASSMENT OF STOMACH ISSUES **BY EDITH G. TOLCHIN**

**T**HE DELICATE TOPIC of personal hygiene inventions is not new to *Inventors Digest*: “Panty Buddy,” July 2022; “Getting Over the Underwear Struggle,” March 2018; “Squatty Potty,” August 2017—and several others!

This invention, from sisters Donna and Deborah Seeman of Charlotte, addresses the topic of gut health issues and the smells that may accompany them with a solution: bathroom odor eliminators.

**Edith G. Tolchin (EGT): What is the story behind the creation of Wabi Whiffs?**

**Donna Seeman (DS):** Wabi Whiffs® fizzing Toilet Sprinkles, Love Bombs & TooT Sprays were created by me for my sister Debbie because of Debbie’s relentless gut health issues, gall bladder removal and poo anxiety that hindered her normally sociable spirit. I wanted to use my love of science and product development to give Debbie her freedom and life back.

Inspired by our favorite childhood science project, the “exploding volcano,” Donna used the effervescing lava concept to spread the fragrant natural essential oils over the toilet water to propel the fragrance quickly. Wanting to make an unpleasant experience fun, I added cosmetic-grade color and biodegradable glitter.

My mission was to transform everyday hygiene into a sustainable and confidence-boosting experience. With Wabi Whiffs, you can tackle life’s natural moments with confidence,

leaving embarrassment behind and embracing a more viable and self-assured you.

**EGT: When did you form the company?**

**DS:** Debbie and I formed GFY “Good For You” Products in December 2018 and officially launched Wabi Whiffs in January 2020.

**EGT: How many different scented products or SKUs are you featuring?**

**DS:** There are four categories of bathroom care products in 22 fragrances including seasonal, holiday and limited editions available in Fizzing Toilet Bombs, On-The-Go Sprinkles, TooT Spray and new unscented After Poo Booty Wipes.

**EGT: Please tell us about yourself.**

**DS:** I grew up in Charlotte and graduated from the University of Georgia. I began my career in public relations for England’s *What Car?* magazine and Nissan. Returning to the States, I worked at Turner Network Television and then as publicist for World Championship Wrestling.

After that sale to World Wrestling Entertainment, I followed my love of science and brand development to create a consumer line of products within our parents’ industrial chemical company for 15 years.

**EGT: Where are you selling, in addition to on your website, wabiwhiffs.com?**

**DS:** Wabi Whiffs is available nationwide and internationally in brick-and-mortar stores such as gift shops, hospitals, groceries, pharmacies, hotels and airports, as well as on HSN and Amazon.

**EGT: Has public relations been difficult for a personal care product that might be delicate or controversial?**



Wabi Whiffs Toilet Bombs keep the water smelling fresher.

## “I wanted to use my love of science and product development to give (sister) Debbie her freedom and life back.”

—DONNA SEEMAN

**DS:** No, our upscale packaging and humor break the ice on what can be difficult for some. We have found that our products are relatable. Everyone has experienced an embarrassing moment for which they wish they could go back in time to enjoy the benefits of Wabi Whiffs.

### **EGT: Are you manufacturing in the United States, or overseas?**

**DS:** Our manufacturing facility is in Charlotte, where we produce all Toilet Bombs, On-the-Go (OTG's) Sprinkle Singles and TooT Sprays. Booty Wipes are made in Israel and assembled in our Charlotte facility.

### **EGT: Are Wabi Whiffs patented? Trademarked?**

**DS:** Wabi Whiffs' formulation and manufacturing process is protected by trade secret. Our brand, Wabi Whiffs logo, and slogans are trademarked.

### **EGT: Please share any obstacles or difficulties you've had in bringing your products to market.**

**DS:** 1) When we launched Wabi Whiffs Toilet Sprinkles in round white jars with a spoon, we learned quickly our product was void of our personality and did not connect to our customer base—or *any* customer base.

After gathering feedback from those we wanted for our target market, we realigned with our heart and mission and put our personality into the product by revamping the formula with color, biodegradable glitter, assorted fragrances, adding different delivery mechanisms, and updating our packaging.

2) Launching Wabi Whiffs as COVID hit the world in early 2020 was a challenge. We had a great launch at a trade show and went home to pack orders when we started getting calls from stores wanting to postpone their orders or cancel

them. Thankfully, we had our alcohol license for making hand sanitizer and were able to pivot and support our growth by connecting with social sellers on live selling outlets.

3) We chose to create an effervescent tablet in probably the worst location: the South! The less-than-ideal climate riddled in humidity is not a friend to our fizzing tablets.

Between the moisture and need for humidity controls, we were told it could not be done. But with our chemistry and sheer willpower, we defied all odds.

### **EGT: Can you share any problems you've had during product development that were learning experiences?**

**DS:** Because our formulation is effective on stinky stench, there were so many opportunities within consumer goods products that we could develop to help people. The challenge was to grow in a category, to create brand integrity, and to not spread ourselves too thin so as to lose or never gain brand authority.

Our advice is to stay focused. Don't expand too fast and water down your message. You can't be all things to everyone, and that is OK. 🍷

*Details: [donna@wabiwhiffs.com](mailto:donna@wabiwhiffs.com)*

**Edith G. Tolchin** has written for *Inventors Digest* since 2000 ([edietolchin.com/portfolio](http://edietolchin.com/portfolio)). She is the author of several books, including “Secrets of Successful Women Inventors” (<https://a.co/d/fAGlvZJ>) and “Secrets of Successful Inventing” (<https://a.co/d/8dafJd6>).



The line features four categories of bathroom care product.



Kidstream programming features characters from "Sid the Science Kid," "Zerby Derby," "Thomas & Friends," "DOT," and "Barney & Friends."

# SWEET STREAMS Are Made of These

DEAN KOOCHER'S LATEST PROGRAMMING  
FOR YOUNG CHILDREN, KIDSTREAM,  
AIMS HIGH FOR QUALITY, SAFETY, INSPIRATION

BY REID CREAGER

**A SA KID IN HIS NATIVE BOSTON**, Dean Koocher loved watching “The Monkees” and “The Jetsons.” One Sixties TV show captured the goofed-out innocence of four young adult singing stars navigating life’s challenges, the other an animated peek behind the curtain of futuristic possibility in a wholesome family context.

A half-century later, Koocher is a kid in a candy store. But he’s the one giving out the candy. And he is personally and professionally immersed in it being good for us.

The face of Kidstream—and a driving force behind the wildly popular British children’s TV series “Teletubbies” a generation ago—Koocher oversees the subscription-based, on-demand channel that offers wide-ranging, internationally acclaimed pre-school and kids series with no commercials and little expense (\$4.99 per month). It launched in the United States in 2017.

In the highly competitive children’s streaming market, Koocher and co-founder Jordan Jedeikin discovered their own niche: a platform with shows from both lesser-known and

high-profile producers around the world, and classic favorites—with diversity of characters and content, and high production values.

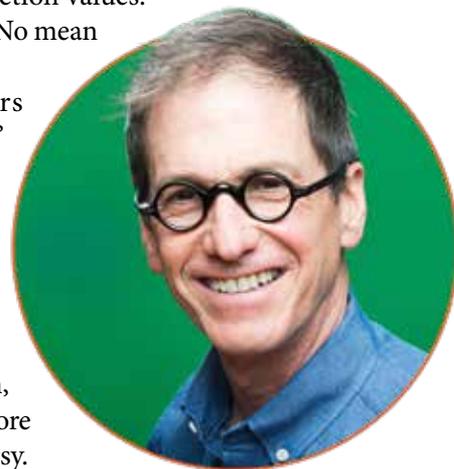
No violence. No profanity. No mean humor. No negative themes.

“The greatest producers know what they’re doing,” Koocher says. “They understand kids. They do things for the right reasons. They see that the tone and pace of the show is the right thing for a young mind.”

The goal is a “walled garden, a safe oasis for children to explore and enjoy” without controversy.

## Career metamorphis

Koocher has learned from some of the most talented and creative programming innovators in the world. The last three decades have been a far cry from his early professional years, all buttoned up with somewhere to go.



Dean Koocher parlayed his years as a “suit” with elite accounting and auditing skills into becoming a creative visionary on an international stage.

Opposite page: Koocher, shown with Teletubbies Po and Lala, was chief financial officer and chief operating officer for the agent of “Teletubbies” in the Americas, Itsy Bitsy Entertainment.

Below: “Let’s Dance” is for kids 2 and older.

Up to the mid-’90s, his places of employ included the prestigious accounting firm Arthur Andersen, EMI music and PepsiCo. He had young children and was always attuned to the best influences on them.

“I always wanted to be in international business,” he said. “I had no idea children’s television would end up being that avenue. And then a friend of mine who was out here living in New York, a guy named Kenn Viselman, was managing the kids TV show ‘Thomas the Tank Engine’ for a British company.

“He was always sending my son Jake all these Thomas things. Jake was just a huge fan. I started following on PBS and came to know that show well. Then he ended up leaving that company and wanted to start his own entertainment

company. I helped him with his initial business plan.

“He said to me, ‘I need a suit.’ Was a very creative marketing guy. So there I am in New York—I had moved my family out there—and I heard this producer was coming out to a meeting. I didn’t know anything about her.”

Her name was Anne Wood. A great innovator in her own right with a couple successful series in the UK, she signed Koocher and Viselman to be her agents for the shows.

“After a year of our working for her, she said, ‘I have this idea for a new series. I’m calling it ‘The Secret Series’ for a while.’ That ended up being ‘Teletubbies.’”

Koocher and Viselman managed all the Americas for the show—overseeing television, licensing and more. Its run on the BBC, then PBS, was historically successful. Drawing on his strong accounting and auditing background, “I was the CFO and COO, so I ended up having all the lawyers and trademarking in my purview.”

(Fun intellectual property trivia—which Koocher told *Inventors Digest* has never been revealed, to his knowledge: “The initial working title was ‘Teleteddies.’ But at the time in the U.S., there was a product called the TV Teddies or TV teddy bear that was in conflict. We suggested she change the name, and her team chose Teletubbies.”)

Koocher estimates that during one peak year in the late 1990s, the company managing Teletubbies brought in about \$1 billion in retail sales for show-related products.

With his financial, managing and marketing acumen on tangible, worldwide display, his next signature impact on children’s programming was only a matter of time.

### The call comes

“Teletubbies” was controversial in more than one respect. Koocher recalls criticism regarding the show’s constant repetition of themes and stories: “Someone of our age would be annoyed by that: ‘I just saw that. Why am I watching it again?’

“But Anne understood that repetition is an important part of development. Kids don’t mind watching that.”

**“You can’t fool kids. They want to be entertained, and they know what quality entertainment is. They know they have a lot of choices.”**





The show also drew criticism for not always being age-appropriate. Controversy ticked up a notch in 1999, when Britney Spears' first *Rolling Stone* cover showed her lying provocatively on a pink silk fabric as she held a white, corded phone to her ear—and a purple Teletubby (Tinky Winky) in her other arm.

Although the saying “bad publicity is still publicity” has merit for some creators, it’s not a mantra that is associated with Koocher.

In 2002, he began working as head of business development and strategic alliances for LazyTown Entertainment, based on the title of an Icelandic children’s television series that evolved into a lucrative brand in the niche of healthy lifestyles for kids. There he met Jordan Jedeikin, and the two decided to start their own business after LazyTown was sold in 2011.

Streaming had begun by then—Netflix had been doing that with its content since 2007—but the platform was in its infancy. When Comcast approached Jedeikin about making a kids channel, he and Koocher jumped at the opportunity: “Jordan and I have complementary skills, and his input to Kidstream is invaluable.”

Many of the larger streaming companies make their own children’s shows. Not so for Kidstream, which curates premium-quality children’s programming from around the world.

Koocher says that about 30 percent of Kidstream’s shows are exclusive in the United

## IT’S A BIG WORLD, AFTER ALL

Some of Dean Koocher’s favorite Kidstream programming from around the world, from classics to contemporary wonders:

**“Barney”**—The iconic show featuring a talking purple dinosaur.

**“Madeline”**—Animated preschool TV series featuring a little girl who lives in a boarding school with 11 other girls; ran from 1989 to 2001.

**“The Wubbulous World of Dr. Seuss”**—1990s puppet TV series based on Dr. Seuss characters, produced by The Jim Henson Co.

**“Billy Bunny’s Animal Songs”**—Another 1990s show, in which Kermit The Frog tells the story of the main character as he sings his way through a forest that has a swamp full of frogs.

**“Zerby Derby”**—2013-16 Canadian TV series that follows the adventures of animated, anthropomorphic motor vehicles.

**“Dot”**—Henson Co. animated show, which premiered in Canada in 2016 and in Europe a year later, about the adventures of a tech-savvy girl and her little brother.

**“Science Max”**—Canadian series with live-action experiments.

### SOME RECENT ADDS:

**“Wildwoods”**—Live-action puppet mix, debuting in 2017 that ran on Hulu, about a friendly sasquatch named Cooper and a little sugar glider, Poppy, and how they interact in a nature setting in Ireland.

**“Big Words, Small Stories”**—Animated characters help kids learn a big word in each episode.

**“The Sound Collector”**—Narrated by actress Keira Knightley, this 2023 animated series takes kids through the sounds of nature. Kidstream will be the only U.S. network with the show for its first nine months.





## DEAN KOOCHEER

**TITLE:** Head of content and cofounder, Kidstream

**HOME:** Woonsocket, Rhode Island

**FAMILY:** Wife Stacy Stowers, private chef and author of "Eat Raw, Not Cooked"; grown kids Rosie Koocher, Jake Koocher

**BORN:** Boston

### EDUCATION:

Bachelor of Business Administration, University of Massachusetts; Master of Business Administration, Thunderbird School of Global Management

**HOBBIES:** Cooking, fishing, walking

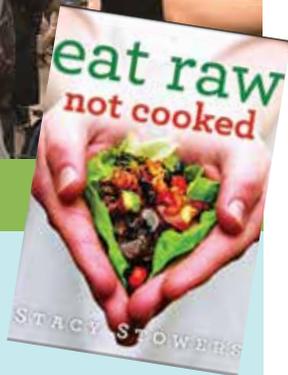
### FAVORITE KIDS MOVIE:

"Chitty Chitty Bang Bang"

**FAVORITE KIDS BOOKS:** "Bread and Jam for Frances," by Russell Hoban; "Where the Wild Things Are," by Maurice Sendak

**FAVORITE QUOTE:** "It's a long race."

**FAVORITE KIDS SONG:** Theme for "Monster Math Squad," a show coming to Kidstream this spring



States. That is just one way in which the network differs from much of its competition.

"Most of the streaming services out there are advertising based. They are valuing their shows based on how many times it's clicked on. That's how they get paid.

"We don't get paid that way. We sell a package of shows to parents, usually, and there's sometimes a show in there that might not be watched that much but it's so valuable to have. So we're not overly concerned with different shows being watched more than others."

Koocher says the network's main targeted age range is 2-9—with the understanding that in many ways, today's young children can be as smart as teenagers of past generations.

"You can't fool kids," he says. "They want to be entertained, and they know what quality entertainment is. They know they have a lot of choices."

He sees this, up close and personal.

In a recent meeting with second-graders, "We were talking about comics and developing characters and intellectual property. And these second-graders were all over it. I mean, intellectual property! I love being exposed to them."

Some content, such as "Coyote Peterson: Kidstream Collection," is for slightly older kids. It follows the adventures of an animal expert and Emmy Award-winning wildlife educator.

### Growing the mission

As important as it is to gain the acceptance, loyalty and trust of kid viewers, it's just as crucial to provide it for the adults who pay for the service.

Koocher cites the network's five core values: safety, enrichment, diversity, high production values and entertainment. He recalls recently talking with a mother who noticed her children "were not nice to her" after watching a show on another network.

"Even the pace of a show can be important for not overexciting kids,"

he says. "I'm not a child psychologist, but we know that some shows can have unintended effects on kids who just want to be entertained and enlightened."

Koocher stops short of criticizing content on other networks. “But sometimes the things that they’re putting out there might not be the best thing for your kid. It might be the most attractive, and it may be dressed up as a cute little thing that your parents wouldn’t mind. But that doesn’t mean it’s the best option.”

Though lacking the huge budgets of larger competitors and without external investment, Koocher says the network still adds two or three new shows a month. His auditing and accounting background are invaluable as he oversees costs: “I find some joy in accounting. It’s almost like a crossword puzzle.”

One part of the future puzzle is adding more customers outside of the United States—a natural given the programming’s international presence. Along those lines, the company is considering international expansion opportunities.

Domestically, Koocher and Jedeikin plan a deal with a network for grown-ups, Curiosity Stream, in which Kidstream would be part of a bundle package.

**Domestically, Koocher and Jordan Jedeikin (left) plan a deal with a network for grown-ups, Curiosity Stream. Kidstream would be part of a bundle package.**



## FINDING KIDSTREAM

- Kidstream.tv
- Amazon Prime video channel
- Also at Cox, Comcast and Roku or through the app store, both Android and Apple

The reason is simple: Curiosity Stream, Koocher says, is associated with quality.

“We have a lot of people who come to us and say, you need such-and-such programming because it’s out there and it’s everywhere. That is not going to set us apart or accomplish what we want.” 🎧

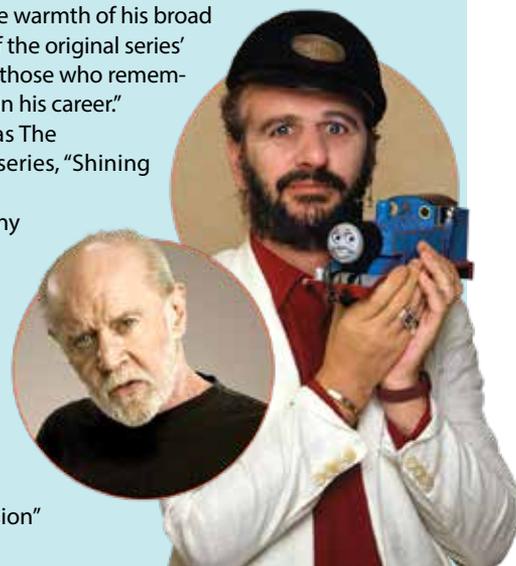
## BIG VOICES FOR LITTLE KIDS: RINGO AND GEORGE (CARLIN)

Boomers can delight in hearing Ringo Starr as the narrator in the classic British children’s show “Thomas the Tank Engine & Friends” on Kidstream. They can also hear legendary comedian George Carlin as narrator in later shows—and Kidstream is the only streaming service that features both.

Ringo was the first narrator, from 1984 to 1986. The UK website Far Out Magazine wrote: “The warmth of his broad scouse accent was one of the original series’ defining features, and to those who remember, it is a defining point in his career.”

Starr went on to star as The Conductor in a spin-off series, “Shining Time Station,” in 1990.

With his talent for funny voices and faces, Carlin played The Conductor for 45 episodes (1991 to 1993). Quite a departure from the man who brought us the “Hippy-Dippy Weather Man” and his notorious 1972 “Seven Words You Can Never Say on Television” monologue.



# The Inventpreneur

THE COMBINATION INVENTOR AND ENTREPRENEUR HAS A DRIVING FORCE THAT IS IMPOSSIBLE TO TEACH **BY WILLIAM SEIDEL**

**T**HE INVENTPRENEUR creates it, invents it, funds it, markets it and drives it to success.

A small, unknown percentage of inventors are entrepreneurial, and a small, unknown percentage of entrepreneurs are inventive. All traits, talents and driving forces of the inventor and entrepreneur are combined. Hence, the Inventpreneur.

Studies show character traits are more important than IQ, genetics or academic achievement in determining how and why entrepreneurs succeed. The bottom line is that driving forces are essential for success.

A Rutgers University essay, “Grit: Perseverance and Passion for Long-term Goals,” addresses this notion.

“Why do some individuals accomplish more than others of equal intelligence? In addition to cognitive ability, a list of attributes of high-achieving individuals would likely include creativity, vigor, emotional intelligence, charisma, self-confidence, emotional stability, physical attractiveness, and other positive qualities.”

Passion is contagious and motivating. Perseverance overcomes failure. Grit is often the tenacity to say no.

The commitment of these individuals means they are all in to do whatever it takes. They focus on the right tasks to achieve the right things because they are confident in their efforts. And they have the vision to see the entire project and understand how to make it real.

These driving forces are considered impossible to teach, although they can be acquired in the right setting. In early child development it is learned by doing, sharing stories and environmental influences.

## Mistaken notions

A Cornell University study shows 48 percent of entrepreneurs said they grew up in an entrepreneurial family. Other sources cite similar results for inventors.

“Most of what you hear about entrepreneurship is all wrong,” wrote management consultant Peter Drucker in 1986.

According to Merriam-Webster, “An entrepreneur is someone who assumes the risk and management of a business or an enterprise.”

Though not incorrect, this is not always accurate.

I never met an entrepreneur who said, “How can I get more risk?” Some entrepreneurs avoid risk by deferring it to investors, partners and lenders. And entrepreneurs are often terrible managers.

Harvard business professor Howard Stevenson is more accurate in saying that entrepreneurs pursue opportunity without regard to existing resources.

Entrepreneurs are often agents of change. They are motivated by achievement and consider risk a cost of innovation.

At one time, psychologists believed entrepreneurship was a personality disorder. Not too long ago, it was believed entrepreneurship could not be taught.

The word “entrepreneur” has lost its meaning. Today, all businesspeople are considered entrepreneurs, which is like calling all tourists explorers. There is an ounce of truth and a pound of wrong.

The person who opens a new gift store in town is enterprising, not entrepreneurial. The “enterpriser” is an owner or manager who may or may not be active in the business. He or she can inherit a business, purchase a business or eventually become the owner.



## Entrepreneurs are often agents of change. They are motivated by achievement and consider risk a cost of innovation.

The enterpriser is usually a good manager but not an entrepreneur.

### Education not necessary

Ray Kroc was a salesman selling milkshake machines. He recognized the booming business and the unique hamburger-making process the McDonald brothers created.

Kroc was the entrepreneur who innovated fast food franchising and changed the way we eat. The McDonald brothers were the inventors.

It is inaccurate to lump all entrepreneurs together when many are very different. The terminology is changing.

The “Franchisepreneur” has a low risk purchasing a franchise. If you want to be an entrepreneur, you are a “Wantpreneur.” And if you are an entrepreneurial mom, you are a “Mompreneur.”

The “Intrapreneur” works for the corporation to create internal change—like Michael Phillips, who developed the first bank-backed credit card. This was an innovation that revolutionized the banking and credit card industries from inside out.

The big problem with entrepreneurship and innovation education is what is not taught.

The driving forces, character traits, and experimentation are outside the realm of most education. Also, unlike law school or medical school, an education is helpful but not needed for success.

Why have so many dropouts been so immensely successful? Richard Branson, Debbi Fields, James Cameron, Walt Disney, Frank Lloyd Wright,

Thomas Edison, Steve Jobs, Michael Dell, Bill Gates, Mark Zuckerberg, to name a few.

Einstein dropped out of high school at age 15. Elon Musk dropped out of Stanford after two days.

Successful entrepreneurs who dropped out were not successful because they dropped out. They were driven, and conventional education was in the way.

### Pair action with learning

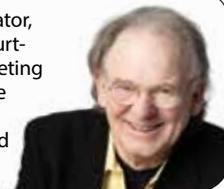
To learn inventpreneurship, you must do inventpreneurship.

Autodesk has instruction for CAD and 3D modeling that is the backbone of the maker movement. Seek trusted sources like Inventors Digest and United States Patent and Trademark Office programs. Attend eMaker events that offer involvement.

When the stage is set, independence and passion will grow. This is available at business incubators and makerspaces and some schools, such as Stanford’s Launchpad and Case Western’s Think Box.

With proper coaching, a space for learning by doing and collaboration, your vision can be achieved. 📦

**William Seidel** is an author, educator, entrepreneur, innovator, and a court-approved expert witness on marketing innovation. In his career and as the owner of America Invents, he has developed, licensed, and marketed billions of dollars of products.



# 4 at the Core

BESIDES A FEW OBVIOUS CHARACTER TRAITS, THESE OTHERS ARE CONSISTENT IN SUCCESSFUL INVENTORS **BY APRIL MITCHELL**

**B**EING A successful inventor requires more than curiosity, creativity and problem solving. Which other character traits should inventors have or obtain to be successful? Lacking these could be the reason so many inventors don't get their products to market.

As a veteran of this industry, I see a pattern in character traits for successful inventors. Invariably, they are active learners who have perseverance, self-motivation and emotional resilience.

Let's take a closer look at these traits and why it's important to have them—or get them.

## Active learning

Although everyone starts the inventing journey with a different skillset, there is so much to learn.

Inventors must be open to constantly learning in all aspects of the process—prototyping, marketing, licensing, manufacturing and more. No one starts with all the knowledge necessary to take a product from idea to store shelves.

The best attitude for an inventor is that of a lifelong learner. Know-it-alls can only go so far in this business on their own.

## Perseverance

This journey is and will be difficult. Though you may want to give up multiple times, by persevering and pushing through to the next step or next stage, you give yourself a fighting chance.

I have wanted to give up several times, especially in the beginning of my inventing journey. The further I get along, the more certain I am that this is where I am supposed to be and what I am supposed to be doing.

I have seen inventors with amazing products that never made it to market. The No. 1 reason is that they gave up too soon.

I encourage you to take a moment if you need to, regroup, and then get back at it!

## Self-motivation

As with all the traits listed here, this is another that can be learned and practiced whether you are born with it or not.

You cannot wait and count on other people always being in your corner and cheering you on. If you have that support, great—but it should not take people constantly cheering you on for you to make progress on your project or in your journey.

Some things are out of our control, and sometimes you may need to hire out, but do what you can when you can.

## Emotional resilience

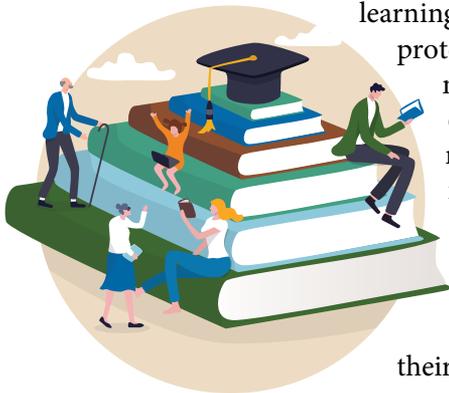
Inventing is a roller coaster, which brings up a plethora of emotions weekly and even daily! We can easily take things personally: After all, these are our ideas we are talking about, working on and pitching.

It may take time and practice, but it is important to separate ourselves from our product. We are not one.

If inventing brings you down, it might be time to evaluate why and what you can do about it.

When I began in this industry, I didn't have what it took, but I was open to learning and believed in myself. I worked on myself and developed not only my skills to help with inventing but also my personal skills and characteristics.

If you are willing to do these things, you will eventually get where you want to be. 📌



**April Mitchell** of 4A's Creations, LLC is an inventor in the toys, games, party and housewares industries. She is a two-time patented inventor, product licensing expert and coach, and has been featured in several books and publications such as *Forbes* and *Entrepreneur*.



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# Fantasy Island

GRENADA INNOVATION WORKSHOP WAS MEMORABLE FOR BEAUTIFUL INNOVATION, PEOPLE AND SCENERY **BY JEREMY LOSAW**

**T**HE COUNTRY of Grenada is having an “it” moment.

More direct flights are opening to the spice island nation, which celebrated its 50th year of independence from the British Empire in February. The diminutive Caribbean island nation sits just north of the coast of Venezuela.

Despite the beauty of its beaches and lush interior, Grenada is often overlooked as a tourist destination—but I suspect not for long. With all the recent buzz, I was excited to deliver an innovation training there in January. The recent hype is more than justified.

## A question and a challenge

At the program, a three-day Design Sprint and Innovation Bootcamp, my role was to teach techniques to prove concepts and engineer products. Like my other international training programs, this opportunity was funded by the State Department through the local U.S. Embassy in Bridgetown (Barbados).

I was again joined by Eric Gorman and Julia Jackson from Charlotte-based Wily, which specializes in delivering Design Sprint training. With my experience in physical product development and design, we provide insights on how to figure out what to build and how to build it.

We were also joined by Tallia Rogers, who operates a pharmaceutical company on the island. She helped with logistics and in delivering the program. We met while she was doing her monthlong Young Leaders of the Americas Initiative fellowship in Charlotte in 2022.

Our program ran from Monday to Wednesday at the Radisson resort in St. Georges. Frances

Herrera from the U.S. Embassy in Grenada delivered opening remarks before we embarked on a full day of Design Sprint training.

We provided the teams with the challenge question: “How might we help farmers protect and nurture their plants so they can increase their production and profits?”

Because we had many attendees in the agriculture field, this challenge was especially relevant. The teams bit right in.

After a day of using Design Sprint methodology, our conference room in the Radisson resort was filled with sticky notes, sketches and viable concept sketches to address the challenge.

## Building begins

Day 2 of the program was all about prototyping. I started by sharing how we do product development at Charlotte’s Enventys Partners, how we help inventors bring products to life from napkin sketch to production. I also shared the potential pitfalls in bringing products to life, such as losing interest and innovating on trends.

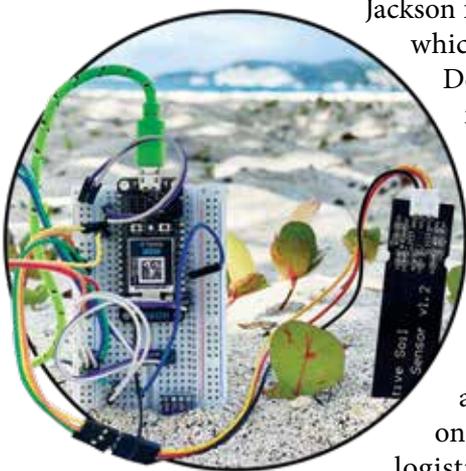
Then it was time to build.

I handed out some electronics components from the MakeON system, which uses specially designed circuit boards that allow the components to be connected easily with conductive tape. This makes the building of the circuits fun and accessible—especially for people who have no experience with electronics and prototyping.

I used these components to guide the teams through building a plant moisture monitor, a model greenhouse with a cooling fan, and a model system to alert grocery stores when produce was ready for pickup.

It was a treat to see the joy on participants’ faces when they finished an exercise and got it working. Once the sample projects were completed, teams had the afternoon to use the parts to build their own prototypes and work on their digital prototypes.

The group executed some IoT in the warm sand of Grenada.





## Once the sample projects were completed, teams had the afternoon to use the parts to build their own prototypes and work on their digital prototypes.

At the end of day, each team gave a brief presentation of its solution and demonstrated its prototypes to the group.

### Leveraging location

The final day was devoted to going deeper into prototyping and the specific business challenges. I held court to do a deeper dive into prototyping and electronics.

Eric and Julia hosted office sessions in which people could express what is going on with their business and endeavors. They were able to convey what they are struggling with, and we provided some guidance for overcoming those challenges.

For example, one intrepid woman was about to buy a fishing boat and had questions about how she might export her catch to the United States. Another wondered whether she could use crowd-funding to help start her ecotourism lodge.

The attendees were all very entrepreneurial. Many were already running their own business or starting on their journey.

Because the island is rich in agricultural delights, many were focused on creating food products such as chocolate, rum punch and tropical wine. Avril Aberdeen from Piquancy Flavors, who makes her own line of chutney, was recently bestowed a superior taste award from the International Taste Institute in Brussels.

Some attendees were combining the rich farming and location as a tourist destination to build agrotourism lodging and experiences to augment their crops.

One of the most inspiring stories was Milissa Thomas, who had suffered a traumatic brain injury from a car accident. She started painting and opened a business selling her art and prints.

Once our program was complete, we had a couple days to explore the island. We did a morning snorkel tour to check out the famous underwater sculpture park, where cement sculptures have been sunk in an area of shallow water off the coast—in part to help promote reef formation.

Grenada has done a great job keeping plastic and other waste to a minimum. The beaches and natural area were clean and well maintained.

A treasure of talented and hard-working people are starting businesses and making an impact—locally and off the island. It was great to work with them and hear their stories. 🇬🇩

Above, left to right: Nestor Noel shows off her Fruttimoss juice; a participant assembles a model of a smart greenhouse, using MakeOn electrical components.

**Jeremy Losaw** is the engineering director at Enventys Partners, leading product development programs from napkin sketch to production. He also runs innovation training sessions all over the world: [wearewily.com/international](http://wearewily.com/international)





# Predictions: Take 5

BETTER LATE THAN NEVER, WE SEE A 2024 WITH NO MAJOR COURT RULING OR BILL PASSED TO AFFECT PATENTEES

BY LOUIS CARBONNEAU

**B**EFORE I VENTURE into predictions for 2024, a reminder of the five main factors that affect the IP marketplace:

- Noticeable changes in supply and demand;
- New case law that may have long-lasting impacts;
- Changes in the regulatory environment;
- Recent large damage awards against infringers;
- Broad availability of funding to support assertion activities.

The increased supply of patents is like a garage sale where everyone's selling the same rusty lawnmower. Sure, there's plenty to choose from, but no one's mowing any lawns with them.



**1** An increased supply of patents will continue to depress the market and hurt patent valuations. We have empirical evidence for this, as several Fortune 500 companies (some existing clients, some wannabes) have contacted us at Tangible IP lately to see if we can assist them with divesting some portions of their patent warchest.

The problems with those large portfolios: Often, they are heavily encumbered; also, quantity does not always equate to quality when it comes to individual assets that one can actually monetize.

It's like having a garage sale where everyone's selling the same rusty lawnmower. Sure, there's plenty to choose from, but no one's mowing any lawns with them.

**2** Although there is always new case law affecting the odds of patent owners on the fringes, there is no case we are aware of where the U.S. Supreme Court could suddenly move the goalposts like it did with *Alice*—dropping a bomb and leaving the lower courts to pick up the mess. (Editor's note: The 2014 ruling in *Alice Corp. v. CLS Bank International* said implementing an abstract idea on a computer is not enough to make it patentable. This was a major blow to software patents.)

So instead of cleaning/clarifying the mess, the lower courts took that bad decision and made it worse over the years. I do not predict any significant judicial decision in 2024 that will move the pendulum to either side.

**3** I'd like to say that Congress will finally pass one or both of two bills that have been catching some traction for over a year now (PREVAIL and PERA). But it ain't going to happen, especially in an election year when former President Trump is directing the House from the sidelines and making sure he doesn't give President Biden anything to brag about come November.

I would not be surprised if we witness some renewed movement with some older bills filled years ago (such as the STRONG Patents Act) that tried to raise the bar even higher before patent owners can assert their patents.

**4** When it comes to damages awards, 2023 was not a good year. I predict 2024 will be more of the same, with most verdict awards of any significance being overturned or substantially reduced.

Recently, Samsung dodged a \$4 billion verdict in Texas (the jury could not agree that Samsung infringed the patents). In December, a U.S. appeals court threw out a \$2.18 billion verdict against Intel. Just before that, Lilly won a reversal on appeal against Engility after initially being slammed with a \$200 million verdict award. And so on.

It appears to a lot of industry pundits that the appeals court has some kind of philosophical ceiling in mind beyond which no one should be entitled to profit from their patents. It's like playing a high-stakes game of legal Jenga: Just when you think you've built your case, the appeals court comes in and pulls out the crucial block!

**5** Finally, while we are repeatedly told by NPEs (non-practicing entities, which have an interest or ownership in intellectual property but do not develop it) and litigation funders that they “have a lot of capital to deploy,” the truth is it is being spent at a glacial pace—given how hard it is to find an opportunity that the ones holding the checkbook actually like. And because there are so many other areas where these funds could re-deploy that have none of the uncertainties of patent assertion, I predict some of these funds will soon be redeployed outside the patent space.

On the bright side, I see a few positives for those holding European patents who can ride the Unitary Patent Court wave while it lasts. It is something to behold when a tribunal has no docket backlog! Man, things move fast. ☞

**Louis Carbonneau** is the founder and CEO of Tangible IP, a leading patent brokerage and strategic intellectual property firm. He has brokered the sale or license of 4,500-plus patents since 2011. He is also an attorney and adjunct professor who has been voted one of the world's leading IP strategists.



## THE REAL STORY ON IPR FILINGS

I recently discussed how successful *inter partes* review patent challengers have been in front of the Patent Trial and Appeal Board, with roughly 70 percent (some say the real number is closer to 85 percent) of claims invalidated during Director Kathi Vidal's tenure.

Despite this track record, recent IPR filings appear to be going down: from 352 in the second quarter of 2022 to a gradual decline that reached 278 for the fourth quarter of 2023 (per trusted data gatherer RPX).

According to the defensive aggregator, the main reason behind this sudden decline is the uncertainty of future PTAB rules if a proposed bill called PREVAIL becomes law (see Item No. 3 in predictions). In 2023, amid a persistent debate over the reform of

the PTAB, the PREVAIL Act was introduced, proposing significant changes including a standing requirement, expanded IPR estoppel, and restrictions on multiple petitions against the same patent.

The bill also suggests aligning evidentiary and claim construction standards with district courts and preventing USPTO director influence on PTAB decisions. Despite a Senate hearing on the PREVAIL Act in November, witnesses provided conflicting perspectives, reflecting the lack of consensus that has hindered similar bills previously.

I have difficulties buying the PREVAIL speculation, since most everyone knows (and certainly



well-plugged large tech companies) there is almost no chance politicians will expand any political capital on something so trivial to them as PTAB reform during an election year, especially with a House so divided.

My reading is that the recent decline of IPRs rather tracks very closely with the corresponding number of new patent cases filed in court—from 929 in the second quarter of 2022 to 663 for the fourth quarter of 2023—as most defendants systematically file one or several IPRs within months after being sued. RPX's data seem to support this parallel.

# Think Like the Other Guy

TO LICENSE A PRODUCT, DETERMINE WHAT A COMPANY IS LOOKING FOR—AND DEVELOP IT **BY DON DEBELAK**

**N**EW<sup>S</sup> OF Bill Post's death inspired this piece. The inventor of Pop-Tarts died on February 10 at 96. He was the plant manager for Michigan-based Hekman Biscuit Co. (which later became Keebler) when Kellogg's asked the company to come up with a new breakfast product. So Post went to work on developing it.

His success story reminds us that companies license products based on their needs, what they see in market trends and holes they see in their product line. (Yes, Post had an advantage because Kellogg's told him it wanted a breakfast product, but he still had to come up with the idea for what that product would be.)

Your best chance to license a product is to offer companies a product that fills these holes.

How do you do that?

First, you need to be a member of an industry. You need to attend trade shows, read trade magazines and make contacts with people in the industry. Some of my recent Invention 101 columns have dealt with how to make those contacts.

But I've found it doesn't work that well to just ask people what types of products they are looking for.

Contacts seem to feel you are on a fishing expedition. What works better is to put yourself in your contact's shoes and come up with potential product ideas.

## Poll product users

Let's say your product area is outdoor thrill equipment. One product in the category could be snowboards on wheels—a product a daredevil would use coming down a mountain. This is a particularly good area for an inventor because users have Facebook pages, and you can use those user sites to get information.

So first, what are the company's neweds? One is to have the best product on the market; second is to have cutting-edge features.

Your contact often won't tell you which areas cause quality issues, or which new cutting-edge features he or she needs. But you will get plenty of input if you pose the question on a site targeted to users. Simply ask where the best quality is and why that is so good, and which cutting-edge features you should look for when buying a product.

You can repeat this process, asking users on their site which thrill products they see in the future. You can also ask which products someone should buy to have a full inventory of outdoor thrill products.



Now you are ready for Step 2: preparing a list of possible inventions the company might want to fill its needs.

Focus on product quality, products the company doesn't have but its competition does, and products that appear to be likely winners in the future. A list of five to six products is ideal; don't make the list too long.

Now companies are going to be impressed by your efforts and will be more willing to work with you on future products.

### Now ask the company

Then, the key question. What does the target company think of your ideas?

Mention that the company knows the market much better than you do and probably has different thoughts than you do. Ask if it is looking for any ideas in particular. The company might tell you if it has a product in mind that could give you an opportunity.

## I've found it doesn't work that well to just ask people what types of products they are looking for.

The United States has a first-to-file patent system, so if you do get an idea you can work on, be sure to file a provisional patent application.

Inventors shouldn't live in a bubble, creating their own ideas and then trying to introduce them. They need to actively seek which kind(s) of products others—who might license or buy a new product—are looking for, and then try to create those products.

Companies license or buy products based on their goals—not yours. Tie your new inventions to your licensing target's goals, and your chances of success will skyrocket. 🎯

Visit Don's Facebook page:

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**Don Debelak** is the founder of One Stop Invention Shop, which offers marketing and patenting assistance to inventors. He is also the author of several marketing books, including *Entrepreneur* magazine's *Bringing Your Product to Market*. Debelak can be reached at (612) 414-4118 or [dondebelak@gmail.com](mailto:dondebelak@gmail.com).



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# An ‘EFF’ for Honesty

IN TRYING TO PREVENT 2 PRO-PATENT BILLS, HIGH-TECH COMPANIES TRY TO REVIVE A TIRED FALSEHOOD **BY GENE QUINN**

*All Eye on Washington stories originally appeared at IPWatchdog.com.*

**E**FFORTS BY high-tech companies to undermine both the Patent Eligibility Restoration Act of 2023 and the Promoting and Respecting Economically Vital American Innovation Leadership Act ramped up in mid-March, via a joint letter sent to the Senate Judiciary Committee by a number of tech industry organizations and a campaign launched by the Electronic Frontier Foundation.

PERA was introduced in June 2023 by Sens. Thom Tillis (R-N.C.) and Chris Coons (D-Delaware). PREVAIL was introduced on the same day by Tillis and Coons, who were joined by colleagues Dick Durbin (D-Illinois) and Mazie Hirono (D-Hawaii). PERA would eliminate all judicially created exceptions to U.S. patent eligibility law. PREVAIL would make a number of changes aimed at reforming the Patent Trial and Appeal Board.

The joint letter was signed by organizations including the High-Tech Inventors Alliance,

the Computer & Communications Industry Association, The App Association, United for Patent Reform and others. It urged Senate Judiciary Committee Chair Durbin and Ranking Member Lindsey Graham (R-S.C.) not to move forward on PERA because it “would turn the U.S. patent system upside down, severing patent rights from their historic mooring to improvements in technology.”

The letter also presaged a “wave of crippling litigation against American manufacturers, innovative technology companies, and main street businesses.” To illustrate the harms, it listed a number of patents that have been killed under Section 101 of U.S. patent law but that the authors claim would be allowed under PERA, which they say “would do serious harm to the American innovation economy.”

The campaign by EFF—a self-proclaimed “digital rights group”—predictably revived the “patent troll” narrative, urging members of the public to tell Congress to kill the two bills. (*Editor’s note: A patent troll, or hoarder, is a derogatory term used to describe a company that exploits patent infringement claims for profit or to hinder competition.*)

## Who’s the troll?

The patent troll narrative always was a big lie.

Those who continue to use this label are engaging in subterfuge to obscure the obvious: The policies they have championed for the past 15 years have destroyed the American innovation ecosystem and given China and Europe the upper hand in cutting-edge areas like artificial intelligence.

It is, of course, true that there are bad actors in the patent litigation ecosystem, including many who bully innovators by engaging in what is known as efficient infringement (i.e., the realization it is ultimately cheaper to steal than to pay for what you take). Some efficient



infringers even proudly proclaim they will never take a license ever until they've spent hundreds of millions of dollars fighting all the way to the Supreme Court, as Apple has gone on record saying at the International Trade Commission.

Of course, the EFF and so many in the media never call Apple a patent troll. Why? Apple held up Samsung using only its design patents, crying for many years about how Samsung should be ordered to pay billions of dollars simply because it made a phone that resembled the iPhone. And Apple makes nothing in the United States, importing everything from overseas.

## Those that shout the loudest about patent owners either need to be considered trolls themselves or this pejorative label needs to be retired.

Apple, and many others that shout the loudest about patent owners, either need to be considered trolls themselves or this pejorative label needs to be retired. Because only in an Orwellian world full of doublespeak can such a truly bad actor skate free and innovators be wrongfully vilified as bad actors.

And as far as the claims in both the letter and of EFF that dozens of bad patents would suddenly be allowed under PERA, it is a bridge too far to say claims are allowable simply because they successfully overcome the Section 101 exclusions to patent eligibility.

There are other parts of the statute that need to be satisfied for a claim to be allowable—including Section 102, which relates to novelty, Section 103, which relates to obviousness, and Section 112, which relates to adequately describing the invention and actually having an invention. ☎

**Gene Quinn** is a patent attorney, founder of IPWatchdog.com and a principal lecturer in the top patent bar review course in the nation. Strategic patent consulting, patent application drafting and patent prosecution are his specialties. Quinn also works with independent inventors and start-up businesses in the technology field.



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Whether your concern is how to get started, what to do next, sources for services, or whom to trust, I will guide you. I have helped thousands of inventors with my written advice, including more than nineteen years as a columnist for *Inventors Digest* magazine. And now I will work directly with you by phone, e-mail, or regular mail. No big up-front fees. My signed confidentiality agreement is a standard part of our working relationship. For details, see my web page:

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*Best wishes, Jack Lander*

## IoT Corner

IoT company Particle announced a new line of multi-radio devices, the **M-Series**. The devices use a fusion of WiFi, cellular, LoRAWAN, and satellite connectivity.

This innovation underscores the importance of industrial applications in remote areas. The addition of LoRa and satellite allows the devices to be connected almost anywhere in the world.

The development board for the M-Series is called the Muon, with pre-orders opening as low as \$49 and shipping in the summer. —*Jeremy Losaw*

## Wunderkinds

**Keira Chen** of Taiwan was one of three winners in the 2023 Youth Innovation Challenge: Saving Our Seas, by the North American Association for Environmental Education in Washington. A library volunteer, Keira set up an ocean-themed reading corner with shelves filled with kids' picture books promoting ocean protection. The corner included soft blue

pillows, colorful chairs and marine stuffed animals.

Each weekend, a group of volunteers leads storytelling sessions to educate children about ocean protection and discuss examples of ocean waste.



## What IS That?

At *Inventors Digest*, we are very wary of product superlatives: “first, only, best,” etc. But when a company—in this case, **Exploding Kittens**—says this is the world’s first dodgeball card game, yeah, we can go with that. One Amazon reviewer wrote: “These things are weapons of mass distraction.” He or she should hit up the USPTO for a trademark.

## Get Busy!

Register for the National Inventors Hall of Fame’s Camp Invention, a STEM summer camp where kids entering grades kindergarten through sixth grade build inventions and lasting friendships. Dates and hours vary by location. [invent.org/programs/camp-invention](https://invent.org/programs/camp-invention)

## WHAT DO YOU KNOW?

**1 True or false:** According to TJ Hale, host of “Shark Tank Podcast,” only two-thirds of the deals agreed to on the air are finalized.

**2** Which major bank recently filed a patent application for a system to use artificial intelligence for personal financial planning?

- A) JPMorgan Chase
- B) Fifth Third Bank
- C) Wells Fargo
- D) Citigroup

**3** Which company secured the most U.S. patents in 2023: Samsung, or LG Corp.?

**4 True or false:** Thomas Edison did not care about the business side of inventing.

**5** There are a lot of myths about what Nikola Tesla invented. What did he actually invent from this list?

- A) Alternating current
- B) The induction coil
- C) Radio
- D) None of the above



**ANSWERS:** 1.False. In fact, Hale estimates more than two-thirds of the deals agreed to on the show are not finalized and fall through. 2.A. 3. Samsung was No. 1 in America with 9,036, LG second with 4,170. 4. False—even though the 1940 movie “Edison, the Man,” starring Spencer Tracy, indicated otherwise. Edison started over 100 businesses and partnerships. 5. D. Tesla did not invent alternating current but an alternating current motor; invented his own version of an induction coil; and he did not necessarily believe radio waves existed.

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