

# Inventors

DECEMBER 2016 Volume 32 Issue 12

DIGEST

## IPOEF Inventors Of The Year

4 COMPANIES, 6 LIFE-SAVING DRUGS

## Leanest Fly Trap

INNOVATION AT THE KITCHEN TABLE

## Market Research

THE BEST PLACES TO LOOK

## They Has 14 Patents

(AND OUR GRAMMAR IS JUST FINE)

# A CHRISTMASTIME STORY

THE LEG LAMP'S 'INVENTOR,'  
AND ILLUMINATING TRIVIA



\$3.95

PS&RT STANDARD  
US POSTAGE PAID  
PERMIT #8  
FULTON, MO

# Say Hello to Innovation

At enventys we breathe new life into existing products and brands, as well as create new ones using an efficient, collaborative approach. Simply put, we believe there are two ways to grow your business: introduce new innovative products or sell more of what you already have. Whichever direction fits your needs, we can help you thrive with a proven approach that delivers quantifiable results.

## WHAT WE DO



Industrial Design



Engineering & Prototyping



Advertising & Branding



Interactive & Web



Video Production



Public Relations

For more information and to view samples of our work visit [enventys.com](http://enventys.com) or call us at 704-333-5335





# Inventors

DIGEST

**EDITOR-IN-CHIEF**  
REID CREAGER

**ART DIRECTOR**  
CARRIE BOYD

**CONTRIBUTORS**  
STEVE BRACHMANN  
DON DEBELAK  
GLEN ECKERT  
PETER HARTER  
JACK LANDER  
JEREMY LOSAW  
GENE QUINN  
JOHN G. RAU  
EDIE TOLCHIN

**GRAPHIC DESIGNER**  
JORGE ZEGARRA

INVENTORS DIGEST LLC

**PUBLISHER**  
LOUIS FOREMAN

**VICE PRESIDENT,  
INTERACTIVE AND WEB**  
MATT SPANGARD

**FINANCIAL CONTROLLER**  
DEBBIE MUENCH

**ASSISTANT TO THE PUBLISHER**  
KARA SHEAFFER

**SUBSCRIPTIONS**  
LOURDES RODRIGUEZ

© 2016 Inventors Digest, LLC. All rights reserved. Inventors Digest, LLC is a North Carolina limited liability company and is the publisher of *Inventors Digest* magazine. INVENTORS DIGEST and INVENTORS' DIGEST are trademarks of Inventors Digest, LLC. Reproduction or distribution of any materials obtained in this publication without written permission is expressly prohibited. The views, claims and opinions expressed in article and advertisements herein are not necessarily those of Inventors Digest, LLC, its employees, agents or directors. This publication and any references to products or services are provided "as is" without any expressed or implied warranty or term of any kind. While effort is made to ensure accuracy in the content of the information presented herein, Inventors Digest, LLC is not responsible for any errors, misprints or misinformation. Any legal information contained herein is not to be construed as legal advice and is provided for entertainment or educational purposes only. Interested parties and inventors seeking legal advice should consult a lawyer.

Ad rates, subscriptions & editorial content:  
520 Elliot Street  
Charlotte, NC 28202

info@InventorsDigest.com www.InventorsDigest.com  
reid.creager@inventorsdigest.com

## EDITOR'S NOTE



## Fascinated By The Inventive Mind

What drives innovation? Often it's curiosity, creativity—maybe fueled by a little or a lot of ego—and a bigger-picture view of the world and what can make it a better place.

Of course, there are people whose contributions are limited to building a better mousetrap, and that's fine. There are people whose contributions are limited to making money however they can, which sometimes is not so fine.

Two featured story subjects in this month's issue are examples of what makes the inventive mind tick.

Jean Shepherd was not an inventor, per se. But the conceptual creator of the leg lamp that was eventually featured in the movie "A Christmas Story" (and protected by a federal trademark registration) was routinely referred to as a genius. His versatile writing acumen, depth of knowledge on an incredibly vast array of subjects and keen, often jaded observations on the human condition (highlighted with his story) made him an innovative voice worth listening to whether you wanted to or not.

You can't become as learned as a Jean Shepherd without the curiosity to acquire knowledge and the creativity to communicate that knowledge in a unique way. The same can be said of They, the iconoclastic inventor also profiled this month who might as well have a federal trademark registration for the term "one of a kind."

The former Andrew Wilson is or has been a student on subjects including music, photography, art, aerodynamics, electronics and philosophy. He has sent many of his invention ideas, notes and musings to *Inventors Digest*, underscoring the essence of a true Renaissance Man. A couple of his opinions:

"Communication is the most valuable commodity a person can have. Without communication, contained intelligence is useless. Without the ability to communicate, your thoughts remain your own, never to be shared, or at best misunderstood. My mother believed this. It was, and is, a cornerstone value that has been with me since childhood."

And the following, with which Shepherd may well have agreed: "Humanity is its own worst enemy, to ourselves and the planet. A hard realization is to know that we are not just the most advanced species on the planet, but we are the most advanced parasite on the planet. The definition of parasite is 'an organism that lives in or on another organism (its host) and benefits by deriving nutrients at the host's expense.' Welcome to Earth."

The thoughts behind inventions are fascinating. The thinkers behind inventions are even more fascinating.

Have the warmest of holidays.

—Reid ([reid.creager@inventorsdigest.com](mailto:reid.creager@inventorsdigest.com))



# INGENUITY IS AMERICA'S MOST VALUABLE RESOURCE.

**DON'T TREAT IT LIKE A CHEAP COMMODITY.**

Our strong patent system has kept America the leader in innovation for over 200 years. Efforts to weaken the system will undermine our inventors who rely on patents to protect their intellectual property and fund their research and development. Weaker patents means fewer ideas brought to market, fewer jobs and a weaker economy. We can't maintain our global competitive edge by detouring American innovation.

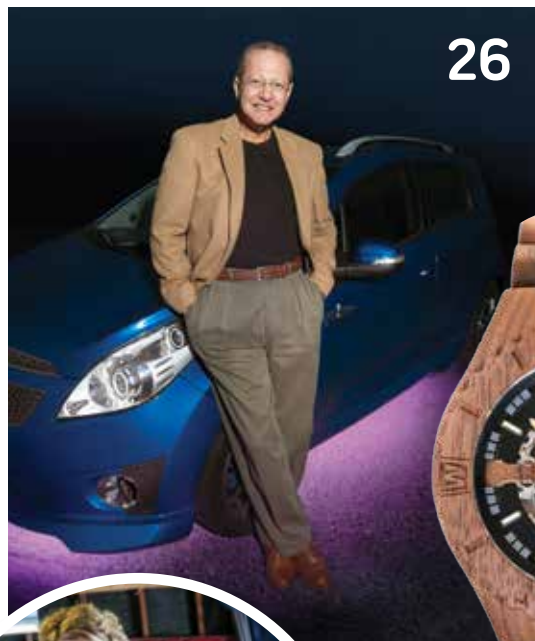
**SAVE THE  
AMERICAN  
INVENTOR**

TAKE ACTION AT [SAVETHEINVENTOR.COM](http://SAVETHEINVENTOR.COM)



# Contents

December 2016 Volume 32 Issue 12



26



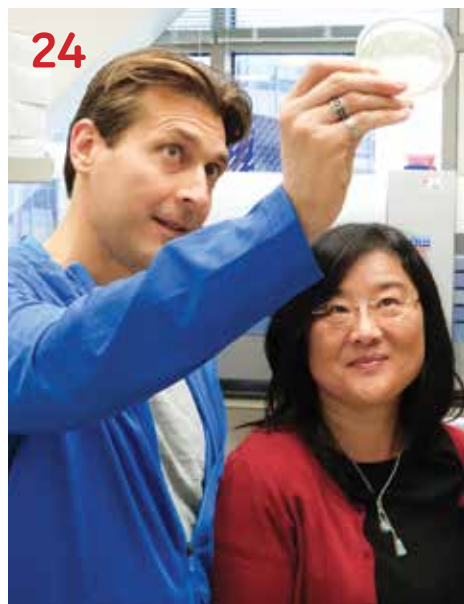
6



19



22



24



**ON THE COVER**  
Leg lamp  
photo illustration by  
Jorge Zegarra

## Features

- 24 Inventors of the Year**  
IPOEF to Honor 4 Companies  
For Developing 6 Life-Saving Drugs
- 26 Reinvented, and it Feels So Good**  
Big-picture Inventor Named They  
Rejuvenated After Major Obstacles

## American Inventors

- 16 From Concept to Retail Shelves**  
Inventor's Lessons, Step by Step
- 19 Leanest Fly Trap**  
Device Conceived at Kitchen Table
- 22 A Story of Hang-ups**  
Couple's Product Overcame Hurdles

## Departments

- 6 Bright Ideas**  
Spotlight on Innovation
- 8 Time Tested**  
Jean Shepherd and the Leg Lamp
- 12 Lander Zone**  
A Sell Sheet Primer
- 14 Marketing Tips**  
Market Research: Where to Look
- 32 Prototyping**  
Lessons in Unlikely Places
- 34 Inventing 101**  
One Idea is Usually Not Enough
- 36 Eye on Washington**  
FTC's Report on PAEs Has Good  
Points but Few Surprises; Future of  
Patent Reform After Election
- 46 Inventiveness**  
Focus on the Fun and Fascinating

# BRIGHT IDEAS

## Flip

### SMART STYLUS

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

Flip works as easily as everyday writing and drawing tools, with features including flip to erase, perfect palm rejection, hover, zoom and more. It knows what you want it to do, and without using batteries or Bluetooth because it's powered by magnetics.

Flip's method of communicating with any Apple device makes it easy to write on your iPad or iPhone just as you would with pencil/pen and paper. It also knows when you've stopped writing, so it automatically dims your screen to save power and comes back on when your hand starts to write again. The interchangeable magnetic tips are perfect for artists.

Flip comes with a free note-taking and drawing app, Flip Notes. Flip has already engaged with many popular apps; its company, Lynktec, is open to working with others.

The Flip stylus is expected to retail for \$49. Product launch is set for February.



Dilbert: I'm obsessed with inventing a perpetual motion machine.  
Most scientists think it's impossible, but I have something they don't.

Dogbert: A lot of spare time? Dilbert: Exactly.

## Polygons

### FLAT, 4-IN-ONE MEASURING SPOON

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

An origami-like measuring spoon that lays flat and folds to 4 different sizes, Polygons folds to whatever size you need—depending on how you pick it up. Marked areas on both tablespoon and teaspoon sizes let you know where to pick up from to measure the volume required for your recipe.

Polygons is easy to clean and can also be used as a spreader. It's also easily stored. The teaspoon measurements are  $\frac{1}{4}$ ,  $\frac{1}{2}$ ,  $\frac{3}{4}$  and 1; tablespoon measurements are  $\frac{1}{2}$ , 1,  $1\frac{1}{2}$  and 2. Both can hold dry or wet ingredients.

Polygons' hinges are made of TPR, which have the property of being able to flex at 100,000 cycles without failure.

With a projected retail price of \$12, Polygons ships in January.







## Troy

### WOOD WATCH WITH VISIBLE SKELETON

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

Made by wood specialist Lumbr, Troy is the first wooden watch on Kickstarter with a visible mechanical skeleton and automatic movement.

The watch, handcrafted from oak shipwood, is hypoallergenic in addition to being water resistant. The watch's front and back are made with Sapphire glass, the second-hardest material in the world behind diamonds, making the watch hard to scratch. A built-in shock absorber reduces the chance of internal damage.

Troy has a high-end Japanese Miyota mechanical calibre and stainless steel butterfly clasp. Each watch has a unique grain and pattern so that no two are exactly alike.

The watch will retail for \$299; estimated March delivery.



## Oregami Luggage

### FOLDING CLOTHES ORGANIZER

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

Oregami Luggage is designed to make it easier to pack, unpack and find items in your luggage, reducing and even eliminating digging around to find clothes and valuables. You can see all of your items at once, within seconds.

Three organizing folding compartments keep items neat and where you want them. You can separate clean clothes from dirty ones, protect delicate items, and store dirty shoes away from clean clothes. The compartments also unzip from the luggage base, so you can place them in a dresser for easy access or organize them as needed.

The Oregami carry-on, with four 360-degree gliding wheels, is approved for use with most airlines. It has one large base compartment and two organizing trays.

The large rolling duffel will retail for \$219, the carry-on for \$199. Estimated delivery is June.

## Boomphones RE-UP

### HEADPHONES THAT BECOME A BOOMBOX

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

These headphones turn into a speaker with the push of a button. The RE-UP is also the only Bluetooth headphone speaker that folds into its own speaker stand.

The protective Active Speaker Case has two speakers, its own battery, and you can charge your headphones or smartphone with the case's charging port. For a powerful, four-speaker experience, place the RE-UP headphones inside the speaker case, connect the two devices, and the headphone and case speakers play in unison.

The RE-UP has two 40mm headphone drivers and two 28mm micro-speakers. Utilizing two sets of speakers with four separate acoustic chambers enhances sound quality. Both modes feature a sophisticated DSP chip that provides a well-balanced sound spectrum.

Suggested retail for the headphones and Active Speaker Case is \$350, with an estimated August delivery.





# The Man Behind the LEG LAMP

JEAN SHEPHERD'S INNOVATION REFLECTED HIS CRAZY, CONFLICTED GENIUS **BY REID CREAGER**

**“A Christmas Story”** was anything but an instant classic. Released on Nov. 18, 1983, the movie wasn’t even booked in theaters during that first Christmas season. But when it caught on a few years later—thanks to the emergence of VHS and gradual air time on major cable networks—the low-budget film stuck like tongue to metal on a bully of a winter’s day.

Today, TBS annually shows “A Christmas Story” for 24 straight hours beginning on Christmas Eve; the movie has its own museum. Jean Shepherd never stuck in the national consciousness to the same degree, even though the movie is based on vignettes from his short story collection “In God We Trust, All Others Pay Cash.” Even though Shepherd is the film’s narrator and made a cameo appearance. Even though he wrote best-selling books, has been compared to Will Rogers as a

storyteller, and starred in two television series. Even though he was a radio host on New York’s WOR-AM from 1955 to 1977 who attracted a passionate following with his flair for daring, creative routines that made storytelling urban hip—earning him a berth in the National Radio Hall of Fame. Even though he is the inventor of one of the most iconic props in film history: the leg lamp.

Old Man Parker’s “major award” for winning a crossword contest in the movie was conceived by Shepherd in a 1966 short story, “My Old Man and the Lascivious Special Award That Heralded the Birth of Pop Art.” Shepherd said it was inspired by Nehi (pronounced knee-high) soda ads showing two shapely legs up to the knee that he remembered



The leg lamp was included in the original poster for the 1983 movie, which eventually stuck like Flick's tongue to a frozen pole. Jean Shepherd got his inspiration for the lamp from Nehi soda ads that showed two shapely legs.

as a boy; his description of the bizarre appliance underscored his fertile imagination and writing prowess.

"From ankle to thigh the translucent flesh radiated a vibrant, sensual, luminous orange-yellow-pinkish nimbus of Pagan fire," he wrote. "All it needed was tom-toms and maybe a gong or two. And a tenor singing in a high, quavery, earnest voice: 'A pretty girl/Is like a melody...'"

Reuben Freed, the production designer for "A Christmas Story," told *Cleveland magazine* in 2009: "I immediately thought of something I had seen in my mother's front room, which was sort of a gold-colored silk lampshade, pleated with fringe around it. I thought of it immediately and never thought of anything else—just that classic, big ugly shape." He reportedly drew a couple of quick sketches that Shepherd approved immediately.

From an intellectual property standpoint, the leg lamp is as strong as it is shapely: protected by a federal trademark registration (U.S. Registration No. 3,364,542). Ditto for an accompanying leg lamp ornament (U.S. Registration No. 3,367,925). So although Shepherd was not an inventor per se, his uniquely creative intellect registered with many and had the ideal vehicle via the media explosion of the mid-20th century.

### Brilliant enigma

Shepherd, who died in 1999, never expressed frustration that some "A Christmas Story" devotees don't know who he was. But he was reportedly critical of some actors during filming—he had 17 acting credits—even suggesting they weren't doing it right. Perhaps fittingly, his cameo in the movie is that of an angry man who directs Ralphie to the back of the Santa Claus line in a department store.

It may be simplistic, even inaccurate, to characterize him as angry. Shepherd's radio listeners and readers remember the enigmatic genius as jaded, cynical and fatalistic, yet alternately hopeful, funny and appreciative of America's beauty. Among his written and spoken gems:

"The hand of fate had dipped into the ragbag of humanity."

"The truth will always have a market."

"Can you imagine 4,000 years passing, and you're not even a memory? Think about it, friends. It's not just a possibility. It is a certainty."

"If you want to take a couple of weeks off and do something that you will never forget, that trip up the Alaskan Highway will do until they run excursion capsules to the moon."

"In all my years of New York cab riding, I have yet to find the colorful, philosophical cab driver that keeps popping up on the late movies."



**“From ankle to thigh the translucent flesh radiated a vibrant, sensual, luminous orange-yellow-pinkish nimbus of Pagan fire. All it needed was tom-toms and maybe a gong or two.”**

—JEAN SHEPHERD, WRITING ABOUT THE LEG LAMP

His radio show spawned a Pied Piper following. Shepherd had an uncanny ability to spin seemingly impromptu yarns about his darkly colorful childhood in Hammond, Indiana; his three years in the Army during World War II; postwar radio and TV jobs ranging from host to engineer to sportscaster; and his insights on modern society.

Donald Fagen, cofounder of the group Steely Dan who was a rabid listener while growing up in New Jersey, recalled on slate.com: “He’d sing along to noisy old records, play the kazoo and the nose flute, brutally sabotage the commercials, and get his listeners—the ‘night people,’ the ‘gang’—to help him pull goofy public pranks on the unwitting squares that populated most of Manhattan. In one famous experiment in the power of hype, Shepherd asked his listeners to go to bookstores and make requests for ‘I, Libertine,’ a nonexistent novel by a nonexistent author, Frederick R. Ewing. The hoax quickly snowballed and several weeks later ‘I, Libertine,’ was on best-seller lists.”

Shepherd had the ability to leave a mark on people who weren’t like him, people who didn’t like him, people from all walks of



life. Comedian Jerry Seinfeld, who named his third child Shepherd, once said: “He really formed my entire comedic sensibility. I learned how to do comedy from Jean Shepherd.” Bill Griffith, writer of the “Zippy” comic strip, has said Shepherd was an inspiration for “plucking random memories from my childhood.”

## WE DOUBLE-DOG DARE YOU TO TOP THESE FUN LEG LAMP FACTS:

- Three leg lamps were made for the movie, but none of them exist today. Despite reports that none of the three survived the filming, the Canadian blog Retrofestive says one lamp sat for years in the window of Martin Malivoire’s special-effects shop in Toronto. It became dirty and dusty, and was discarded in the early 1990s.
- The label “His End Up” on the crate that contained the leg lamp in the movie wasn’t meant to be a joke. Jim Moralevitz, who played one of the leg-lamp delivery men, told the Cleveland News-Herald that “the crate was so wide that it wouldn’t fit through the door. So they called in the carpenters and they took four inches off.”
- You probably have seen current-day leg lamps for sale, but you may not know they’ve been available since 2003. Memorabilia company NECA was the first to license and mass-produce them.



- The lamp was created by casting a mold of a woman’s leg.
- Because much of the movie was filmed in Cleveland, Terminal Tower in Cleveland’s Public Square was turned into a giant leg lamp—complete with a red garter—to celebrate the movie’s 30th anniversary in 2013.

©BILLY BUSTAMANTE; PAPER MILL PLAYHOUSE





PHOTO BY JOHN BORDSEN

Jean Shepherd, who had a staunchly loyal following with his long-running, brilliantly irreverent radio show on WOR in New York, had a cameo appearance in "A Christmas Story" as a grouchy department store customer. Like the leg lamp, an accompanying ornament is protected by a federal trademark registration.

### 'He told you what to expect'

The Shepherd phenomenon was so much more than Will Rogers Meets "Wayne's World." His depth of intellect and understanding revealed a highly sophisticated mind and the internal complications that often result. Wrote Fagen:

"I learned about social observation and human types: how to parse modern rituals (like dating and sports); the omnipresence of hierarchy; joy in struggle; "slobism"; "creeping meatballism"; 19th-century panoramic painting; the primitive, violent nature of man; Nelson Algren, Brecht, Beckett, the fables of George Ade; the nature of the soul; the codes inherent in 'trivia,' bliss in art; fishing for crappies; and the transience of desire. He told you what to expect from life (loss and betrayal) and made you feel that you were not alone."

After Shepherd left WOR in 1977, he worked with director Bob Clark on "A Christmas Story," had a successful career on public television and performed onstage. But according to some observers, his narcissism became more pronounced, his quirks less palatable. Fagen wrote that Shepherd became paranoid; was dismissive of all of his radio work; insisted that all of his childhood stories were made up, and even made fun of his longtime fans. "To borrow his favorite slur, Jean Shepherd had become a fathead," wrote The Atlantic.

Although Shepherd voices an adult Ralphie in the movie, he may have been more like Old Man Parker: guarded, cantankerous and fra-GEE-lay, unwilling or unable to shed the mask he admittedly wore, someone who may not be a memory in 4,000 years but someone whose impact will be felt for a long time. ☐

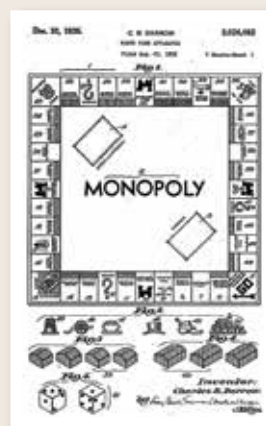
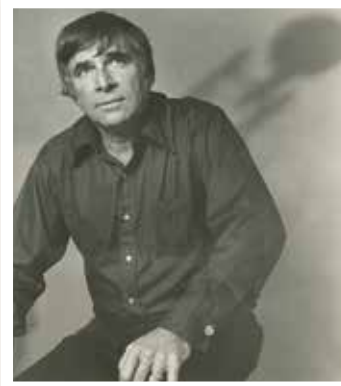
## INVENTOR ARCHIVES: December

### DECEMBER 12, 1980

The **Computer Software Act** of 1980 defined computer programs and clarified the extent of protection afforded to computer software by law. Software was now considered an invention and could be patented, although software patents took a dramatic hit in the 2014 Supreme Court ruling *Alice v. CLS Bank International*.

### DECEMBER 27, 1966

The words from the theme song for "Star Trek," written by **Gene Roddenberry**, were copyright registered. Many don't realize that the theme has lyrics, which are as follows: Beyond the rim of the star-light/My love is wand'ring in star-flight. I know he'll find in star-clustered reaches/Love, strange love a star woman teaches. I know his journey ends never/His star trek will go on forever. But tell him while he wanders his starry sea/Remember, remember me.



### DECEMBER 31, 1935

U.S. Patent No. 2,026,082 for the game "Monopoly" was received by **Charles Darrow**, who became the world's first millionaire game designer. Many credit the invention to Elizabeth Magie, who created The Landlord's Game—a precursor to Monopoly—to demonstrate the effects of land-grabbing.

COURTESY OF THE RODDENBERRY ENTERTAINMENT ARCHIVES

**Develop and Sell  
Your Inventions on TV and in Retail**



**We are seeking new IDEAS & INVENTIONS  
at any stage in the process!**

Northern Response® is one of the largest International distributors of DRTV programming, with sales of more than 3000 products on TV, live shopping, and to retail stores in over 90 countries since 1984.

**Pitch your new product to the pros!**

Shane Danson, New Business Development  
905-737-6698 ext 308 or shane@nresponse.com  
[www.NorthernResponse.com](http://www.NorthernResponse.com)



**NORTHERN RESPONSE  
INTERNATIONAL LIMITED**  
International and Retail Product Distribution

# A Sell Sheet Primer

KEEP IT CLEAN, SIMPLE, BRIEF; INCLUDE TESTIMONIALS **BY JACK LANDER**

**W**hy do I need a sell sheet when I've got a great presentation folder with photos and a good write-up, people ask? The answer is that communication is a science and an art; each aspect demands much more than common sense.

Once you understand why you should do something a certain way, you'll know how to do it on your own.

You may have heard of the "elevator speech." Imagine that you get on an elevator in an office building and find yourself in the presence of the president of the company to whom you hope to license your invention. The company is on the sixth floor, so you'll have about 30 seconds to make your sales pitch.

The ultra-brief sales pitch has to have key elements that marketing people know are essential to effect a sale. It has to explain what your invention is, what it does, and what benefits it provides to the eventual customers who will buy it—and accomplish all of that in half a minute or less.

The sell sheet is the paper equivalent of the elevator speech. But it is even more effective because it contains testimonials from real people, and possibly with drawings or photos that show important features of your invention that are not easily described through spoken or written words alone.

## Main tenets

Primary theories that apply to sell sheet composition:

**Brevity.** Your reader wants you to immediately get to the point, with no interest in how you came up with your invention. This isn't about you. In fact, it isn't about your invention. It's about a new product that will add sales and profits to your prospect's company.

**Anti-clutter:** Your reader wants a single piece of standard unfolded paper, period. No presentation folder with several pages of details. No loose photos. No copy of the patent. No bio. The sell sheet attracts attention, arouses interest and sets up a deeper sales pitch.

**THE SCARIEST NEW WAY TO DISPLAY YOUR JACK "O" LANTERN**

**PUNKIN' POST**

Model: LAST GRASP

- Scary skeleton addition to your outdoor Halloween decorations
- Draws attention to your carved Jack "O" Lantern
- New and better way to safely display your Jack "O" Lantern
- Accommodates real and faux pumpkins
- Four spikes securely hold pumpkin in hand
- Molded from tough plastic with built in spade for easy ground insertion
- Displays your Jack "O" Lantern a safe distance from your home
- Brings new excitement to carving your Jack "O" Lantern
- Keeps your carved pumpkin off the ground and away from pests

**TESTIMONIALS:**

"Finally a truly new and unique Halloween product that I am excited to use."  
—Chris Gregory, Chicago, IL

"Each year our family spends hours carving our pumpkins, I can't wait to display them on the Punkin' Post this year."  
—Dan Carlson, Dunsdin, FL

"Totally cool...makes me want to start carving pumpkins again."  
—Nick Cavicello (teenager) Tonawanda, NY

Cool Buffalo Products Inc.  
4455 Millerport Hwy.  
East Amherst, NY 14051  
716-689-4593  
coolbuffalo25@gmail.com  
www.coolbuffalo.com

This sample sell sheet includes an easily scannable bulleted format and text that describes product attributes. Unconventional fonts are generally ill advised, unless it's determined that they may strengthen the message.

GRAPHIC PROVIDED BY RANDY STENMAN

**Design:** Your sell sheet will contain the following components:

- A headline, known as a tagline in advertising lingo.
- A photo of the product.
- A series of bulleted benefit phrases or sentences that elaborate on the main benefit that was stated in the tagline. Inventors think in terms of features, and these can be mentioned, but it is the benefits of the features that sell.

- A brief narrative paragraph or two that elaborates on the bulleted benefit sentences if it improves their meaning.
- And testimonies from people who have used your prototypes. If you aren't able to provide prototypes to potential testers, ask opinions of those who will want your product when it is available.

These latter two components may be in reverse order if the product and its benefits are very clearly understood from the tagline, photo and bulleted points.

Design must be pleasing to the eye as well as the brain. Your message must convince your prospect to seriously consider taking on your product. Your design must appeal by the nature of its layout—the font and size of the tagline; where the main photo is placed; the spacing of the bulleted benefits; the density and spacing of the narrative paragraphs, and so on.

## Composing the sheet

Now, let's put together a model sell sheet. First, the tagline. This should be placed across the top of the sheet. Alternatively, it can be placed to the right of the photo, but the disadvantage is that it will have to occupy two lines, and that's not as easy to read as a single longer line. The photo and the tagline are perceived within seconds of each other.

I prefer the single sentence across the top of the sheet, limited to 10 to 12 words. All of this is pitched to the ultimate user of the product, not to the person receiving the sell sheet. Your recipient wants to be convinced that his customer will buy the product.

The sample sell sheet was made by one of my clients, Randy Stenman, with a bit of my coaching. The tagline uses two lines and a custom font. But it is still easy to read because the space is generous.



With time to think about it, I would have suggested a more directly stated tagline, such as, “More screams per passerby.” The original tagline is OK as it stands, but my revision gets more directly to the gut reaction the user wants.

Ordinarily, I advise staying away from fancy or unconventional fonts. You’re seeking readability, not an award for cuteness. In the model resume herewith, however, the letters may add to the message. But never use fonts that imitate handwriting. These definitely slow your reader. A font such as the one you are reading is best for bulleted statements and narrative writing.

The photo, being the most or second most important component, should be on the left. We read from left to right. And the tagline reader is in the left-to-right scanning mode.

Bullets have a subconscious organizing effect on your reader. Those of us who have a bit of C D O (that’s OCD, but in alphabetic order) are soothed by bulleted statements and feel reassured that we understand it because each sentence stands neatly alone, and is easy to read and comprehend.

## Executing testimonials

Testimonials come next unless the product is so novel that it can’t be clearly understood from the photo, tagline and bulleted sentences. In such a case, a short paragraph or two (or even a line drawing) can be added to clarify what the invention does, how it does it, and the main benefits the user will receive. Don’t worry too much about repetition. It aids conviction.

In most cases, the testimonial will precede the explanatory paragraphs, however. In the model sell sheet, no explanation is given. It may have helped to add something like this:

**The ideal sell sheet is the equivalent of the ‘elevator speech’—something that quickly explains what your invention is, what it does, and what benefits it provides to the eventual customers who will buy it.**

*“The ‘bones from the grave’ are made of rugged polypropylene, and will easily support a 30-pound pumpkin. The pointed tip pushes easily into the ground.”*

Note that the model sell sheet testimonials are in script plus quotation marks. In this case, the script is readable due to its size and brevity. So, I may contradict myself here, and say go ahead and use script if you wish. But only for testimonials. Be sure to get permission to use the testifier’s full name and city.

The last item is your contact information, with the space intentionally left blank. The space in this model could have been extended to the left—nearer the contact information—so that a substantial print-over, sticker with printing, or even a rubber stamp message could have been added by you or others in your distribution network if you are the producer and seller. If you plan to license, you might spread out your contact information across the bottom of the sheet, thereby allowing more room above for the testimonials, etc.

About the back side of the sheet: Many inventions (products) are helped by line drawings, diagrams, graphs, data sheets, technical specifications, etc. These are generally the kinds of information that the reader will only want after he or she is interested in going deeper. So keep this information on the back, where it doesn’t distract from the hard-hitting messages on the front.

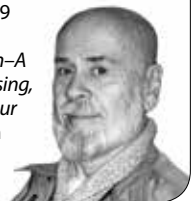
## Words are No. 1

One last caution: Many of you will rely on a graphic artist to lay out your sell-sheet. Take control, and don’t let a graphics person add splashy stuff. You must dictate font, its size, and its color. A standard black font on white or yellow background is the most compelling for readability.

Finally, create your sell sheet early on, and revise it along the way. Distribute it generously to friends, relatives, your patent attorney—anyone who conceivably may help you promote or improve your invention and its eventual product. And if you’re not a natural salesman in conversation, your sell sheet does the job for you.

Remember, an effective sell sheet is based on art and science. The art lies in how to organize and lay out for great visual appeal, not how to splash color on the page. The science lies in getting at what grabs your eventual customer and your present reader at his or her deep self-interests, and writing it briefly and clearly. 📌

**Jack Lander**, a near legend in the inventing community, has been writing for *Inventors Digest* for 19 years. His latest book is *Marketing Your Invention—A Complete Guide to Licensing, Producing and Selling Your Invention*. You can reach him at [jack@inventormentor.com](mailto:jack@inventormentor.com).



## DECIDE WHAT YOU NEED TO FIND OUT, AND THEN WHERE BY JOHN G. RAU

Remember that to have any chance of commercial success with your invention: 1) It has to solve a problem that enough people care about; 2) It has to be a significant improvement to

This is not easy. If you can find recent newspaper or magazine articles that talk about the problem, that will give you a starting point for further investigation. But here is another idea. You might try various forms of social media and blogs to conduct a survey to find out whether people really care about the problem you are addressing. You don't need to tell them what your solution is (you don't have a confidentiality protection in place yet), but you want to get some early indication as to whether enough people have this problem and are interested in a solution.





Once you are convinced that the need is real and significant, it's time to visit local stores such as Wal-Mart, Target, Home Depot, etc., to see if there is any other product already on the shelves that remotely resembles your product in any shape, size, form or function. You could also use the internet as a search guide to help you locate products that are similar to yours, or that have the same functionality and purpose as your new product.


You can obtain market research information from a variety of sources. At the library, you will find reference materials, magazines, directories and other publications, as well as access to computer databases. You can also try a college, university or business school; vocational or technical school; civic organizations such as chambers of commerce; wholesale or manufacturing sales representatives; trade associations; city and county economic development offices; and federal agencies such as the U.S. Census Bureau, the U.S. Department of Commerce, and the Small Business Administration.

Several university libraries have established websites where you can follow "road maps" that enable you to conduct the "matching" as illustrated above. In this regard, the following are noteworthy:

- The University of Florida Business Library has published an industry research tutorial entitled "Ten Steps to Industry Intelligence" (see: [businesslibrary.uflib.ufl.edu/industryresearch](http://businesslibrary.uflib.ufl.edu/industryresearch)) that will walk you through the steps to conduct industry research and will also provide you with an extensive list of resources, with websites, where you can go to get information you need.
- See the Rutgers University Libraries at [libraries.rutgers.edu/rul/rr\\_gateway/research\\_guides/busi/markres.shtml](http://libraries.rutgers.edu/rul/rr_gateway/research_guides/busi/markres.shtml) for a detailed listing of data and information sources organized by suggested starting points, government data sources, commercial data sources, library resources, and research centers and other data sources.

Mark Twain said, "It is wiser to find out than to suppose." That is why you should do market research before you move forward with your invention idea. 📌

**John G. Rau**, president/CEO of Ultra-Research Inc., has more than 25 years experience conducting market research for ideas, inventions and other forms of intellectual property. He can be reached at (714) 281-0150 or [ultraresch@cs.com](mailto:ultraresch@cs.com).



## Potential sources for market research information include the library, colleges, vocational or technical schools, civic organizations, sales representatives, trade associations, economic development offices and federal agencies.

*A top-level overview of "where you might go to find out about what" for some selected examples:*

What You Need	Where You Can Find It
Who manufactures and sells similar types of products?	Contact trade associations to review their member lists and member information; there is a trade association for just about any industry. Consult the Thomas Register of American Manufacturers, referred to as the "Thomas Registry," found online at <a href="http://ThomasNet.com">ThomasNet.com</a> .
Demographic data and information about potential customers and businesses	Go to the U.S. Census Bureau at <a href="http://census.gov">census.gov</a> . This site will give you access to Census data regarding people, businesses, trade and much more. Check out the County and City Data Book. Go to the U.S. Department of Commerce at <a href="http://commerce.gov">commerce.gov</a> . Check out the County Business Patterns annual report.
Data and sales performance information regarding potential competitors	If the companies are publicly held, review their annual reports. Contact Dun & Bradstreet and other companies that provide (usually for a fee) company research reports.
Sales statistics and sales trends for like or similar products	Look at data gathered by industry experts, trade associations and companies that specialize in gathering and compiling data about various industries. Go to <a href="http://MarketResearch.com">MarketResearch.com</a> , which claims to be the world's largest collection of market research reports regarding product sales and trends.



PHOTOS COURTESY OF HERO CLEAN, INC.

# From Concept to Retail Shelves

HERO CLEAN INVENTOR LEARNED VALUABLE LESSONS ALONG THE WAY

BY DON DEBELAK

**M**ike Eaton of Hero Clean, Inc. has branded his product line Cleaning Products Made for Men. Starting in August 2015, Hero Clean's product line was on the endcaps of 16 Target stores in California, poised to go into select stores on Long Island. Eaton's 3 1/2-year journey from idea conception to Target shelves was more complicated than he expected, but his lessons can benefit every inventor.

## Inspiration

Eaton's story started when he would open laundry detergents to see which detergents had the least offensive odors. He couldn't take the heavy fragrances of many brands and wasn't looking for the cover-up fragrance idea. Eaton came to the inspiration that every cleaning brand in the store was made for women, fragrances were added for women, and that there weren't products geared for men.

With a check of the internet, Eaton found some pretty powerful statistics: 47 percent of U.S. adult men (18 and older) are single; the average age of a male getting married is 29; 47 percent of first marriages fail; and 42 percent of second marriages fail. The result is that 42 percent to 43 percent of purchases are made by men. Eaton figures that 70 million to 100 million men buy cleaning products.

**LESSON 1:** Have a clearly defined target market with an interesting story.



**Mike Eaton identified a great market, but the question was how to develop the product. The answer for him was to turn first to the suppliers—in this case, the ingredients industry.**

### Defining the Product

Eaton studied men's habits and needs for cleaning products. One aspect was to look into cleaning products that better fit men's sweat pH and bacteria that are more associated with men than women. Men also need stronger surfactants (the chemical group that gets out stains and perspiration in clothing, and loosens food from dishes) and longer-lasting, much milder-smelling fragrances (to deal with lingering bacteria odor without an overpowering scent). The other aspect Eaton considered was the number and type of cleaning products men prefer. He found men like easy-to-use products and all-purpose products that can do many tasks. Eaton determined men needed four different products:

- Laundry detergent
- Dish soap
- All-purpose spray cleaner
- Odor eliminator

### LESSON 2:

Understand your target customer needs.

### Creating the Product

Eaton identified a great market, but the question was how to develop the product. The answer for him was to turn first to the suppliers—in this case, the ingredients industry.

Manufacturers in the ingredients industry are always working to trying to get more business. They do this by developing new formulations—including their products, of course—that address some of the market issues their customers face. Eaton was able to get ingredients companies to supply him with new formulations that he was able to evaluate. Because he is a marketing person specializing in brand building, he wasn't comfortable dealing with all of the technical aspects of the proposed brand so he hired a chemist familiar with the cleaning industry to help in the final formulation.

Many of the major ingredient companies weren't willing to help; they didn't see Eaton as major customer. Eaton had to find smaller companies, so he investigated trade shows. The most helpful shows he attended were the International Cleaning Experts Expo and the American Cleaning Institute show, where ingredients companies exhibited.



**LESSON 3:** Take advantage of the supply network for product design. Concentrate on smaller companies that are more likely to help a new inventor-led company.

### Testing

Eaton used a rather large network of single friends to do performance testing. He gave them samples and told them to see whether the product worked. These tests went well. This was not unexpected; Eaton's earlier work with ingredients manufacturers allowed him to use formulations for which there was a substantial body of data indicating the formulations would be effective.

Eaton's products used different formulations. Those cleaning chemicals can react in unexpected ways over time. He needed to test the product to ensure it had a long shelf life. Big retailers such as Target also require cleaning vendors to be a WERCSmart vendor. WERCSmart is an organization that helps retailer participants select quality products with chemical formulations.

Eaton wasn't in a position to do this testing on his own. Instead, he used testing capabilities as one of his criteria in selecting a contract manufacturer, who did most of the testing. Testing revealed that Eaton's laundry soap had some issues that caused the product to be reformulated, which caused about a one-year delay in the market.

**LESSON 4:** Don't try to do technical steps on your own. Use vendor support.

## Financing the Development Phase

Eaton's path seemed fairly straightforward. But there was a catch: money. The ingredient suppliers and contract manufacturers felt his venture was a long shot. Even if he was successful, it might take him two years or more to introduce his product. So suppliers weren't willing to fund Eaton's efforts, and he had to pay for everything. Sometimes he felt that the suppliers were trying to make all their money off him in the development phase, so he had to invest to get through this development phase.

Inventors do have options with companies that Eaton didn't pursue. They could offer royalties to the suppliers to cover expenses, or offer a share of the company to the suppliers in return for their financial support. These tactics work only if an inventor can make a strong case that his or her product could succeed. In Eaton's case, he was pioneering a new product category—an inventor's hardest sell. Vendors and possible investors tend to be conservative.

**LESSON 5:** Expect companies to charge you for their support.

## The sale

Eaton is a marketing professional who had branded his product into the concept Hero Clean, Cleaning Products Made for Men. He knew that he did not want to just go in and talk to buyers. He had a concept for a market, and he wanted to go to an executive who was involved in merchandising cleaning products. In a retail organization, merchandising managers are responsible for the entire selection of products available, how those products are grouped together, how to differentiate to appeal to customers. This is a much different function than buyers who are selecting existing product lines and working with vendors on issues such as packaging, price and quality.

Eaton had done a lot of work with sponsorship of events before starting Hero Clean, and one of his contacts knew a sponsorship at Target. That Target contact gave him the name of the director of merchandising for cleaning products at Target. Eaton talked to him on the phone; the response was immediate and positive. Target studies had shown that there were a tremendous number of men walking through their store alone, or with other men. The company wanted to entice these men to buy more products. Phase 1 of the sale was made.

**LESSON 6:** A big message is what gets in front of someone who can push your product through.

## Sales Details Take Time and Effort

Like all big retailers, Target is conservative about which products it carries. It concerns itself with quality, the vendor's ability to deliver and support returns, and how well the product is received.

The starting point is online sales. But to even do that, the starting point is the vendor site on Target.com. Vendors need to post a tremendous amount of information before getting started regarding specifications, packaging requirements and details on steps vendors need to take to receive approval for product changes. This information is not shared with customers but is required before you go online. The site also requires a vendor to agree to Target policies, such as payment terms and returns. This process took several months. Big retailers will return products to you for the smallest deviation in a product or package from the agreed-upon specifications.

**LESSON 7:** You need all of your details lined up with the retailer's requirements before making your first sale.

## Market Testing

The first test was Target.com, where the Hero Clean line did well. But Target.com was also the testing ground for invoicing. Target and most other retailers have requirements involving EDI (electronic data interchange), in which retailers send orders to vendors and receive invoices back. Retailers also use EDI for other communications. EDI is tough for an inventor to do on his or her own, but there are many EDI contract services you can use. Selling on Target.com allows Target to run orders through you, receive invoices and generally ensure that a company is ready to sell to Target stores.

Putting Hero Clean on the endcaps of 16 Target stores in Southern California in August 2015 was Step 2 in market testing.

**LESSON 8:** Expect major retailers to test new concepts carefully before making a major commitment.

## Expanding Sales to New Retailers

Eaton reports that other retailers are talking to him based on his success at Target. He hopes to launch sales at some of these stores by the end of this year. ☞

**LESSON 9:** Success leads to additional success. Momentum counts.

**Don Debelak** is the founder of One Stop Invention Shop, which offers marketing and patenting assistance to inventors. Debelak is also the author of several marketing books, including Entrepreneur magazine's *Bringing Your Product to Market*. He can be reached at (612) 414-4118 or dondebelak34@msn.com.





# Leanest Fly Trap

COUPLE'S DEVICE FOR GARBAGE CAN CATCHES PESTS FOR EASY DISPOSAL

BY EDITH G. TOLCHIN

**H**ave you ever wished for a solution to house and fruit flies that did not involve toxic chemicals, electronic zappers or fly swatters? Tired of placing a defogger inside your house and hightailing yourself and your pets to safety while you hope those bugs are properly exterminated?

Joylyn and Dennis Darnell, a couple from Pacific Beach, California, have long contemplated a better solution. The Garbage Can Fly Trap is a simple and natural alternative to other methods that often do not solve this common bug problem. Their invention can attach to your outside trash can, which helps keep flies from getting inside your house.

**Edith G. Tolchin:** Please tell us about your family and background.

**Joylyn Darnell:** If you want to see how strong your marriage is, try launching a Kickstarter while raising a 2-year old, and working full-time professional jobs! Dennis and I did, and I can say we're stronger for it. We also appreciate more deeply our unique contributions and how critical it is to have different skill sets when bringing a new product to market. I have the business, finance and marketing background (I have an MBA from San Diego State University) and Dennis is the inventor, tinkerer, engineer (Dennis has his BS in Electrical Engineering from the University of California San Diego (UCSD)). I am risk averse, and he jumps all in headfirst. It turns out to launch a new product, you need both. Our company is Keil Innovations, LLC (that's my maiden name) and it's woman and veteran owned.

At UCSD, I had posted an ad on Craigslist for a roommate. He showed up on my doorstep and we had an awesome conversation. The next day, he told his buddies that he was sure he had a roommate or a date. It turns out, he got both. We married in 2010, and we now have an amazing 3-year-old son who has been a part of this entire journey. He's featured on our Kickstarter video, whacking flies.



Joylyn and Dennis Darnell came up with a natural alternative for fighting the common housefly.

**EGT:** When was that “aha!” moment?

**JD:** Dennis and I were eating lunch. It was a hot summer day and we had left our kitchen door open. As we sat at our table, we noticed a fly had come in and landed on our garbage can. We watched it struggle for 10 minutes to get inside. We're not even sure which one of us suggested it but one of us said, “We should drill a hole in the lid and let it in, but place a trap under the lid.” Almost immediately, Dennis set out to make a prototype, and only 10 minutes after he installed it we had caught our first fly!

**EGT:** Tell us about not having to touch the flies to dispose of them.

**JD:** One of the great design features of the Garbage Can Fly Trap is that it requires no additional bait. It uses the fly's natural attraction to your garbage as bait. House flies and fruit flies land on the lid of your garbage can, trying to get in. They walk into the trap and then down, where they are trapped in a flypaper-lined cartridge. When you are ready to throw out the cartridge, simply push the

PHOTOS COURTESY OF GARBAGE CAN FLY TRAP



With the Garbage Can Fly Trap, flies are trapped in a flypaper-lined cartridge.



quick-release button on the lid and the cartridge falls directly into the trash—so there's nothing disgusting to touch or to look at.

**EGT: How did you create your first prototype?**

**JD:** Warning: Flies were injured in the making of this gadget!

Dennis bought a hose adapter, a small section of hose and some flypaper. He drilled a hole in the lid of our kitchen garbage can (after asking for my permission, of course). He installed the fixture and attached the flypaper-lined hose under the lid. This created an access point for the flies to enter. We returned shortly thereafter to see our first fly trapped in the flypaper.

Initially we were catching one to three flies per day so we left our doors open, which people with kids and dogs tend to do. We caught 10-13 flies per day. Dennis then had the idea to put the trap on our curbside garbage can to really do some damage, and he caught 68 flies in one afternoon!

We also noticed we were catching a lot of fruit flies. The trap can be installed in almost any household container. We baited these traps with fruit scraps in the beginning but found that wine or red wine vinegar was what the fruit flies like best. Our record so far is 200 fruit flies in two days.

**EGT: What about the patent process?**

**JD:** The patent process has been complicated, expensive and time-consuming. We have three patent applications filed: one utility and two provisional. We recently filed the PCT (International Patent) to allow us to file internationally. We also have filed a patent application in China.

**EGT: Who designed your packaging?**

**JD:** We used an internet site that allowed us to hold a contest

for logo ideas and awarded a cash prize to the winner. We received over 40 unique designs in less than one week. We took our favorite design and hired a local graphic designer to help us create the packaging. What we've learned is that your packaging will continue to evolve.

**EGT: How did your link to a factory in China come about?**

**JD:** We were in the process of getting quotes from manufacturers in the U.S., China and Mexico, where Dennis toured some facilities. We had been in the local news, and a UCSD student saw one of our interviews and reached out to us. She was from China, and her parents have been manufacturing plastic-injection molded products for 30 years. Her mom handles the business side; her dad is an engineer. Sound familiar? We had an initial meeting with them in San Diego, and it was clear that they were a very capable manufacturer.

Dennis, Dakota and I traveled to China in May to tour their factory and see the first traps come out of the mold. We can't imagine having had a better experience.

**EGT: Tell us about your Kickstarter campaign.**

**JD:** Our product is relatively inexpensive, so we knew raising 100 percent of the money needed to bring it to market on Kickstarter would be challenging. It typically takes \$60,000-\$80,000 to bring a new product to market. Therefore, we used Kickstarter to test market viability (raising \$12,903, surpassing the project's \$10,000 goal), which gave us the confidence to continue investing our own time and money. We presold 500 traps and 3,000 cartridges to backers from more than 20 countries.

**EGT: Now that you've received your first shipment, what is your marketing plan?**

**JD:** We launched our website using Shopify. We are reaching out to the local media that featured us last summer. We are setting up the product on Amazon as well as through its new Launchpad program, which is offered to Kickstarter projects. Our local Ace Hardware store is also selling the traps, and we're approaching other retailers.



## Joylyn and Dennis Darnell conceived of The Garbage Can Fly Trap while watching a fly in the kitchen of their California home.

**EGT:** What is the price? How many pieces per package?

**JD:** Unit 1: 1 Trap + 2 Replacement Cartridges, Retail: \$14.95. Unit 2: 4-Pack Replacement Cartridges, Retail: \$9.95. The replacement cartridges hold over 100 house flies or 400-plus fruit flies (yes, Dennis counted them) and last 2-8 weeks in your kitchen. We also have a trap outside on our curbside container. They're great on compost or pet waste containers as well.

**EGT:** Any plans for other products?

**JD:** Installation takes about three seconds but involves drilling a hole. Personally, I think the Garbage Can Fly Trap would have a more mass appeal if we partnered with a garbage can manufacturer to mold the trap directly into the lid. We see this as a future product offering.

We are also sourcing a small container with the trap integrated into it so that the consumer can set it on a kitchen counter specifically for fruit flies. We've also developed a commercial version using the same concept; flies are attracted to the food in a Dumpster. Dennis developed a 3D-printed prototype, tested it

with local restaurant owners and caught as many as 400 flies in one day.

**EGT:** Do you have any advice for novice inventors?

**JD:** Kickstarter is a long, challenging road (with a success rate of about 40 percent). Of those that fund, there are many entrepreneurs who never succeed in bringing their product to market. Seek guidance from those who have been there before. We worked with the San Diego Inventors Club out of 3rd Space. They provided mentors who had been through the Kickstarter process. 🍷

Details: [www.garbagecanflytrap.com](http://www.garbagecanflytrap.com)

Edie Tolchin has contributed to *Inventors Digest* since 2000. She is the author of *Secrets of Successful Inventing* and owner of EGT Global Trading, which for more than 25 years has helped inventors with product safety issues, sourcing and China manufacturing. Contact Edie at [egt@egtglobaltrading.com](mailto:egt@egtglobaltrading.com).



The definitive guide for inventors, newly updated with the latest patenting laws, information on crowdfunding, and online resources.

TEN SPEED PRESS

## DO YOU HAVE A PATENT?

Your friends and family may not even know!



Display your achievement with one of our premium patent awards.



\$10 off with Promo **IDQ416**

# PATENT AWARDS

1-800-707-0011 | [www.patentawards.com](http://www.patentawards.com)

\*call us to receive a free patent search

# A Story of Hang-ups

COUPLE'S HANG-O-MATIC SIMPLIFIES PICTURE HANGING—  
AFTER OBSTACLES IN BRINGING PRODUCT TO MARKET **BY JEREMY LOSAW**

**J**ared Rabin doesn't want your walls to look like Swiss cheese. Like many of us, he is familiar with the frustration of nailing in multiple holes in an attempt to hang a picture that is level.

Rabin invented the Hang-O-Matic to help hang pictures and other wall-mounted accessories perfectly level on the first try. After more than 15 years of development and many twists and turns—talk about frustration—he and his wife, Karina, have gotten the product into retail outlets.

The Hang-O-Matic is an enhanced tape measure that helps mount wall hangings perfectly level. The tape measure is 6 feet long and has a bubble level that slides on. On either side of the bubble level are pointed anchors that slide on the tape and are used to make marks on the wall to indicate where nails should be placed.

Using the product is a three-step process: 1) Measure the back of the item to be hung and slide the anchors to positions on the tape where the hangers are.

2) Place the Hang-O-Matic on the wall, using the bubble level to get the anchors aligned straight.

3) Lightly press the anchors into the wall to make a nail mark before installing nails or brads that will hold the wall hanging.

## A slew of setbacks

The Hang-O-Matic was born in Rabin's college dorm. A student at University of California, San Diego in the early 2000s, Rabin had a self-confessed streak of OCD and wanted all of his posters to be perfectly level. He struggled to get them right just by eyeballing them and started to think of a better way.

Rabin grabbed a roll of dental floss and started making his first prototypes on the spot. The first attempt was a piece of floss cut to the exact length of the anchor points behind the frame. He wet his fingers and dabbed them on the wall to make saliva marks at the ends of the floss line to mark the nail holes. This worked, but the holes were not quite level.

"I did it again, but I balanced a torpedo level on the dental floss against the wall...When I figured it out, it worked fine," Rabin says. "I looked like a goofball doing it, but it made perfectly spaced holes."

He continued to make about a half-dozen versions of the product. He even had an engineer create CAD drawings and had the product quoted by an overseas manufacturing group. However, his enthusiasm waned and the prototypes were stowed away in a closet for many years. It took a broken snow globe to get the Hang-O-Matic back into daylight.

Jared and Karina, the latter a native of the former Russian city of Riga, were married in 2008. Shortly after, they moved into a new house and started decorating. Karina hung a shelf in her office and placed a snow globe on it that was a wedding gift from





Jared's parents. It was programmed to play the couple's wedding song and was a treasured keepsake. But the shelf was hung just slightly askew and the snow globe slid off the shelf and shattered. Immediately, Jared found his old box of prototypes and re-hung the shelf perfectly level in just seconds. The pair decided to continue work on the product and get it to market.

At times, it seemed that the product was cursed. Jared had solicited the help of a local investor and was hopeful that the influx of capital would be a boost. However, the deal soured almost immediately. While waiting outside the investor's office before a scheduled meeting, Jared overheard him on the phone discussing plans to knock-off his patent and take the product to market himself. He ended the relationship and found another local investor of higher moral integrity. The relationship was progressing well, but the man had a stroke and died a few weeks after they met.

Jared thought he had a breakthrough when the product was chosen to be on Season 3 of the Discovery Channel show "Pitch-Men." "I thought that it was going to be my big break. I was going to be on the Discovery Channel and they were going to team me up with an engineer and pitchman, and they were going to get me into retailers," he recalls. However, midway through the second season, host and iconic As Seen on TV pitchman Billy Mays died from a drug-induced heart failure. The show tried to re-tool with new hosts but was canceled before filming the third season. The door had slammed shut on the Hang-O-Matic again.

Jared Rabin demonstrates the Hang-O-Matic.



Jared and Karina Rabin kept pressing forward, even when their product seemed cursed.

## Perseverance pays

The Rabins continued to press forward. They drafted a second patent with a California law firm to bolster the first patent that Jared filed though a web-based service in the early 2000s. They also kept pushing to find a manufacturing partner. The Rabins initially looked overseas but struggled to get a quality product and wasted about \$8,000 on prototypes. They started to work with domestic vendors and found a group in California that could help. They made several good prototypes and continued with production.

However, the production units were fraught with issues, from loose sliders to

tapes that were breaking too easily. The relationship with the factory ended up in litigation. Fortunately, Jared Rabin found another factory in Ontario, California, that took over the project and has been making the product ever since. Despite the higher cost of domestic labor, the Rabins have found they can still be competitive—even in regions such as Europe and Australia.

After an additional eight years of working on the product, they are finally getting some major exposure and sales. They were cast on QVC Sprouts and impressed despite presenting the product in the wee hours of the morning: They sold 900 units in 5 minutes and are scheduled for an encore appearance in the near future. They also just landed big purchase orders from Bed Bath & Beyond and Hobby Lobby, and were on schedule to be available at both retailers well ahead of this holiday season.

They have self-funded the product throughout its life and even sold their house near the West Coast and moved to a more modest abode further inland to help fund production. They hired a fulfillment agency to deal with big orders, but the Rabins still ship web orders out of their house. Their 3-year-old son helps box up the orders.

The Rabins are working on a new design for a professional version of the product, with a longer tape and tougher construction.

They are also continuing to work on additional sales channels and hope to have more retail accounts set up before January. 📺

Details: [hangomatic.com](http://hangomatic.com)

**Jeremy Losaw** is a freelance writer and engineering manager for Enventys. He was the 1994 Searles Middle School Geography Bee Champion. He blogs at [blog.edisonnation.com/category/prototyping/](http://blog.edisonnation.com/category/prototyping/).

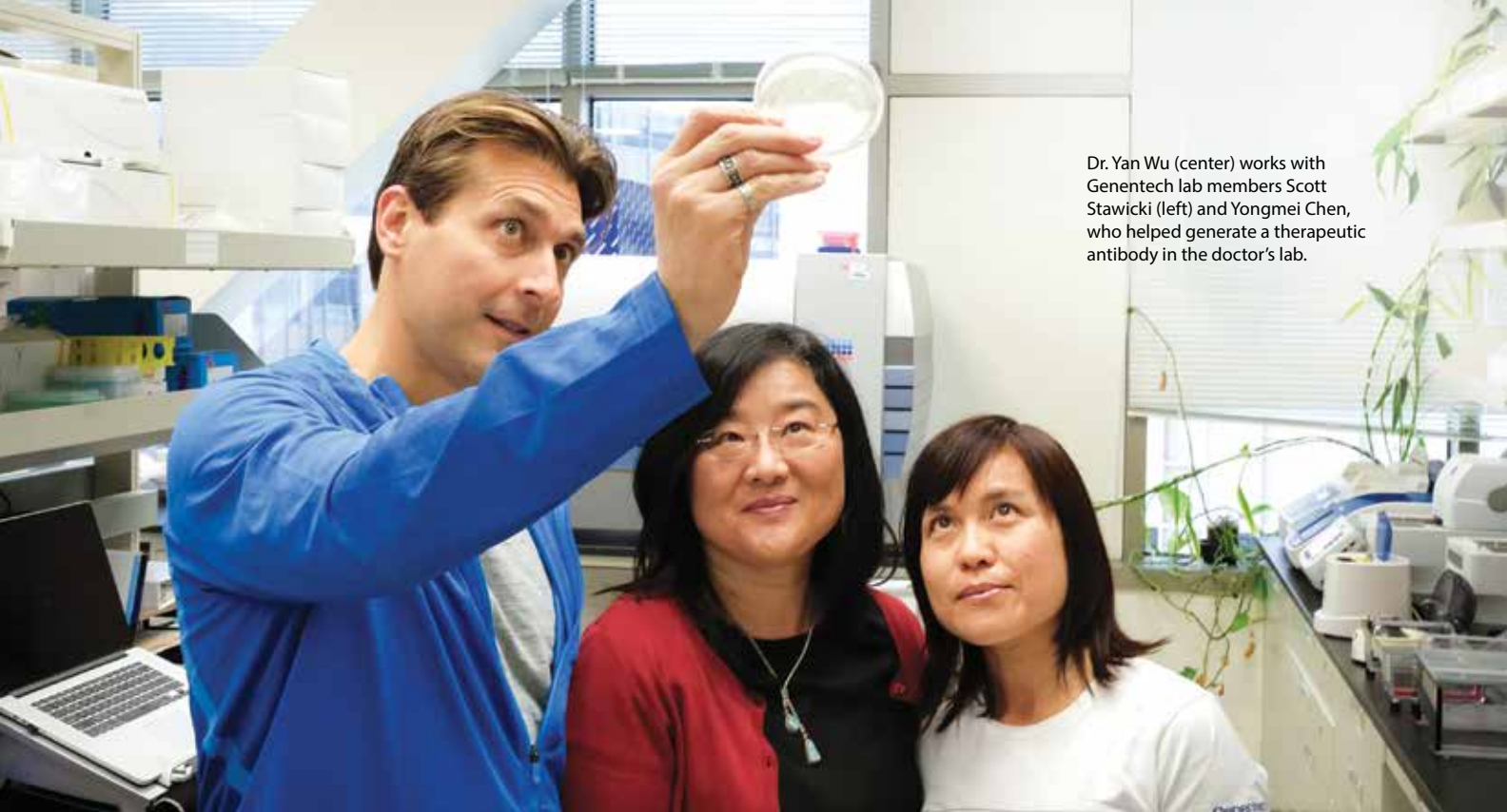


# INVENTORS OF THE YEAR



INNOVATORS AT 4 COMPANIES HONORED BY IPOEF  
FOR CREATING 6 LIFE-SAVING CANCER DRUGS





Dr. Yan Wu (center) works with Genentech lab members Scott Stawicki (left) and Yongmei Chen, who helped generate a therapeutic antibody in the doctor's lab.

PHOTO COURTESY OF GENENTECH

**I**t is fitting that the Intellectual Property Owners Education Foundation's 43rd annual Inventor of the Year Award is breaking new ground in 2016.

Usually an honor bestowed upon one person, this year's award goes to inventors at four companies who broke major ground with six life-saving cancer drugs in the field of immunotherapy oncology treatment. Nine inventors led these efforts, as well as the various professionals involved in the innovation process—from discovery to implementation and commercialization of these medical treatments. They will be honored at IPOEF's Foundation Awards Dinner in Washington, D.C., on Dec. 6.

Winners include the inventors of Amgen, Inc.'s IMLYGIC® and BLINCYTO®; Bristol-Myers Squibb Co.'s OPDIVO® and YERVOY®; Genentech, Inc., a member of the Roche Group's TECENTRIQ®; and Merck & Co.'s KEYTRUDA®.

### About the inventions:

- **Amgen's IMLYGIC**, invented by **Dr. Robert Coffin** and team, is the first and only FDA-approved oncolytic viral therapy designed to replicate in cancer cells leading to oncolysis. In this process, the release of tumor-derived antigens, virally derived GM-CSF and replicated IMLYGIC may promote an antitumor immune response. BLINCYTO, invented by **Prof. Dr. Ralf C. Bargou** and **Dr. Peter Kufer** and team, is a prescription medicine used to treat a certain type of acute lymphoblastic leukemia. ALL is a cancer of the blood in which a particular kind of white blood cell is growing out of control. Drs. Coffin, Kufer and Bargou will represent the inventions.
- **Bristol-Myers Squibb's YERVOY** (CTLA-4 immune checkpoint inhibitor) and **OPDIVO** (PD-1 immune checkpoint inhibitor), invented by **Dr. Alan Korman**, **Dr. Mark Selby** and team are designed to uniquely harness the body's own immune system to help restore anti-tumor immune response.

By harnessing the body's own immune system to fight cancer, YERVOY and OPDIVO have become important treatment options across multiple cancers. Drs. Korman and Selby will represent the inventors of these ground-breaking therapies.

- **Genentech's TECENTRIQ** was invented by **Dr. Yan Wu** and team. It is the first and only approved anti-PDL1 cancer immunotherapy for people with locally advanced or metastatic bladder cancer previously treated with platinum-based chemotherapy, and for people with metastatic non-small cell lung cancer (NSCLC) previously treated with platinum-based chemotherapy. It is designed to bind with PD-L1, a protein that plays a role in preventing the body's immune system from fighting cancer. By binding to PD-L1, TECENTRIQ may remove the "stop sign" and activate the immune response. Other inventors on the patent currently at Genentech are Jeanne Cheung, Henry Chiu and Sanjeev Mariathasan. Dr. Wu will represent the inventions.
- **Merck & Co.'s KEYTRUDA**, invented by **Drs. Gregory Carven**, **Hans van Eenennaam** and **John Dulos**, is a prescription medicine for skin cancer (melanoma). It may be used when melanoma has spread or cannot be removed by surgery. It also is used to treat a kind of lung cancer called non-small cell lung cancer (NSCLC). The three inventors will represent the inventions.

These drugs have received U.S. patents, obtained FDA clearances, and have recently been successfully launched.

"According to the World Health Organization, cancer claimed 8.2 million lives worldwide in 2012," said IPO Executive Director Mark Lauroesch. "The inventors we have chosen to recognize this year play a key role in the crucial battle to end this disease."

The Inventor of the Year Award's purpose is to recognize outstanding recent inventors and to increase public awareness of inventors and how they benefit the global and national economies and quality of life. 📌



They's signature invention is ground-effects lighting for underneath vehicles, which enjoyed great popularity beginning in the late 1980s. A bicycle version (opposite page) would feature a 360-degree, no-glare lighting system.





# REINVENTED, AND IT FEELS SO GOOD

YES, HIS NAME IS THEY. NO, THERE'S NO STOPPING HIM NOW.

BY REID CREAGER

**O**f course you're the curious type; you're reading this magazine. So you probably want to know why someone would legally change his name to They, and we'll get to that. Just know that by the time you finish reading the story of The Artist Formerly Known As Andrew Wilson, the name change may feel like a footnote.

There's this cacophony of invention ideas constantly crashing through They's brain, and he's not shy about sending them to *Inventors Digest*. That's a good thing. Even though he has 14 patents—including ground-effects lighting for underneath vehicles that enjoyed great popularity in the late 1980s even to today—his motivation has seen some highs and lows during a lifetime of severe challenges, physical and otherwise.

One constant has been “the thrill and satisfaction to see a thought become a reality,” the 55-year-old Texan says, “and the stuff that I come up with has almost always been necessity driven. Even the ground effects lighting was never have supposed to be a play toy. It was supposed to create an indirect silhouette of light around your vehicle so that other drivers could see your position and speed in either heavy traffic or bad weather.

“The interesting part was, I could not give them away with that mind-set. But one night I'm driving in south Houston, the lighting was under my Suburban, and a couple kids saw my prototype and thought it was totally cool. They asked me if I

could make a couple sets for their sports cars. Back then, LED didn't exist, and neon was too fragile to work with and expensive transformers and all that. So I ended up making 12-volt fluorescents. That was how ground effects actually became popular.”

## Revitalized to help others

In early September, They sent an email to *Inventors Digest* asking whether he could buy an issue of the magazine from 1986 (unfortunately, back issues that old aren't available). He recalled being mentioned in the magazine in connection with one of his inventions; he wasn't sure which one. That mention was a turning point for him, as has been his recent reconnection with *Inventors Digest*.

“What you have brought back to my forefront is something I cannot put a price on, simply because of what it represents and what it's going to represent,” he said. “*Inventors Digest*, back in the day, brought me a pulse that set my course for the rest of my life. It gave my work validity, which has always been the only important thing for me.

“I have learned much reading about other inventors, their inventions, and that innovative spirit that is just a hoot to experience. I'm revitalized one more time.”

In a two-month span that followed, They sent *Inventors Digest* information, internet clips and musings about several real and potential projects: a bicycle version of his ground-effects lighting



They's name change provided a boost for his Shades sunglasses. He's currently working on a fire-suppression apparatus called the Typhoon system.

for cars, with “maybe the most efficient 360-degree, no-glare ‘see me’ lighting system the bike industry has seen since the headlight, powered by a USB-rechargeable battery pack”; contemplation of a Bluetooth monitor for infants—“kind of like a Fitbit worn around the chest that would monitor a child’s heart rate, respiration and pulse with an instant alarm 24/7, which could eliminate SIDS deaths”; even a concept for universal basic income that is as revolutionary as it is layered.

His featured main project while making his way back into inventing is a fire-suppression apparatus called the Typhoon system. “It’s going to change the dynamic of how structure fires are fought,” he says.

“Ventilation is a master need in any fire situation. A lot of fire departments work to get ventilation inside. What I did was inject high-pressure, high-volume air into the nozzle system itself so that nozzle system actually injects water vapor-saturated, pressured air in the structure, giving it no choice but to exit and ventilate the heat and gases. Firefighters would then be working in a safer, wet, clear environment.”

Another is Work+Safe—breakaway clothing that prevents people from being entangled in heavy machinery, often resulting in amputations and death.

When explaining why he wants to donate many of these inventions, his calm, soft drawl morphs into a tone of conviction and urgency.

“It’s got to be open source,” he says. “I’m not patenting these things, because anybody and everybody should be able to benefit. These can save lives and injury, and that’s my focus—not the corporations and the insurance companies, but the actual people on the ground who benefit from it.”

### 30 surgeries: Not Nirvana

This innovative flurry is making up for lost time, They says. “For many years, I’ve been out of circulation due to some events that were not Nirvana in my world.”

He says he’s had more than 30 surgeries. Five of them were associated with cancer, and then there were the two years of chemotherapy and radiation—which led to heart problems. The grand total, or what he remembers: Eleven heart catheterizations, three heart stents, one aortic stent, spleen, gall bladder, lymph nodes, four back surgeries, quad-bypass, cut-downs on both feet, left arm, left leg. Also, a recent sinus reconstruction because he crushed his sinus cavity years ago while freediving.

He figured he might as well make himself useful while undergoing chemo. “I had the idea to put a tourniquet around my scalp to limit blood flow during the process. My thinking was that since the chemicals were short lived, restricting scalp exposure could reduce hair loss.

It worked. I didn’t lose my hair, except where the tourniquet didn’t cover.

“I heard later that doing that and using icepacks and cooling has become a mainstay in chemo treatment. That was a proud moment.”

Not as proud of a moment, but uniquely They, was when he was shot by his own gun. “It was a .357 hollowpoint, caught in the right upper leg, through and through,” he says matter-of-factly. “It was an attack by someone who was schizophrenic, though I didn’t know it then.”

Even then, the inventor in him soon took over. “I noticed that the bullet, a top-dollar hollowpoint bullet, didn’t open or expand as it should have. So I sent a nasty letter to the ammunition company, told them their bullets weren’t worth a crap, and I wanted my money back. I never heard back from them, and I made a new bullet design that would open as designed. I called them ‘Hypercav’ bullets. It is a ‘ported’ bullet, designed to expel the center cavity gas as it hits an object.”

### But did They appear in Us?

“None of my world is purposefully unique,” They says. “It’s just always seemed to turn out that way.”

But sometimes he gives it a little nudge. In 2004, he walked into a courtroom in Taney County, Missouri, and changed his name to They.

“My intention was to just play a little bit,” he says. “‘They do this; they are to blame for that.’ Somebody has to take responsibility. ... Three days after I had done this legally, I was looking at my homepage and saw the headline about my name change on CNN’s website. The AP picked up on it, and from there it went ballistic.



It was everywhere. MSNBC, Time magazine, NBC, CBC, ABC, USA Today, hundreds of newspapers, Reader's Digest, Ripley's Believe it or Not, Dozens of radio stations around the world called to do interviews, including NPR, and the online forums were everywhere.

"During all these interviews, I was asked what I did for a living. I told folks I was an inventor, and they would ask what I've invented. It was at that time I was working on my Shades sunglasses with a built-in visor over each lens. That launched Shades into the light, and I had orders start coming in from everywhere.

"For a brief mention of a name change, and a \$350 'investment' in an attorney and court costs, I inadvertently got over \$250,000-plus worth of advertising for my sunglasses."

### **Accomplished black sheep**

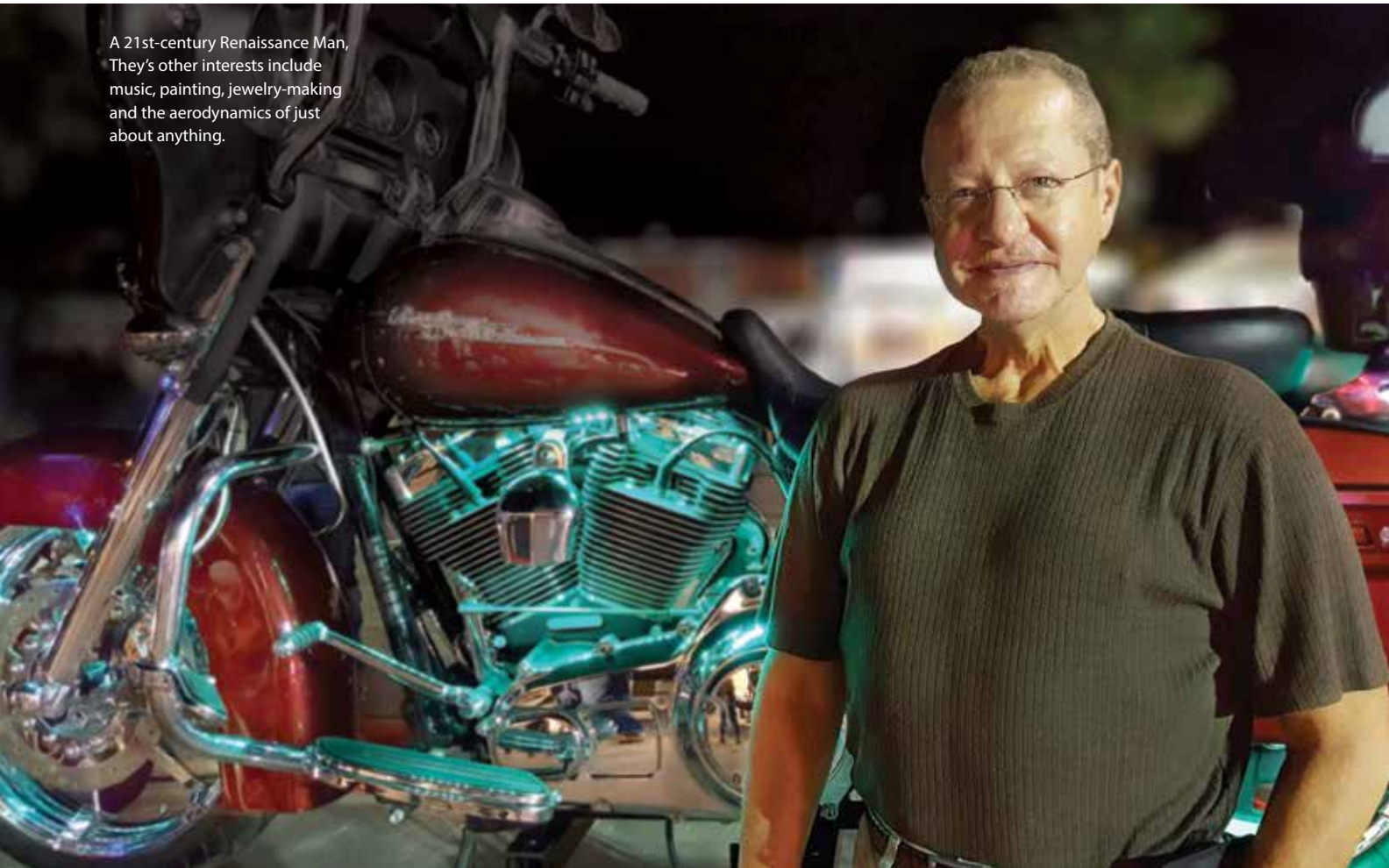
This was a fun time in a life that has had its share of loneliness. The son of an invention-minded mother ("She was part of the scientific team that helped develop and test radar for the U.S. in the early parts of World War II") and a traveling minister with Marine training, he bounced around from state to state, school to school, and wasn't close to his four older brothers.

"I wasn't part of anybody else's world," They says. "I was always considered the black sheep. ... I didn't count. If I did something wrong, said something wrong, I would end up getting a beating—and there were a lot of them from my father, who was an abusive, bigoted person.

*(Continued on page 44)*

**"I'm not patenting these things, because anybody and everybody should be able to benefit. These can save lives and injury, and that's my focus—not the corporations and the insurance companies, but the actual people on the ground who benefit from it."**

A 21st-century Renaissance Man, They's other interests include music, painting, jewelry-making and the aerodynamics of just about anything.





# YOU HAVE THE IDEAS

## WE HAVE THE MOST SOLUTIONS TO BRING YOUR IDEA TO MARKET



Edison Nation is the only innovation partner that has multiple channels to take inventors' product ideas to consumers worldwide.

Submit your idea to our  
**Open Search** today.

Visit [www.edisonnation.com/open-search](http://www.edisonnation.com/open-search)

*Edison* **NATION**



# COLLEGIATE INVENTORS WINNERS



Carl Schoellhammer, a student at Massachusetts Institute of Technology, was the graduate gold winner.



The University of Virginia's Ameer Shakeel (left) and Payam Pourtaheri were undergraduate gold winners.

**The National Inventors Hall of Fame** recently announced winners in the Collegiate Inventors Competition, which rewards selected graduate and undergraduate finalist teams for their inventions and research that add value and usefulness to society. Fields of study range from technological trends to medical breakthroughs.

The University of Virginia's Ameer Shakeel and Payam Pourtaheri were undergraduate gold winners for their invention AgroSpheres—engineered biological particles that degrade residual pesticides on the surface of plants, allowing crops to be safely harvested after a few hours. Carl Schoellhammer, a student at Massachusetts Institute of Technology, was the graduate gold winner for his invention of SuonoCalm, used for at-home rapid administration of medications directly into tissue using low-frequency ultrasound.

Undergraduate silver winners from Columbia University were Charles Pan, Aishwarya Raha, Chanond Sophonpanich

and Aonnicha Burapachaisri for their invention of Cathecare, used to continually and automatically sterilize the hub of catheters to stop infections in their tracks. University of Massachusetts Lowell students Brendan Donoghue, Erin Keaney and Jonathan Perez de Alderete were graduate silver winners for their invention of Nonspec, an adjustable prosthetic system.

Sarah Lee, Clarisse Hu, Serena Thomas and Bailey Surtees from Johns Hopkins University were the undergraduate bronze winners for their invention Cryoablation, which offers a promising option for women in low-to-middle-income countries diagnosed with breast cancer. The invention freezes a probe that kills tumor cells using carbon dioxide gas. Graduate bronze winners were Aaron Blanchard and Kevin Yehl from Emory University for their invention Rolosense, a new class of DNA machinery that turns chemical energy into rolling motion.



Undergraduate silver winners from Columbia University include Charles Pan, Aishwarya Raha, Chanond Sophonpanich and Aonnicha Burapachaisri.



University of Massachusetts Lowell students Brendan Donoghue, Erin Keaney, and Jonathan Perez de Alderete were named graduate silver winners.

# Lessons in Unlikely Places

EVEN THE MOST ROUTINE ACTIVITIES HAVE TIES TO INNOVATION, PRODUCT DEVELOPMENT

BY JEREMY LOSAW



Behold the 778,079th-best fantasy Premier League team of the 2016 season.

**T**here is little to nothing innovative about fantasy English Premier League soccer, unless you count the creativity of finding and engaging in a little-known, trivial pursuit. In fact, there is a swath of other routine activities that are not inherently innovative. Yet some of them actually provide takeaways that can make us better product developers.

I play in two fantasy soccer leagues, a fantasy NASCAR league and have two fantasy football teams. My obsession has even spilled over into fantasy Tour de France and even fantasy professional bass fishing. Skeet Reese was a disappointment at Lake Havasu last spring, in case you missed it.

Fantasy soccer is a very strategic game, requiring management of a number of variables that reveal the power of analysis. The best fantasy players know which teams have difficult or easier fixtures coming up, which players may be hurt or fatigued, which defenders offer attacking threats, and which teams play better home and away.

Building a team is an educated guess based on analysis in the same way that building a prototype is a best guess at unlocking a new technology. As the season unfolds, my fantasy team is tweaked and honed to bring in the best balance of players, just as prototypes are continually refined until they work flawlessly.

Like a fantasy team, prototypes evolve and change until fully optimized.

**The grocery store is the ultimate proving ground for the power of branding.**

## Grocery, bar takeaways

Consider the grocery store experience. If you think about it, it is the ultimate proving ground for the power of branding.

Every aisle has name-brand products just inches from their generic equivalent that are at least 20 percent less expensive. I may find a suitable substitute for Dr. Pepper, but there is no way it is coming home with me. Conversely, there is no room for name-brand buttery spread in my fridge.

There is a lot to be learned about how to sell a product by which brand-name products make it home in your grocery bag. It shows how good products with inferior branding can be passed over by consumers. It is a lesson for all product developers that the road to success does not end when the prototypes are done.

If going to the grocery seems, at first thought, to have a tenuous link to innovation, going to the bar seems even more of a reach. There is something about the relaxed atmosphere that makes it a perfect environment for innovation. Dylan Thomas, Ernest Hemmingway, James Joyce and Cézanne were all known to be regulars at their local pubs.



Many notable products got their starts in a bar. The '70s sensation the Pet Rock spawned from a conversation at a bar; more recently, the idea for Warby Parker eyewear was born over a few pints of Yuengling. The new beer dispenser, Fizzics, that recently was funded on "Shark Tank" and is crushing it on Kickstarter was the result of a conversation at the Brooklyn Brewery about why beer doesn't taste as good when it does not come from the tap.



Jeremy Losaw (left) works with Eric Huber behind the scenes for an episode about the steam sponge on "Everyday Edisons."

### Education via TV

I have a penchant for garbage television, from "Jersey Shore" to "Buckwild." I have tried to tell myself that I was learning something about the human condition and the architecture of friend groups while watching these shows, but in retrospect, that is akin to saying I learned about gravity from a Road Runner and Wile E. Coyote cartoon.

Still, there are a few shows that offer some educational value for product developers. "Shark Tank," an obvious choice, highlights many product entrepreneurs and their innovations. It teaches about the art of the pitch and the importance of knowing your market and numbers.

However, "Shark Tank" and shows like it are curated for entertainment and only show a glamorous few moments—rarely any of the hard work or sacrifice it takes to bring a product to market. "Everyday Edisons," which ran for four seasons and was filmed in the Edison Nation offices, is perhaps one of the only shows to provide an accurate account of how to design products and build prototypes. You can find old episodes on the Edison Nation YouTube channel. 📺

AMERICA'S LARGEST INVENTION SHOW



INPEX®

JUNE 13-15, 2017  
DAVID L. LAWRENCE CONVENTION CENTER  
DOWNTOWN PITTSBURGH, PA

EXHIBIT  
YOUR  
INVENTION



- MEET WITH COMPANIES  
LOOKING FOR NEW PRODUCTS
- PRODUCT SEARCHES & PITCHING  
OPPORTUNITIES
- SEMINARS, PRESENTATIONS  
& PANEL DISCUSSIONS
- NETWORK WITH INVENTORS FROM  
AROUND THE WORLD
- CASH PRIZES & MEDALS AWARDED

CALL TO RESERVE YOUR BOOTH FOR 2017

**888-54-INPEX**

FOR MORE INFO VISIT:  
**WWW.INPEX.COM**

# One Idea is Usually Not Enough

## INVENTION 'JOURNEY' WORKS BEST AS A SERIES OF MULTIPLE PURSUITS

BY GLEN ECKERT

**I**f you are new to the world of inventing and working on your first product idea, you'll soon discover that it's never quick and easy. Because it's a long and complicated process with many challenges, chances are you'll often hear it referred to as a "journey"—one hopefully with a destination of commercial success.

That analogy reinforces your goal of getting that solitary great idea to the marketable promised land. It's an awesome way to look at it and will provide your mind with an optimistically measurable beginning and end.

Unfortunately, it's not entirely accurate.

Most inventors and industry professionals I have worked with can probably recall my all-too-frequent use of the journey reference as well. The difference, however, is that I always follow up by noting that regardless of initial intentions and goals, it's rarely all about just one idea or product.


For most of us, yes, inventing is a journey, but it is one that begins with a single idea and then sparks a passion that continues to grow. Once you've taken that first step and realize you're an inventor, you almost never look back. Probably unknown to you at its early stages, the one-product journey of yours that you think means everything will ultimately become just a small piece of a much longer and convoluted voyage.

I personally do not know any inventors who stopped after a single product idea, myself included. The few who succeeded right out of the gate were fueled and empowered by their success and couldn't wait to light the fire again. The remaining majority who failed eventually just dusted off and kept moving, never taking "no" for an answer. It's a phenomenon that you'll often hear me explain thusly: "We're inventors; it's what we do."

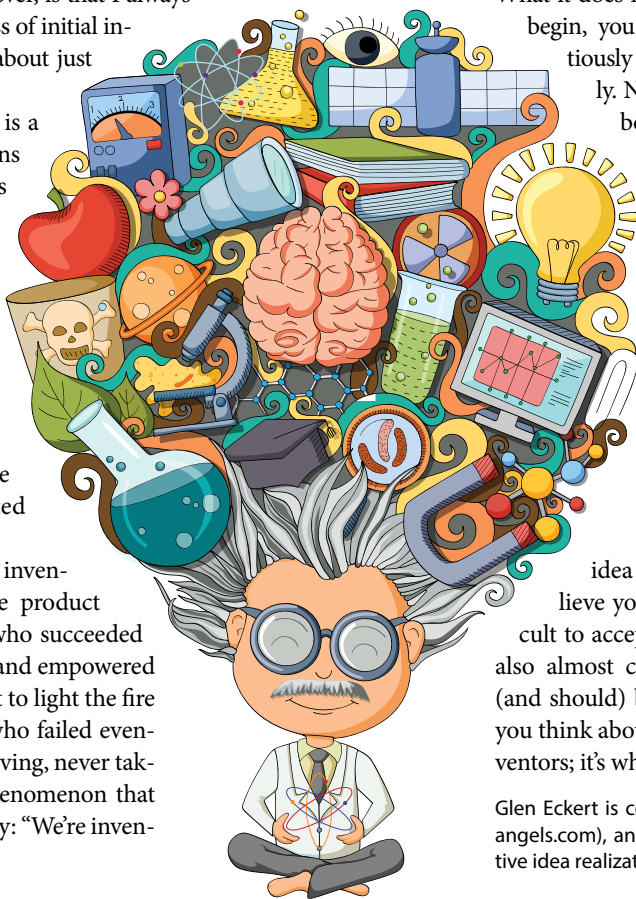
If you still think that your inventing journey will begin and end with your one big idea, consider the failure rates for new idea projects. Depending on the reporting source, they range from an optimistic 80 percent to a hope-crushing 97 percent. Based on those numbers, putting all of your eggs in one creative basket is, at the very least, a bad business decision.

So it would seem that multiple-idea pursuits for the average inventor are not only inevitable by nature but also the best way to increase chances of invention success. Of course, this doesn't mean one should start multiple projects all at once in hopes of a "hit," similar to purchasing a handful of scratch-off lottery tickets. It also doesn't necessarily mean you should plan on doing a pre-set number of projects before you start.

What it does mean is that with every project you begin, you should proceed intelligently, cautiously and most important, economically. Never jump in with both feet and go boldly forward, eyes blinded by the adrenaline-fueled love you have for your great idea. Stay grounded, pace yourself and take small, well-crafted steps, each carefully addressing the necessary next phase in the process. These basic principles are the foundation of a system we developed and refined after years of trial and error, and what we now use to safeguard interests of the inventors we help every day.

As you stand there staring at an idea so amazing you almost can't believe you came up with it, it may be difficult to accept, but it may not be your best. It's also almost certainly not your last. There will (and should) be many more to come—which, if you think about it, makes perfect sense. We're inventors; it's what we do. 

Glen Eckert is cofounder of Inventor Angels ([inventor-angels.com](http://inventor-angels.com)), an organization that develops cost-effective idea realization for innovators.







Whether you have a conceptual idea, stick-figure diagram, full-scale prototype or market-ready product, we want to hear about it.



Day after day, thousands of people like you, trust Edison Nation's "As Seen on TV" team to develop their ideas into great products that are successfully marketed worldwide.



## Recently successful brands



Submit an idea today at [www.edisonnation.com/ASOTV](http://www.edisonnation.com/ASOTV)



# FTC's Report on PAEs Makes Good Points

ROLE OF ENFORCING PATENTS RECOGNIZED;  
TERM 'PATENT TROLL' DEEMED NOT HELPFUL

BY STEVE BRACHMANN AND GENE QUINN

**O**n Sept. 27, 2013, the Federal Trade Commission announced that it voted to collect public comments and gather information on 25 companies known as patent assertion entities. The study was intended to shed more light on the PAE business model and create a better understanding of how their patent litigation activities affect innovation and competition in the U.S. economy. As defined by the FTC, PAEs are companies that do not produce, manufacture or sell goods but rather acquire patents from third parties, which the PAE monetizes through negotiating licenses or litigating against an alleged infringer.

On Oct. 6 of this year, the FTC released the long-awaited findings of this report, titled Patent Assertion Entity Activity: An FTC Study, which includes analysis of 22 PAE respondents and more than 2,500 affiliates and related entities conducted between January 2009 and mid-September 2014. The findings and recommendations for legislative and judicial reform were intended to “balance the needs of patent holders with the goal of reducing nuisance litigation,” according to a quote attributed to FTC Chairwoman Edith Ramirez in the commission’s official press release. Specifically, the FTC had concerns about the ex post nature (actual returns) of PAE patent transactions, in which licenses or settlements occur after a demand letter target has already developed a technology for marketing.

In what could be considered a positive and perhaps surprising step in the right direction from the perspective of patent owners, the FTC acknowledged that the term “patent troll,” which has widely been used to vilify all patent owners and not just those committing abuses of the patent litigation system, wasn’t helpful. “It invites pre-judgement (sic) about the societal impact of patent assertion activity without an understanding of the underlying business model that fuels such activity,” it said.

## PAEs put in 2 categories

Todd Dickinson, former director of the United States Patent and Trademark Office and current partner with Polsinelli PC, said the report didn’t have many surprises. “The exception, and the one interesting new takeaway, is the FTC separating PAEs into the two big categories: portfolio PAEs and litigation PAEs, and then demonstrating that the ‘bad assertion/bad litigation phenomenon’ is largely confined almost exclusively to the latter,” he explained. “Having the FTC no longer paint all PAEs with the same negative

brush would seem to validate the portfolio PAEs and their business model.”

Portfolio PAEs were identified as businesses that acquire patents and negotiate licenses without first suing the infringer. By contrast, litigation PAEs typically file suit for patent infringement first before settling with a license agreement. Nearly two-thirds of portfolio PAEs negotiated licenses that generated more than \$1 million in royalties per license, whereas 77 percent of litigation PAEs signed license agreements netting less than \$300,000 per license.

Ninety-six percent of patent infringement cases filed and analyzed in the FTC report came from litigation PAEs. Although these PAEs accounted for 91 percent of reported licenses, those licenses only amounted to 20 percent of the total revenue earned by PAEs through patent enforcement activities. “Given the relatively low dollar amounts of the licenses, the behavior of Litiga-

**It seems this report should be characterized as less a “study” and more anecdotal evidence from a surprisingly small subset within the industry.**

tion PAE is consistent with nuisance litigation,” the report said.

The FTC also examined PAE activities related to the sending of demand letters asserting patent rights against an alleged infringer. The FTC found that PAEs weren’t successful in generating low-revenue licenses by sending a demand letter without also suing the target. “This suggests that demand-letter reform, on its own, would not fully address the potential negative repercussions of PAE activity,” the report reads. The FTC noted a high percentage of litigation that preceded licensing activities, especially among litigation PAEs. Overall, litigation preceded 87 percent of PAE licensing agreements, but it preceded 93 percent of litigation PAE patent licenses while only preceding 29 percent of portfolio PAE patent licenses.

The PAE report also found a strong correlation between the patents acquired by PAEs and the industrial sectors to which those patents were related. A full 88 percent of patents held by PAEs analyzed in the FTC report fell under the Computers & Communications or Other Electrical & Electronic category of technologies. More than three-quarters of the patents surveyed were software-related patents.





*“Having the FTC no longer paint all PAEs with the same negative brush would seem to validate the portfolio PAEs and their business model.”*

— TODD DICKINSON, FORMER DIRECTOR OF THE USPTO

## Many industries affected

Despite the heavy focus on software and information technologies, the FTC found that these patents were asserted against firms operating across a broad range of industries. This suggested to the FTC that PAEs asserted patents not only against manufacturers but also end-users of the technology.

A finding that patent owners are enforcing patents against those that use technology, such as large retail giants like JCPenney, for example, is hardly surprising.

In recent years, patent laws have been so significantly tilted in favor of infringers that it has become virtually impossible for patent owners to license their innovations to the entities that create and manufacture the infringing technologies. Without the ability to seek reasonable compensation for ongoing infringement through licensing, patent owners have increasingly had to turn to litigation. Whenever litigation is the choice or the only possible resolution mechanism, everyone who is liable must be sued. It would be malpractice for a lawyer or law firm not to sue all liable entities. Because the patent grant provides the patent owner the right to prevent others from making, selling, offering for sale, importing, or using technologies that infringe, those who use must be sued because of the recalcitrant, efficient infringement strategies employed by those who make, sell and import the infringing technologies.

Nevertheless, in the study computer and electronic product manufacturers were found to be the most common targets of demand letters and lawsuits among PAEs. Companies in that sector accounted for more than half of the firms that either received the most demand letters from PAEs, were sued the most often or paid the largest royalties to PAEs. While 73 percent of all assertion targets were defendants in only one lawsuit brought by a PAE, 2 percent of firms received more than five demand letters and one firm received as many as 17 demand letters.

## FTC recommendations

The FTC included a number of recommendations for legislative and judicial reform to reduce “nuisance litigation,” or patent infringement litigation resulting in licenses, which were valued less than the estimated cost of defending a patent lawsuit through the end of discovery. One recommendation was to develop rules and case management practices addressing the cost asymmetries in PAE litigation, especially related to discovery costs.

“Because PAEs do not invent, develop, or manufacture products

incorporating their patented technology, they generally have less discoverable information than the party accused of infringement,” the FTC said. “A PAE may thus be able to subject a defendant to exhaustive discovery requests while itself facing a relatively light discovery burden.”

Some industry groups weren’t keen on the agency’s findings. The Innovation Alliance released a statement from Brian Pomper, the organization’s executive director, which voiced concerns over flawed methodologies in the study that led to misguided policy recommendations. “In filings with the Office of Management and Budget, the FTC itself has admitted that the study’s findings are ‘not generalizable to the universe of all PAE activity’ and that the work should only be viewed as a ‘case study’ that could inform the development of future research,” Pomper is quoted as saying.

He added that patent law and economic experts have questioned the usefulness of the FTC’s study in light of the small sample size and inadequate survey questions that missed key information from licensing firms.

Pomper is correct regarding the small sample size. It seems this report should be characterized as less a “study” and more anecdotal evidence from a surprisingly small subset within the industry.

Still, the FTC did note the important role patent enforcement plays within the patent system, acknowledging in the press release that “infringement litigation plays an important role in protecting patent rights.” Also significant was the FTC recognizing that the term patent troll is unhelpful because it inappropriately judges the patent owner from the start—overall, probably a much better report than most had anticipated. 🐶

**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.



**Steve Brachmann** is a freelance writer located in Buffalo, N.Y., and is a consistent contributor to the intellectual property law blog IPWatchdog. He has also covered local government in the Western New York region for The Buffalo News and The Hamburg Sun.





# Story on FTC Report Gets it Wrong

ESTEEMED BUSINESS MAGAZINE'S PIECE HAS ERRORS, FAULTY PREMISES

BY STEVE BRACHMANN AND GENE QUINN

**T**he business magazine *Fortune* has spent many decades chronicling developments affecting economies throughout the world. On October 6, the publication ran an article discussing the recent patent assertion entity study released by the Federal Trade Commission. The *Fortune* article's headline says, "The FTC Has Some Harsh Words for Patent Trolls."

Again, the popular press gets a patent story woefully incorrect.

The FTC report did not have harsh words for patent trolls. In fact, the FTC had harsh words for those who use the term "patent troll" to vilify patent owners! Anyone who has thoroughly read the FTC's PAE study would know that *Fortune's* coverage of the study was severely off the rails before the headline was even finished.

The facts: The FTC report mentions the word "troll" only five times through the text of the main study, not counting the

that licensing fees are 'outsized,' which cannot be made without some understanding of the business model and its economics. The Commission's study and this report seek to bridge that knowledge gap," the report reads.

If anything, the FTC's work addresses issues posed by "nuisance litigation" or litigation that leads to licenses less than \$300,000, seen by the FTC as the lower level for early-stage litigation costs—essentially, cases in which the royalty is less than the costs of trying the case. That has very little to do with trolling, if anything. In fact, the very act of taking allegations of patent infringement past the demand letter phase and into an actual lawsuit filed with a district court is a sign that the entity isn't a troll at all.

"The \$300,000 line in the sand gets back to a point I've spoken on before," explained Jaime Siegel, CEO of Cerebral Assets and global director of licensing for the Open Invention Network. "Built into the system is a mismatch in valuation. Not every patent license is worth \$1 million. I'm aware of patents that were valued at a \$25,000 license, which was set not to be a nuisance, but rather because the alternative was a \$50,000



**THE HEADLINE:** 'The FTC Has Some Harsh Words for Patent Trolls.'

**THE FACT:** The FTC's harsh words were for the use of the term 'patent trolls.'

appendices. This is remarkable, given that the report itself (i.e., not counting the appendices) is some 146 pages long. The word "troll" shows up far more often in the study's footnotes, often just in the title of the source being cited. In other words, a simple word search would have demonstrated to *Fortune* that the FTC was not taking a position on, let alone sending a harsh message to, patent trolls.

The FTC's harsh words were for the "patent troll" moniker, not the so-called patent trolls themselves. Early in Chapter 1, the report reads: "In the Commission's view, a label like 'patent troll' is unhelpful because it invites pre-judgment about the societal impact of patent assertion activity without an understand of the underlying business model that fuels such activity." It's right there, in the first sentence of the first full paragraph on Page 17 of the report.

If you are going to cover a report, shouldn't you at least read all of Chapter 1?

## A key distinction

The FTC goes on to cite language in the United States Supreme Court's decision in *Halo Electronics, Inc. v. Pulse Electronics, Inc.* regarding the "outsized licensing fees" supposedly exacted by such trolls. "This definition incorporates a normative judgment

workaround, so the appropriate price was less than that amount. A patent license should be based on how much value is in the license, and it isn't always \$1 million.

"Three hundred thousand dollars is a completely arbitrary number that attempts to put patent licenses into buckets and suggests that if it is \$300,000 and below it must be a sham claim, and that generalization is absolutely untrue. What makes a nuisance claim a nuisance claim is when a patent is not infringed or is almost certainly invalid. That is what makes a case a nuisance settlement. When a patent owner says we know we have a lousy patent, but we know the defendant will pay us X dollars because it costs so much to litigate, that is what makes a nuisance case."

*Fortune* did not explore the merits of the FTC report—odd, given that it has long been regarded as one of the preeminent business publications. Rather than focusing on the business issues and analyzing whether an arbitrary figure by that fact means that all patent licenses below that figure are somehow problematic, *Fortune* chose to begin with and attempt to support what is clearly a factually inaccurate narrative, a fairy tale.



## What PAE really means

Throughout its article, *Fortune* continues to force a patent troll narrative on false pretenses. Where it discusses the FTC's discussion of litigation PAE behavior, the article adds a parenthetical: "Terms like PAE are more polite terms for 'patent troll.'"

That, too, is wrong. Even the FTC press release explained that the commission found two distinct PAE business models. One was referred to as "Portfolio PAEs," which are strongly capitalized, purchase patents outright, seek to negotiate broad licenses that cover large patent portfolios, and resemble the licensing arms of manufacturing firms. The second was referred to as "Litigation PAEs," which frequently rely on revenue-sharing agreements to acquire patents and generally file patent infringement lawsuits before securing licenses.

Interestingly, *Fortune* does mention "Litigation PAEs" but makes no mention whatsoever about "Portfolio PAEs." Perhaps that is because the FTC report takes a neutral, if not positive, tone with respect to Portfolio PAEs—which would make it impossible to erroneously conflate the general term PAE, which is

hardly used by the FTC, with non-practicing entities NPEs or patent trolls.

As you probably expected in an article that obviously leaves out important facts and then gets other facts wrong, the *Fortune* article does seem to wrongly conflate PAE with non-practicing entities (NPEs), while the FTC study clearly delineates between the two.

Whereas a PAE is an entity that obtains patents to license or enforce them on other parties already practicing the technology, the FTC report defines NPEs separately as "patent owners that primarily seek to develop and transfer technology." Technology transfer is a different business model than patent assertion, a fact of which *Fortune* should be well aware. However, *Fortune's* coverage of the FTC report states that the FTC's judicial and legislative recommendations applied to NPEs, which is not true.

The FTC's PAE report has clearly differentiated the terms PAE, NPE and patent troll. It would have been nice if *Fortune* had noticed that before unleashing a poorly reasoned piece that will only serve to confuse its readers and be inappropriately used to ramp up support for more unnecessary patent reform. ☹

## Why Are Infringer's Litigation Costs Relevant?

FTC'S FIXATION ON \$300,000 FIGURE IN REPORT SHOWS IT'S IN OVER ITS HEAD **BY GENE QUINN**

**T**he anticipated report on Patent Assertion Activity released by the Federal Trade Commission several weeks ago was much ado about nothing for a variety of reasons. It should also be used as Exhibit A with respect to the type of debacle that befalls an agency dabbling in an area in which it has no substantive expertise.

The FTC was created in 1914 for the purpose of preventing unfair competition. So it is hardly surprising that the word "patent" is not found in the FTC mission; the agency does practically nothing relating to patents or the innovation industry in any substantive way. Instead, the FTC is most often involved in garden-variety scams that prey on the unsophisticated; identity theft; antitrust violations; mergers; fraudulent advertising, and the Do-Not-Call Registry. The FTC stepped out of its lane for political purposes in order to take on Patent Assertion Entities. It is no wonder the resulting report shows little understanding of the core issues involved.

For example, the FTC was fixated on the number 300,000 throughout the report. It seems the agency got into its collective consciousness the idea that a patent settlement that is less than \$300,000 is some kind of sham settlement or shakedown. Only those who are blissfully ignorant to the realities of the patent licensing marketplace could come to such a conclusion.

### The wrong focus

When speaking of "Litigation PAEs," the FTC writes: "Litigation PAEs typically sued potential licensees and settled shortly afterward by entering into license agreements with defendants covering small portfolios, often containing fewer than ten patents. The licenses typically yielded total royalties of less than \$300,000. According to one estimate, \$300,000 approximates the lower bound of early-stage litigation costs of defending a patent infringement suit. Given the relatively low dollar amounts of the licenses, the behavior of Litigation PAEs is consistent with nuisance litigation."

I've been as critical of anyone when it comes to the extortion-like shakedowns that sometimes take place, which rely on the inefficiencies of the federal judiciary to coax defendants into settling rather than fighting. The system can and should do something about these abuses. If the FTC were to have conducted a review of these abuses, the report might have been useful—although it still would be dealing with an issue in which it lacks expertise and the conclusions hardly worthy of being called a "report," given the shallow investigation undertaken (only 22 responses received and one niche market considered).



Why does the FTC have in its collective consciousness the notion that \$300,000 makes a settlement a nuisance litigation? Because patent litigation is so expensive, it says:

“The American Intellectual Property Law Association (AIPLA), which periodically surveys the costs of patent litigation, recently reported that defending an NPE patent lawsuit through the end of discovery costs between \$300,000 and \$2.5 million, depending on the amount in controversy. By this estimate, 77% of Litigation PAEs’ settlements fell below a de facto benchmark for the nuisance cost of litigation. This suggests that discovery costs, and not the technological value of the patent, may set the benchmark for settlement value in Litigation PAE cases.”

So the \$300,000 number has nothing to do with whether that amount represents fair value for the license obtained in a forced settlement after litigation is commenced, but instead only relates to the cost of defending the claim brought by the property owner in order to defend the property rights trampled? Why should the costs of the tort-feasing infringer be relevant in determining whether the extracted value from a settlement is fair?

“The report highlighted one significant issue: Why do patent litigations in the United States cost so much? I lay that at the feet of all the parties, including the judiciary,” said Jaime Siegel, CEO of cerebral assets and global director of licensing for the Open Invention Network. “There are inconsistent practices within the judiciary, in terms of scheduling, to allow parties to clarify case dispositive points early in the case, for example.”

### Ignoring reality

Another issue driving up litigation costs is the pressure on law firms and attorneys, who in the real world don’t get paid once a settlement has been achieved. “Law firms are under pressure, so there is this perverse incentive to prevent settlement until discovery is done, which helps the firm’s bottom line,” Siegel said. “Of course that is not to suggest that most attorneys do not put their

client’s best interests first, but it is incumbent on clients to ensure that they are managing their law firms to get to the most efficient result possible from a business perspective.”

Many years ago, when I was a new attorney, the firm where I worked represented plaintiffs in all manners of litigation. It was well known that you could not settle a case with defense counsel until after they had achieved a certain amount of billing. That is just the way things work in the real world.

So the fact that law firms charge a lot of money to defend patent infringement cases, and don’t particularly have any incentive to settle cases early, somehow translates into certain settlements being for nuisance value without any consideration of whether

the settlement is a fair value for the rights trampled upon by the infringer? The FTC has quite a lot of explaining to do, because it seems it picked an arbitrary number that is a function of what attorneys ordinarily charge infringing defendants through discovery. I don’t see how that is a function of the value of the innovation, or how it says anything about the merits of the infringement case, the damages case, or the tactics of the patent owner.

Pretending that \$300,000 is a relevant number ignores the reality that innovations come in all shapes and sizes, and they

convey very different values. It almost seems as if the FTC is suggesting that if your innovation cannot be licensed for more than \$300,000, you shouldn’t have a right to license it at all. For the same reason that the FTC said the term “patent troll” is unhelpful (i.e., because it inappropriately discriminates against rights owners without understanding the business model and practices), the \$300,000 figure is equally unhelpful.

The FTC is charged with ensuring fair business practices but seems to be radically discriminating against incremental innovations valued at less than \$300,000—and actually encouraging patent owners to charge more for their licenses than they are worth so they don’t get labeled a nuisance. The agency should leave these patent issues to the experts. ☹

**Why should the costs  
of the tort-feasing  
infringer be relevant  
in determining  
whether the extracted  
value from a  
settlement is fair?**

## Quick Patents®

### Patent Options:

- ~~1. Hire High Priced Attorney~~
- ~~2. Write my own patent application~~
3. Visit [www.QuickPatents.com](http://www.QuickPatents.com)

**Low Fixed-Fee Patent Practitioners**  
**[www.QuickPatents.com](http://www.QuickPatents.com) ~ 800-505-5610**

## VenturSource

**PRODUCT DEVELOPMENT &  
OFF SHORE MANUFACTURING**

*Work with an expert who has actually achieved success as an inventor*

- MULTIPLE PATENTS: One product sold over 60 million worldwide
- 35 years experience in manufacturing, product development & licensing
- Author, public speaker and consultant to small companies & individuals
- AREAS OF EXPERTISE: Micro Chip Design, PCB and PCBA Design and Fabrication, Injection Tooling Services, Retail Packaging, Consumer Electronics, Pneumatics, Christmas, Camping, Pet Products, and Protective Films

**[www.ventursource.com](http://www.ventursource.com)**

David A. Fussell | (404) 915-7975 | [dafussell@gmail.com](mailto:dafussell@gmail.com)  
3366 N. Ocean Shore Blvd, Flagler Beach, Florida 32136





# Has PTAB Hurt the Patent System's Integrity?

CHANGES TO LAWS LET CHALLENGERS STRIP PROPERTY RIGHTS FROM OWNERS

BY GENE QUINN

© SERA ZETDINOV/SHUTTERSTOCK

**W**hen President Obama signed the America Invents Act into law more than five years ago, the United States embarked upon the most radical overhaul of patent laws in the nation's history. Much time was spent debating and ink spilled analyzing the largely philosophical move from first to invent to first to file, the unnecessary dismantling of the grace period, and the fact that for the first time foreign-filed patent applications could be prior art as of their foreign filing dates. The most monumental change was the introduction of three new post-grant proceedings that allow for challengers to strip property rights from owners through an Article II tribunal rather than in an Article III court that makes up our independent federal judiciary.

While checks and balances have been turned on their head and the agency tasked with issuing patents has also been stripping those property rights at alarmingly high levels, it prompts the question: Has the United States Patent and Trademark Office, and in particular USPTO Director Michelle Lee, been following the law?

## Not really a win

According to Title 35 of the United States Code, Section 316(b), regulations relating to the conduct of inter partes review or IPR (used to challenge the patentability of claims in a patent) must take into consideration the effect on the economy, the integrity of the patent system, and the efficient administration of the patent office. The statute reads:

"In prescribing regulations under this section, the Director shall consider the effect of any such regulation on the economy, the integrity of the patent system, the efficient administration of the Office, and the ability of the Office to timely complete proceedings instituted under this chapter."

Although the patent office prefers to promote misleading statistics (see *Inventors Digest*, October 2016) that erroneously suggest the impact of IPR has been minimal, the truth in the real world is quite different. The way the patent office manages to

convolute reality is by the disingenuous assertion that claims not subject to a final written decision of the Patent Trial and Appeal Board remain patentable, which represents a win for the patent owner. But claims not subject to a final written decision can be challenged again because there is no estoppel, leaving the possibility of the PTAB finding them likely invalid.

When the office paints a misleading picture in order to attempt to convince the public and popular press that things are not as bad as patent owners say they are, how is the integrity of the patent system anything other than compromised?

## Not one harassment case?

Further, according to Title 35, Section 315(d), the director has the authority to intervene and stop the harassing filing of inter partes review challenges. In relevant part, 315(d) says: "[D]uring the pendency of an inter partes review, if another proceeding

**If you are one of several disfavored patent owners, you are almost certainly not going to receive a fair procedural shake at the patent office. Every courtesy and benefit will be extended to the challenger, including serial challengers.**

or matter involving the patent is before the Office, the Director may determine the manner in which the inter partes review or other proceeding or matter may proceed, including providing for stay, transfer, consolidation, or termination of any such matter or proceeding."

In a 2015 Report to Congress titled "Study and Report on the Implementation of the Leahy-Smith America Invents Act" by the USPTO, the office acknowledged this power to prevent harassment, explaining: "To protect parties from harassment, the AIA required the USPTO to establish regulations prescribing sanctions for abuse of discovery, abuse of process, and any

other improper use of the proceeding. Further, the AIA protects patent owners from unwarranted multiple proceedings by providing that the Director may take into account whether the same or substantially same prior art or arguments previously were presented to the USPTO, and may reject the petition on that basis.”

On multiple occasions, Director Lee has been asked to exercise this authority but has not yet found one case where it would be warranted. This may lead uninformed people to erroneously conclude that there has yet to be any evidence of harassing filings, but that is simply not true. Certain patent owners face a number of post-grant challenges, in particular IPRs. In some cases, the same patent will be challenged multiple times, by multiple challengers.

The truth is simple. Certain patent owners are being harassed; their patents—sometimes the same patents—are challenged repeatedly. Yet, Director Lee has not exercised her authority to say “enough.” It seems abundantly clear what is going on. If you are one of several disfavored patent owners, you are almost certainly not going to receive a fair procedural shake at the patent office. Every courtesy and benefit will be extended to the challenger, including serial challengers. The patent or patents that took you upwards of 10 years to obtain at a cost of \$50,000 to \$100,000 will be presumed invalid by the agency that issued them.

## Hanging ‘em high

The United States Court of Appeals for the Federal Circuit seems to have finally grown tired of the abuses of the PTAB, ruling that certain decisions are arbitrary and capricious. Truthfully, many of the procedural decisions have been arbitrary and capricious, but to satisfy that legal standard is virtually impossible and should speak volumes about how much of a runaway tribunal the PTAB has become.

At what point does expediency so compromise the fairness of the outcome that something must be done? This question is one that the patent office, and in particular Director Lee, must be asking. Unfortunately, there seems to be little evidence of fairness considerations, or the impact post-grant review as it is currently configured is having on the integrity of the patent system.

316(b) commands the director to consider efficiency, but efficiency without fundamental fairness has always been unconstitutional. We simultaneously laugh and cringe when we hear the famous line from just about every Western movie—the one where the crowd yells: “Hang him!” The sheriff replies: “No. We are going to give him a fair trial, and then we are going to hang him!” Welcome to the PTAB, which seems to play the role of “death panel” as a badge of honor because that is what it thinks the AIA commanded it to do to patents. ☹

# 2 Critical Steps to getting your NEW PRODUCT “out there”

## 1 GET IT MADE

Contact Edie Tolchin – “The Sourcing Lady” (SM)  
for sourcing, China manufacturing, product safety issues, packaging assistance, quality control, production testing, final shipment inspections, freight arrangements, import services and delivery to your door!

[www.EGTglobaltrading.com](http://www.EGTglobaltrading.com)

EGT@egtglobaltrading.com

P.O. Box 5660 - Hillsborough, NJ 08844

845-321-2362

## 2 GET A WEBSITE!

Contact Ken Robinson – While your order is being manufactured, you need to start working on your WEB PRESENCE! Get people talking about your product on Social Media (Facebook, Twitter, YouTube, Google+), get good search engine placement (SEO)!

[www.widgetsontheweb.com](http://www.widgetsontheweb.com)

kenrbnsn@widgetsontheweb.com

614 Van Liew Court - Hillsborough, NJ 08844

908-963-2447

Get more BANG for your BUCK from two professionals with a combined total of over 60 years of experience!





# Let's Get Facts on Trump First

SILICON VALLEY ALREADY GIVES HIM LOW MARKS ON INTELLECTUAL PROPERTY ISSUES **BY PETER HARTER AND GENE QUINN**

**G**overnment's patent reform news alerts have circulated an article from the website Ars Technica, highlighting how bad President-Elect Donald Trump would be on intellectual property issues—mostly because he does not have specific positions. Ars Technica completely missing the point of a patent story is almost too much a cliché to bother to point out by now, but the website is not alone.

Others from Silicon Valley and the technology policy community, such as Engine, have ranked candidates and gave Trump low grades for not having a clear position. Recently at Mark Lemley's annual patent conference at Stanford Law School, an attorney who does work for Netflix and other Silicon Valley giants openly said that Trump's campaign website had no stated position on patent reform while Hillary Clinton's explicitly talked up the need for venue reform. The implication: If you are not in favor of a never-ending revision of U.S. patent laws, you are somehow an ignorant rube not paying attention to the overwhelming consensus in the industry that vast new patent reform measures are desperately necessary to save America from the evils of innovators hell-bent on innovating.

There is no consensus on patent reform. The coalition against patent reform has slowed, then stalled and finally stopped patent reform, at least for now.

Trump not having a clear, well-defined position on a patent reform agenda just means he is paying attention.

## What we know

That said, it is still important to fact-check those who might have you believe that Trump has no positions on intellectual property-related issues because that is not true. With the ability of Silicon Valley to create new tools for sharing and discovering content, it is rather amazing that



**Donald Trump not having a clear, well-defined position on a patent reform agenda just means he is paying attention.**

it professes so little understanding about Trump's views on IP issues. Basic facts:

- Trump's campaign website, in the trade section, calls for the U.S. to go after China and others for stealing American IP.
- The GOP campaign platform unveiled in Cleveland for the convention in July openly said two things about IP: (a) Patents are a private property right, like land protected by the Constitution; and (b) Theft of IP is so bad, it is a national security issue.
- John G. Trump, Donald Trump's uncle, was a well-regarded inventor, scientist and entrepreneur. He served in World War II, inventing new radar technologies and then building a company while teaching at MIT, inventing high powered lasers to address cancer. His work was recognized by Presidents Truman and Reagan.
- Trump, like it or not, has proven capable of monetizing his own name and personality while spanning the varied businesses of real property, entertainment,

sports and consumer products. Much of Trump's wealth is tied up in the value of the various Trump trademarks and his own likeness, both of which are intellectual property assets that he has licensed and understands how to commercialize. He understands the business end of commercializing these types of IP assets as well as anyone in America.

- Trump has been an outspoken critic of the Trans-Pacific Partnership trade agreement negotiated by the Obama Administration. The TPP presents very real and damaging consequences for the intellectual property rights of biotechnology and pharmaceutical companies. Blocking this agreement, or renegotiating this agreement, would be welcomed by many in the biotech and pharma industries.

The next few months will be busy for the Trump transition team, so it is unclear how existing patent reform bills may resurface in 2017—although we can be sure some will seek to have patent reform take center stage again. Since 2005, we have seen lots of bumper sticker headlines about trolls and the urgent need for patent reform. But in time these headlines have been rebutted and shown as false, based on poor analysis and/or incomplete data. The real story is about efficient infringement, which is code for stealing rights without paying.

Perhaps Ars Technica and others who are predisposed to wanting to see President-Elect Trump fail should use the opportunity of the transition period to gather facts about his views on IP so that we start 2017 with a complete and objective record. Wouldn't that be refreshing? 🐕

As the founder of The Farrington Group, **Peter Harter** advises public and private companies, investors, startups and nonprofits on risks from legislation, regulation, court cases, standards, politics and more.

# Hit your target



**At *Inventors Digest*, invention and innovation are all we do.**

Other national magazines merely touch on invention and innovation in their efforts to reach more general readerships and advertisers. Your ad may speak to its narrowly defined audience—or it may not.

Since 1986, *Inventors Digest* has been solely devoted to all aspects of the inventing business. Tens of thousands of readers in print and at [InventorsDigest.com](http://InventorsDigest.com) enjoy:

- Storytelling that inspires and engages
- Inventions that directly relate to current issues
- The latest products and trends from the invention world
- Education from experienced industry experts
- The latest on developments related to patent law

In addition, our ad rates are a fraction of those at many other national publications.

**Inventors**  
DIGEST

For more information,  
see our website or email us at  
[info@inventorsdigest.com](mailto:info@inventorsdigest.com).

## Your Creativity Our Experience

patents  
trademarks  
copyrights  
trade secrets  
business  
transactions  
real estate  
insurance  
and more



[info@plagerschack.com](mailto:info@plagerschack.com)  
888-752-4376  
[plagerschack.com](http://plagerschack.com)

Offices in Orange County CA, Delaware County PA and Hudson County NJ  
Before making your choice of attorney, you should give this matter careful thought.  
The selection of an attorney is an important decision.

## Reinvented, and It Feels So Good

(cont. from page 29)

"I had no supervision, no guidance. So here's this little scientific-minded kid, out exploring. When I was 10, 12 years old, I would go out hunting for two or three days at a time by myself. Nobody told me I couldn't do these things. I did all these things and satisfied my curiosity. That's my toolbox I've brought to everything that gives me an understanding of the world around me. Everything mechanical, I instantly understand it."

He acknowledges the obvious sadness of such a childhood. "But I don't lock in on that. Nobody cared enough to interfere with me. That was my advantage. I feel blessed."

His penchant for experimentation and quick learning continued throughout his short time at Rice University. He worked in power plants and aerodynamics, heavy equipment companies, among many other jobs, and went to electronics school and photography school. "Every time I would quit because I got what I wanted out of it, got really bored, or ran out of money," he says.

## The ultimate planning

Because of his passion for inventing and what he has accomplished on his own, it's not surprising that They is outspoken in defense of the independent inventor. "We've stifled so much potential," he says. "If you're going to have an economy that is struggling with funding, you don't take from Peter to pay Paul. You create something new. That's what innovation and invention brings."

"We need to go back to first-to-invent. We need to put government-sponsored systems and programs in place to help and encourage independent inventors through incubators, through funding, through sourcing, and supporting that. While these things are being done, we need better protections from the patent and trademark office that would allow (inventors) to move with greater freedom and protection—and set up a sponsorship program with corporations which would take pressure off them."

He doesn't know specifically what's ahead, only that he will stay busy. They is a fine painter who also makes jewelry and taught himself how to play the piano, among other talents. "I've had enough encounters in my life to have a total appreciation for every single day and every single moment that I have ... I have been nearly dead or dead for three minutes at a time. If you're able to walk away from that, you have a unique appreciation for this."

Given his history and planning, it will be hard to sink him. "I've already designed my casket," he says. "Half-inch fiberglass with a foam core, because I want it to float. Why not? I've traveled all my life; I love the water." And then, no more They. "Just call me Bob." ☛

## Some They links

Work+Safe: <http://imgur.com/a/tlp39>

Typhoon project: <http://imgur.com/a/2gonx#0>

Invention Short List (and household ideas):  
<https://www.youtube.com/watch?v=IOhPOD4Se6s>



## ACT-ON-TECHNOLOGY LAW OFFICE

\$1,000 fee patent application. \$300 limited search, \$200 provisional application included. Drawing/filing fees not included. 250 issued patents.

Contact Stan Collier, Esq. at (413) 386-3181, [www.ipatentinventions.com](http://www.ipatentinventions.com) or [stan01020@yahoo.com](mailto:stan01020@yahoo.com). Advertisement.

## CHINA MANUFACTURING

"The Sourcing Lady" (SM). Over 30 years' experience in Asian manufacturing—textiles, bags, fashion, baby and household inventions. CPSIA product safety expert. Licensed US Customs Broker.

Call (845) 321-2362. [EGT@egtglobaltrading.com](mailto:EGT@egtglobaltrading.com) or [www.egtglobaltrading.com](http://www.egtglobaltrading.com)

## EDI/ECOMMERCE

EDI IQ provides EDI (Electronic Data Interchange)/Ecommerce Solutions and Services to Inventors, Entrepreneurs and the Small Business community. Comprehensive scalable services when the marketplace requires EDI processing. Web Based. No capital investment. UPC/Bar Code and 3PL coordination services. EDI IQ—Efficient, Effective EDI Services.

(215) 630-7171 or [www.ediiq.com](http://www.ediiq.com), [Info@ediiq.com](mailto:Info@ediiq.com)

## ELECTRONIC PRODUCT DESIGN

Development and prototypes with a personal touch since 1985.

Contact Guy Marsden, **ART-TEC**

[www.arttec.net/prototypes](http://www.arttec.net/prototypes) or [guy@arttec.net](mailto:guy@arttec.net) or toll-free: (866) 4ARTTEC

## INVENTION DEVELOPMENT SERVICES

Market research services regarding ideas/inventions.

Contact Ultra-Research, Inc., (714) 281-0150.

P.O. Box 307, Atwood, CA 92811

## INVENTORS NEED A 'FLASH OF GENIUS'

Crosswise Publishing of Pepperell, Massachusetts announces the publication of "Flash of Genius," a reference book for inventors. According to the publisher, "Flash of Genius" is a wealth of information. "Flash of Genius" contains a variety of subject matter, including materials science, manufacturing processes, and the protection of intellectual property.

"Flash of Genius" is written by Susan Gougian, inventor and business owner. In a recent interview, Gougian said that she wrote the book in response to the many questions about inventing that she was asked by family, friends, and acquaintances. The author went on to say that many people have great ideas, and that "Flash of Genius" is a book that readers will refer to over and over again as they develop their ideas into useful inventions.

Susan Gougian is a graduate of the University of Massachusetts, Boston, and the president of PortionMate Inc., a health and wellness company. The author is happy to answer questions about inventing and may be contacted at [info@portionmate.com](mailto:info@portionmate.com).

## PATENT SERVICES

Affordable patent services for independent inventors and small business. Provisional applications from \$600. Utility applications from \$1,800. Free consultations and quotations. Ted Masters & Associates, Inc.

5121 Spicewood Dr. • Charlotte, NC 28227  
(704) 545-0037 or [www.patentapplications.net](http://www.patentapplications.net)

## PORTABLE TABLETOP DISPLAY

**A patented collapsible acrylic bin that fits in a briefcase, is used to file folders and view matted art — and is designed with the quality of a museum display. WOW!**

I am a product developer who is interested in establishing a partnership to license my product with a strong national manufacturing company.

The tabletop display weighs 4 ½ lbs.; can easily be transported; requires no bolts, screws or tools; and assembles and disassembles in less than 30 seconds. The display is used to view matted prints, photography, drawings and as an office filing organizer.

John Palumbo, LLC

[www.portableartbin.com](http://www.portableartbin.com) / Cell (303) 880-9604

## Do you have a product you think would MAKE MILLIONS ON TV?

Then you need to contact [www.TARAPRODUCTIONS.com](http://www.TARAPRODUCTIONS.com) today!

[TaraProd@aol.com](mailto:TaraProd@aol.com)

(954) 977-9770

We have a **proven track record** of turning brand new products into brand names...overnight!

CLASSIFIEDS: \$2.50 per word for the first 100 words; \$2 thereafter. Minimum of \$75. Advance payment is required. Closing date is the first of the month preceding publication.



**CONTACT US TODAY!**

**888-373-3876 X.213**

[MARKETING@THESOURCEDIRECT.NET](mailto:MARKETING@THESOURCEDIRECT.NET)

## Are you stuck? Get a **FREE consultation!**

**Our expert team of designers, marketers, engineers, and long-time inventors are here to help you become successful with your invention! Don't fall victim to an inventing scam - trust in our 30+ years of experience in the industry!**

**Product Development | Sourcing | Prototyping  
Packaging | Logistics/Fulfillment | Marketing | Sales**  
...we do it all! We're an inventor's 1-stop shop!

Visit [TheSourceDirect.net](http://TheSourceDirect.net) to learn more about us and see success stories!

## NEED A MENTOR?

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:

[www.Inventor-mentor.com](http://www.Inventor-mentor.com)

*Best wishes, Jack Lander*

## He said

"The widespread adoption of social media wasn't a sure thing. There's always been a lot of skepticism that people would ever get past sharing updates about what they had for breakfast, or what the latest celebrity gossip is—but the reality is, we're all looking to connect and have thoughts and opinions that we want to share. We're also pretty lazy. We want the most impact with the least amount of effort.

"The hashtag works because it's universal (i.e., works anywhere you can type text, just like emoji), it doesn't take much effort and is easy to learn (just imitate other people who use them), and the rewards are significant (relative to not using them). Social publishing platforms have also responded to their users' use of hashtags by improving the signal-to-noise ratio, and adding layers of meaning and context on top of trending topics."

—Chris Messina, inventor of the hashtag, on *thrivalfestival.com*



HAMMACHER.COM

## What IS that?

With The Selfie Toaster, you are toast—in a flattering and flattering way. The toaster comes with a starter insert and a unique code, with instructions to redeem the insert online. Then you upload a high-resolution digital image to the company, which sends you two removable stainless-steel inserts that capture the facial details from the photo. This brand is no longer available, but there are others for the right amount of bread.

## Wunderkinds

Seventeen-year-old Thomas Suarez is chief engineer at CarrotCorp, a computer software company. What he's done to this point would be impressive for someone three times his age: taught himself coding at age 7; developed his first iPhone app at 9; gave a TEDx talk at 12 (left) on teaching kids how to program that has more than 4 million views; partnered with a nonprofit to expand the reach of his programming class, AppCity; and is leading the creation of a 3D printer called ORB that will print up to 10 times faster than current models. Thomas, who plays rhythm guitar in a rock band, also has a fun creative side. At 11, he created "Bustin Jieber"—a Justin Bieber Wack-A-Mole app.



## 55.8%

The percentage of patent applications that are ultimately issued without using continuation procedures to create related applications, according to a working paper released by the United States Patent and Trademark Office in 2013. The report, based on applications filed at the USPTO in 1996-2005, said: "Applications filed by large firms are more likely to emerge as patents than those filed by small firms."

## WHAT DO YOU KNOW?

- 1 True or false:** The dreidel game was invented to help celebrate Hanukkah.
- 2** Which was invented first: the Zamboni ice resurfacing machine, or the electric golf cart?
- 3** Eli Whitney, born in December 1765 and inventor of the cotton gin, also created but did not patent:
  - A) Hand shears
  - B) Guns with interchangeable parts
  - C) The fireplace screen
  - D) The chimney flu cap

- 4 True or false:** Charlie Sheen patented a device to keep zippers from getting stuck.

- 5** Wrigley's gum, trademark registered in December 1924, was originally free when buying a can of:

- A) Baking powder
- B) Baby powder
- C) Smokeless tobacco
- D) Evaporated milk



## ANSWERS

1. False. The game originally had nothing to do with Hanukkah. It has been played by various people in different languages for centuries. 2. The electric golf cart was developed in the early 1930s but did not gain widespread acceptance then. Frank Zamboni registered the Zamboni in 1949. 3. B. 4. False. His patent is for a lip balm dispensing apparatus. 5. A.

# DON'T MISS A SINGLE ISSUE!

Whether you just came up with a great idea or are trying to get your invention to market, **Inventors Digest** is for you. Each month we cover the topics that take the mystery out of the invention process. From ideation to prototyping, and patent claims to product licensing, you'll find articles that pertain to your situation. Plus, **Inventors Digest** features inventor pros and novices, covering their stories of disappointment—and success. Fill out the subscription form below to join the inventor community.



# Inventors

DIGEST

## ORDER ONLINE NOW

[WWW.INVENTORSDIGEST.COM](http://WWW.INVENTORSDIGEST.COM)

TO PLACE NEW ORDERS OR RENEW SUBSCRIPTIONS BY MAIL FILL OUT CARD, OR CALL 1-800-838-8808 OR EMAIL US AT [INFO@INVENTORSDIGEST.COM](mailto:INFO@INVENTORSDIGEST.COM).

NAME

(please print)

ADDRESS

CITY/STATE/ZIP

E-MAIL

PHONE

☐ 1 YEAR \$36.00 U.S. ☐ 2 YEARS \$63.00 U.S.

Make sure to enclose payment and send to  
INVENTORS DIGEST 520 Elliot St., Suite 200  
Charlotte, NC 28202



# ENTIRE INDUSTRIES WERE BUILT ON PATENTED INVENTIONS.

LET'S KEEP THIS FOUNDATION STRONG.

The U.S. patent system has played a fundamental role in transforming our nation from an agrarian society into an economic superpower. Efforts to weaken patent rights will undermine the very system that fueled our historic economic progress and development. Join the tens of thousands of inventors across the country who support strong patent rights and together we can keep American innovation, job creation and economic growth on track.

**SAVE THE  
AMERICAN  
INVENTOR**

TAKE ACTION AT [SAVETHEINVENTOR.COM](http://SAVETHEINVENTOR.COM)