

Inventors

DIGEST

TIFFANY NORWOOD LIVES
'THE POWER OF WE'

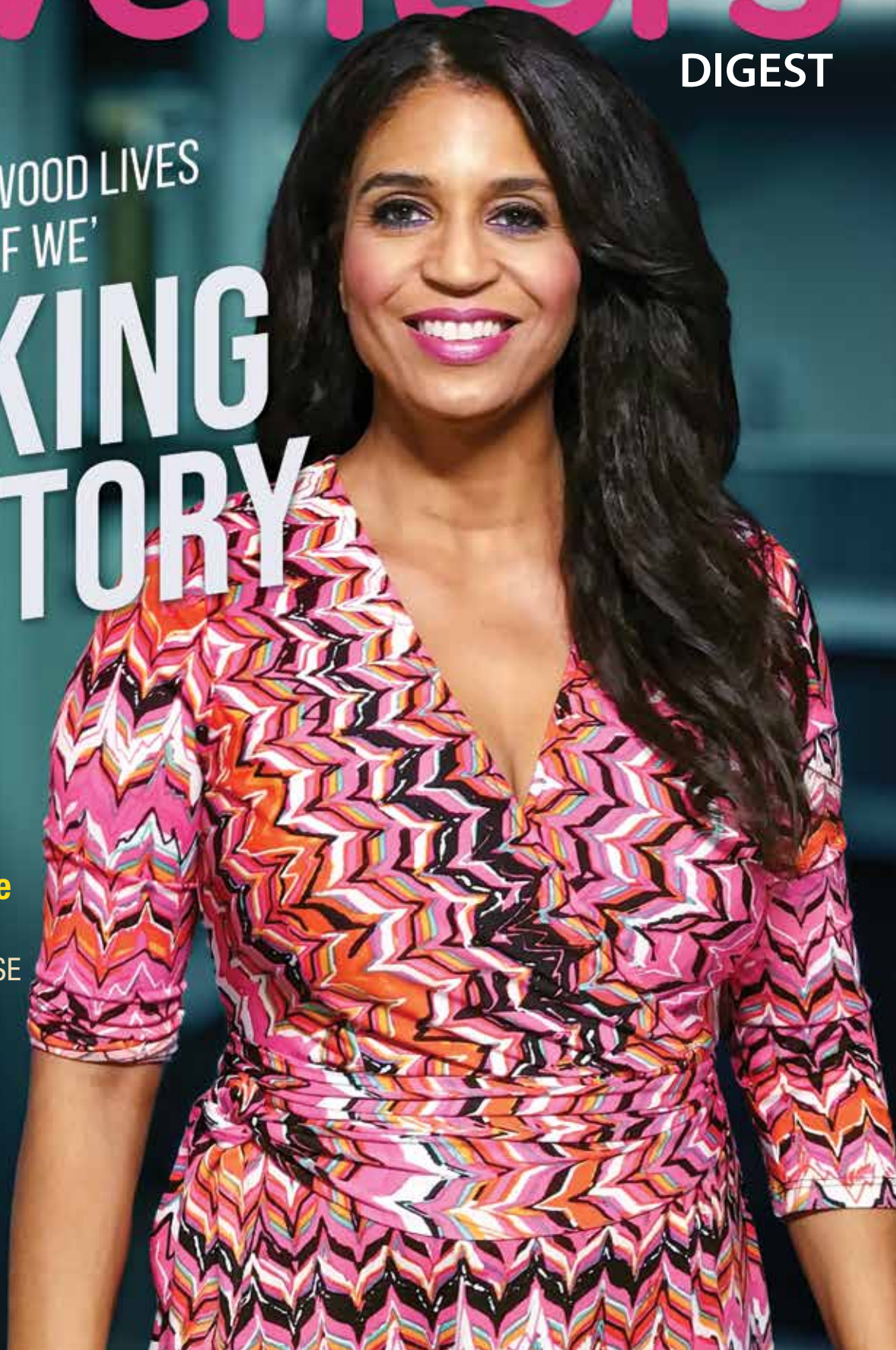
MAKING HISTORY

Breezy Birthday

THE 100-YEAR RIDE
OF THE CONVERTIBLE

Normal? Not Quite

CES RETURNS WITH
IN-PERSON SHOWCASE



\$5.95

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FULTON, MO

Attend the USPTO's Black Innovation and Entrepreneurship Program

February 17 and 24

Are you a current or aspiring inventor or entrepreneur? Would you like to learn from successful innovators and subject matter experts about keys to success and how to use your creativity to reach your full potential? If so, make sure to attend the USPTO's free, online Black Innovation and Entrepreneurship Program, coming February 17 and 24. Don't miss this great opportunity to be inspired and informed.

At the February 17 event, "Defining tomorrow," you'll learn firsthand from successful innovators about networking, strategy, and securing funding for a business. Special guests include:

- **Morgan DeBaun**, Founder and CEO, Blavity Inc.
- **Lanny Smoot**,
Disney Research Fellow, Imagineer
- **Stacy Spikes**, Founding CEO, Urbanworld Film Festival & PreShow, Co-founder of Movie Pass

**Register for the February 17 event
at <https://bit.ly/33wHWsl>**

At the February 24 event, "Invest in ideas," you'll learn how your creative spark can help build generational wealth. Special guests include:

- **Ebonique Boyd**, Co-founder of Budget Collector, art-tech entrepreneur, and nonprofit leader
- **Stacy Brown-Philpot**,
Founding member of SoftBank's Opportunity Fund, former CEO, TaskRabbit, investor, advisor
- **James Howard**,
Executive Director, Black Inventors Hall of Fame

**Register for the February 24 event
at <https://bit.ly/3Kte9RM>**

*This program is presented by the USPTO's Office of Innovation Outreach.
For more information, please contact BlackInnovation@uspto.gov.*

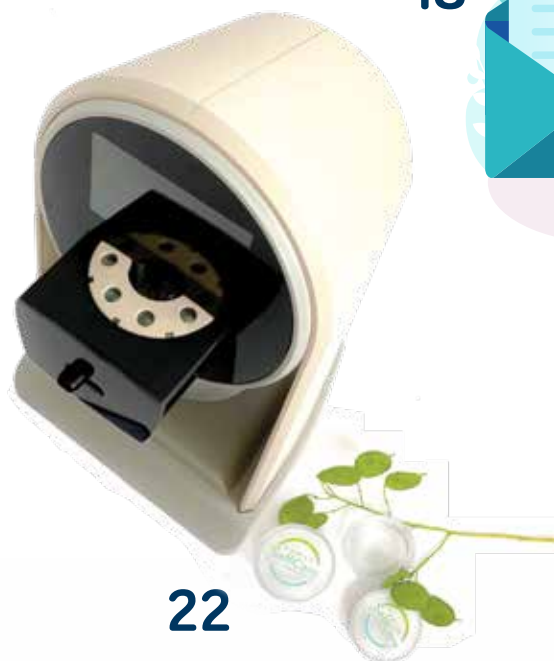
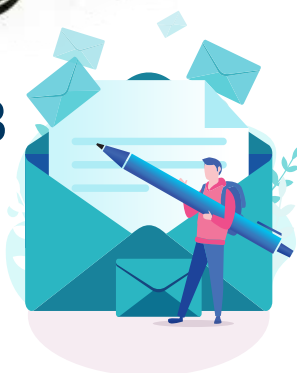
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Focus on the Fun and Fascinating



Give no quarter to Patent Pirates.

Or they'll take every
last penny.

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



SaveTheInventor.com

MAGIC MOMENT

He Brought Black Innovation to Light

Henry E. Baker compiled the first list of African-American inventors amid rampant racial persecution during the late 19th century

IT WAS THE BEST OF TIMING, and it was the worst of timing. But Henry Edwin Baker's determined quest in the name of equality earned him the title "Father of Black Inventor Research."

Born in Lowndes County, Mississippi, in 1857, Baker became a Patent Office employee around 1877. He soon sought to dispel racist claims that his fellow African-Americans could not be inventors. He began a list of such inventors throughout U.S. history.

His challenge was daunting: In those days, no official record existed that stipulated a patentee's race. Himself a lawyer, he queried patent examiners, attorneys, businesspeople, and community leaders.

According to historian Kara W. Swanson, by 1886 Baker had found 45 patents granted to African-Americans.

She wrote that Baker and civil rights activist and historian W.E.B. Du Bois were part of a "growing community of those writing African American history," positing a counter-narrative to racist arguments about inferiority to whites.

"Baker's list ... became evidence of collective ability that refuted accusations of collective disability."

Baker's perseverance is even more impressive in the context of the era. The late 19th and early 20th centuries were marred by the Jim Crow laws, the segregation of the federal government under President Woodrow Wilson—a committed segregationist—and the expansion of the Ku Klux Klan and other hate groups.

He knew this oppression all too well. Only the third African-American student at the U.S. Naval Academy (in 1874) and its last until 1936, he left before graduating due to bullying and persecution.

However, in his quest to recognize African-American inventors, Baker was able to enlist the aid of a few civil rights activists of influence—an overwhelming minority at that time.

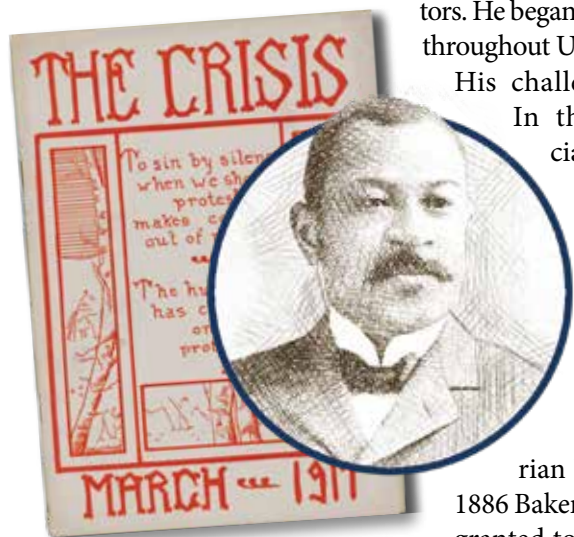
The Rev. Richard W. Wright published Baker's list in 1886. In 1894, U.S. Rep. George Washington Murray of South Carolina entered the list into the Congressional record. (Murray had been born into slavery; he was the only African-American in the 53rd and 54th Congress.)

Baker published an updated list in 1902, edited by African-American publisher Dr. Daniel W. Culp. And in 1913, the NAACP printed his pamphlet *The Colored Inventor: A Record of Fifty Years*. By this time, nearly 400 inventors were listed. That same year, Du Bois publicized Baker's list in the NAACP's main periodical, *The Crisis*.

For African-Americans such as Baker, patents were more than certificates of intellectual property, according to USPTO historian Adam Bisno. They were "weapons in the fight against racism," documented evidence that African-Americans were equally capable of accomplishment and innovation.

Keith C. Holmes, author of "Black Inventors: Crafting Over 200 Years of Success," honored Baker with the title "Father of Black Inventor Research."

Baker became a second assistant patent examiner at the Patent Office in 1902. In 1914, he collaborated with the editor of the *Negro Year Book*, a serialized encyclopedia of African-American history and culture produced by the Tuskegee Institute, the academic institution under the leadership of Booker T. Washington. Baker died in 1928.



Henry E. Baker's list of African-American inventors was publicized in the NAACP's main periodical, *The Crisis*.

TRADING CARD

NO. 12 Elijah J. McCoy

ALTHOUGH SUPERLATIVES are commonplace in the marketing of an invention or service, there are few loftier accolades than “the real McCoy.”

One of Elijah McCoy’s inventions is widely credited with inspiring that idiom, for his unique ability to keep engines running smoothly. The vast majority of his 57 U.S. patents involved lubricating systems for steam engines in locomotives, ships, and factory equipment.

His parents, George and Mildred McCoy of Kentucky, were enslaved from birth but escaped via the Underground Railroad to Canada, where Elijah was born. In 1859, after moving to Michigan, they raised enough money for Elijah to travel to Scotland at age 15 for an apprenticeship in mechanical engineering.

He returned home after becoming certified as a mechanical engineer but couldn’t find work in that field. He became a fireman and oiler for the Michigan Central Railroad—when his fortunes changed and he helped shape engineering history.

In 1872, McCoy invented and patented an automatic oiling device for moving parts of steam locomotives known as the “oil-drip cup.” U.S. Patent No. 129,843 was called “Improvement in Lubricators for Steam-Engines.”

By 1900, his slew of lubrication-related patents gave him more patents than any African-American inventor at that time, according to africhroyale.com. Many tried to copy his oil-drip cup invention, but his was the original development and had the best reputation. Railroads and shipping companies generally preferred what they called “the real McCoy.”

(Although McCoy’s invention is commonly regarded as the basis for that term, the *Smithsonian* reported that the Canadian encyclopedia is not so certain. The encyclopedia cites late-19th and early-20th century figures such as Charlie McCoy and Joseph McCoy as also having been credited for the origin of this phrase; the idiom also may be a corruption of the Scots’ saying “The real MacKay.”)

In 1916, at age 72, McCoy created the graphite lubricator that allowed new superheater trains and devices to be oiled.

McCoy, who also invented the portable ironing board and sprinkler system, was seriously injured in a 1922 automobile accident that killed his wife. He died in 1929 in Detroit.

In 1974, the state of Michigan placed a historical marker at McCoy’s former home and at his gravesite. The city of Detroit named a street after him.

McCoy was inducted into the National Inventors Hall of Fame in 2001. The Elijah J. McCoy Midwest Regional U.S. Patent and Trademark Office, the first USPTO regional office, opened in Detroit on July 13, 2012.

Requests for the USPTO trading cards can be sent to education@uspto.gov. You can also view them at uspto.gov/kids.



NEWS FLASH

HONOR THE GREATEST

*National Medal of Technology and Innovation
accepting nominations through May 20*

HERE IS YOUR CHANCE TO HONOR AMERICA’S BEST INNOVATORS.

Nominations will be open from February 7 until May 20 for the National Medal of Technology and Innovation (NMTI), the nation’s highest honor for technological achievement. It is awarded by the president of the United States to America’s leading innovators.

The USPTO will hold an informational webinar for the application process on March 9.

Nominations of candidates from traditionally underrepresented groups are encouraged. Nominators should contact the USPTO with questions at nmti@uspto.gov to ensure a quality application.

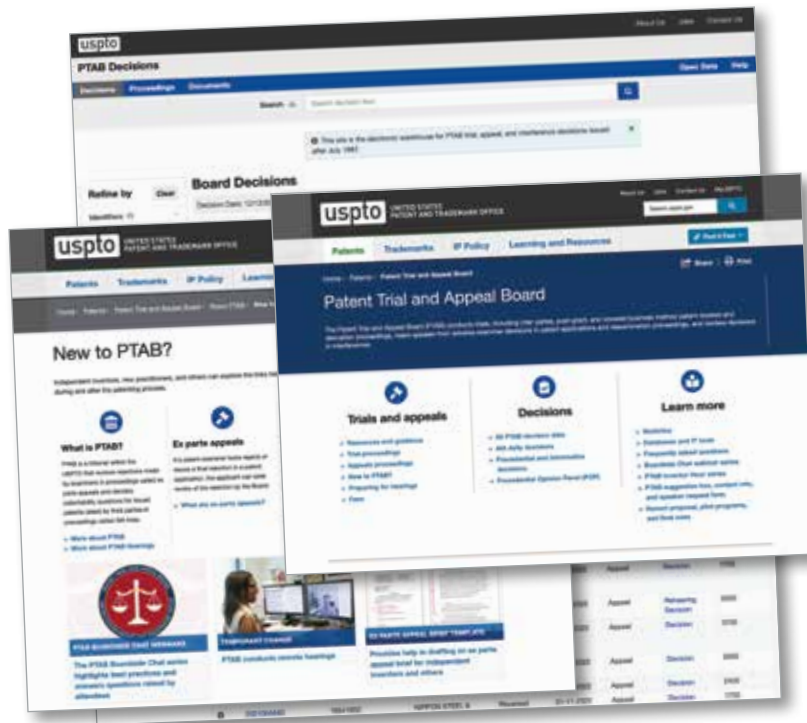
The medal is awarded to individuals, teams (up to four people), companies or divisions of companies for their outstanding contributions to America’s economic, environmental and social well-being.

For more about the webinar, award and nomination process, go to uspto.gov/nmti.



Dive Into the PTAB

The Patent Trial and Appeal Board is a comprehensive source of information on how the PTAB works, with additional links



THE PTAB WEBSITE provides useful information about the Patent Trial and Appeal Board and the types of proceedings it conducts. Becoming acquainted with the website also helps you learn where to find additional information.

You will find six resources connected to the PTAB website:

General Information. The PTAB homepage is the starting point for finding all information about the PTAB and its proceedings. Information is separated into three categories, each with additional links: Trials and appeals; Decisions; and Learn more. This homepage is an excellent starting point for inventors to begin diving into the PTAB world. Go to uspto.gov/patents/ptab.

New to PTAB. This webpage, written in plain language, offers very basic explanations about *ex parte* appeals and America Invents Act trial proceedings. It also highlights ways in which

inventors may secure help from the PTAB to answer questions. This webpage is the perfect starting point if you are new to PTAB proceedings and want to learn—in layperson terms—what they entail. Go to uspto.gov/patents/patent-trial-and-appeal-board/about-ptab/new-ptab.

Ex parte appeals. There are two key webpages relevant to *ex parte* appeal proceedings. The first webpage, called “Appeals,” outlines the general process of *ex parte* appeals, in which applicants seek review at the PTAB of rejections by examiners. The Appeals webpage also includes resources and answers to frequently asked questions.

The second webpage, called “Hearings,” provides information on *ex parte* appeal hearings, including schedules, locations, guidance, and forms. If you have a pending appeal before the board or are contemplating one in the future, start with these two pages: uspto.gov/patents/ptab/appeals, and uspto.gov/patents/ptab/hearings.

AIA trial proceedings. The “Trials” webpage presents details about *inter partes* review and post-grant review proceedings. It also provides helpful resources, such as statutes and rules relevant to the proceedings and comparisons and descriptions of the different types of AIA trials. If you are involved in an AIA trial proceeding, consult this webpage as your reference guide: uspto.gov/patents/ptab/trials.

PTAB decisions. Decisions from the PTAB, including for *ex parte* appeals and AIA trial proceedings, are available in a searchable database: <https://developer.uspto.gov/ptab-web/#/search/decisions>. Access to this database is free, and it is likely the fastest way for you to locate a PTAB decision in a particular proceeding.

Additionally, there is a webpage showcasing PTAB precedential and informative decisions

by substantive legal topic: **uspto.gov/patents/ptab/precedential-informative-decisions**. Precedential decisions establish binding authority concerning major policy or procedural issues, or other issues of exceptional importance—including constitutional questions; important issues regarding statutes, rules, and regulations; important issues regarding case law; or issues of broad applicability to the PTAB. Precedential cases bind future board panels and parties. So if there is a precedential decision by the board on a topic at issue in your case, you should become familiar with that decision.

By contrast, informative decisions provide PTAB norms on recurring issues, guidance on issues of first impression to the board, guidance on board rules and practices, and guidance on issues that may develop through analysis of recurring issues in many cases. Informative decisions are not binding on the future board panels or parties, but they are good to review because they reveal how the board may very likely handle a particular issue.

Events and Subscription Center. First, the PTAB has an “Events” webpage to alert you to educational sessions that the board is hosting for the public. These events include Boardside Chat webinars, Inventor Hour webinars, and LEAP (Legal Experience and Advancement Program) training events. Go to **uspto.gov/patents/ptab/ptab-events**.

Second, the USPTO provides a Subscription Center where you can sign up to receive new information about topics of your choice. Thereafter, you will receive an email anytime the agency releases new information about the topic. These email alerts are the one of the best ways to stay abreast of developments in real time. Go to **uspto.gov/subscribe**.

Finally, if you have question about the board or its proceedings, check out the “PTAB Contact Information” webpage where contact email and telephone numbers are provided: **uspto.gov/about-us/organizational-offices/patent-trial-and-appeal-board/ptab-contact-information**.

WHAT’S NEXT

FREE RESOURCES IN ONE PLACE: Information on our Patent Pro Bono program, Trademark Basics Boot Camp series, Inventor & Entrepreneur Resource hub, how to sign up for Invention-Con and other great outreach events—you have it all on one page. Go to **uspto.gov/learning-and-resources/access-our-free-services**.

COVID PROGRAM EXTENDED: The USPTO published a notice in the Federal Register that its COVID-19 Prioritized Examination Pilot Program has been extended. Requests that are compliant with the program’s requirements and filed on or before March 31, 2022, will be accepted.

TRADEMARK BASICS BOOT CAMP: Modules in this free, eight-part virtual series continue with Module 5 on February 8, with subsequent modules every Tuesday from 2 to 3:30 p.m. Users can attend any or all specific modules that meet their needs.

- **February 8, Module 5:** The focus is on the Trademark Electronic Application System, the required system for making trademark submissions to the USPTO.
- **February 15, Module 6:** How to respond to office actions.
- **February 22, Module 7:** Keeping your registration alive.

TO REGISTER: **uspto.gov/about-us/events/trademark-basics-boot-camp**

PATH TO A PATENT, PART V: If you are an inventor preparing to file a patent application, join experts who will discuss the parts of the claim, show examples of claim illustrations from issued U.S. patents, and help participants develop a better appreciation of how a patent examiner views a claim. To maximize this February 17 virtual workshop, you should have an intermediate knowledge of the intellectual property system and of patents specifically.

The workshop will originate from each of the USPTO’s five regional offices at the following times: Silicon Valley, 11 a.m. PT; Rocky Mountain, noon MT; Texas, 1 p.m. CT; Midwest, 2 p.m. ET; Eastern, 2 p.m. ET.

TO REGISTER: **uspto.gov/about-us/events/path-patent**

Visit **uspto.gov/events** for many other opportunities to attend free virtual events and/or training.

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Clever Invention, But What Does it Solve?

Johnny Carson got me thinking.

On a recent broadcast of a 1991 episode of “The Tonight Show,” the legendary talk show host who sparked a wave of wannabe knock-offs at the desk mentioned the then-new book “More Future Stuff.” Written by Malcolm Abrams & Harriet Bernstein, the sequel to their 1989 “Future Stuff” detailed offbeat inventions that were predicted by the end of that decade.

An intrigued and bemused Carson talked about the gadgets, none of which have come to fruition three decades later except for a robot dog. Carson said that according to the book, the dog would not bark—and joked that a man’s voice coming from it would somehow not be the same.

But he was onto something. The best inventions are designed to solve a problem that really needs solving.

The book includes a pool cue with an aiming line. Orange cauliflower. A walking TV that follows you from room to room.

Little wonder that none of these inventions ever happened.

A review of the 1991 book in the *Los Angeles Times* sounded a warning for all idea people and inventors:

“Abrams and Bernstein state ‘somewhere, every day, someone has a bright idea that solves a problem, big or small, or adds something to enhance the human experience.’ But their enthusiasm makes them overlook the fact that many of these products represent solutions to problems that no one really has.”

After Carson talked briefly about the book, he showed some comedic props that he lightheartedly suggested could also become inventions.

One, in the interest of humane treatment of household pests, was a tiny mouse DMV building. The mouse walks in the door of the DMV, never to come out or be seen again.

I personally find that invention far more useful than a walking TV. Who’s ready to start their research on prior art?

—Reid

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Inventors

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CORRESPONDENCE

Letters and emails in reaction to new and older **Inventors Digest** stories you read in print or online (responses may be edited for clarity and brevity):

Tillis Backs Vidal for USPTO Director

(Editor's note: The following was condensed for brevity. For more on reaction to a Senate committee's vote recommending Kathi Vidal, see page 42.)

It's a well-known fact that I strongly support the reforms taken by former (United States Patent and Trademark Office) Director Andrei Iancu to make the Patent Trial and Appeal Board a more fair and equitable forum for patent owners.

During Kathi Vidal's confirmation hearing and in questions for the record, I asked tough questions on her views regarding these reforms and sought a simple yes or no commitment on if she would continue them. After reviewing her answers and talking with her one on one, I'm happy to say I've received such a commitment.

She understands we need to reform our nation's patent eligibility laws to provide greater

clarity, that inventors of all sizes depend on a fair and equitable IP system, and that strong intellectual property rights are the foundation of our economy.

In addition to being a well-respected patent attorney, she possesses the management experience necessary to ensure the agency continues to provide high-quality services to all.

For all these reasons, that's why I will proudly be voting to confirm Kathi Vidal as USPTO director. I look forward to working with my colleagues and leaders (Mitch) McConnell and (Chuck) Schumer to secure her confirmation.

—U.S. SEN. THOM TILLIS (R-N.C.)



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ROLLER DERBY 1, BASEBALL 0?

We can all breathe easier now. The former Cleveland Indians baseball team will enter the 2022 baseball season (if and when the lockout is resolved) knowing its new nickname is safe—pending the next objection.

Last July, the Cleveland team announced it was changing the nickname it had since 1915. The franchise would be known as the Guardians.

Not so fast. On October 26, Cleveland's roller derby team—also known as the Guardians—filed a trademark infringement suit in federal court.

The roller derby team said it had used the name for seven years and registered it with the state of Ohio in 2017. But as Sportico had reported, the baseball team was the first to file a trademark for the Guardians name.

However, U.S. trademark law is largely governed on a "first-to-use" rather than "first-to-file" basis (unlike with U.S. patent law).

The law firm Weintraub Tobin reported that "the roller derby team offered to sell its IP, including its domain clevelandguardians.com," but

"Economic might ... does not make legal right," the lawsuit said. "There cannot be two 'Cleveland Guardians' teams in Cleveland, and, to be blunt, Plaintiff was here first."

according to the roller derby team, "the baseball team responded the same day and offered a nominal amount equal to no more than 15 minutes of the team's annual revenue."

In November, the two organizations announced an undisclosed settlement. There will be two Cleveland Guardians teams.

Other than the baseball team's insistence on the name "Guardians," the main head-scratcher is: Because it was obviously aware of the name conflict, why did it wait until a lawsuit was filed before coming to a quick resolution?

To some observers—and to quote "Major League" announcer Bob Uecker—that way of thinking may have been "jussst a bit outside."

—Reid Creager

BRIGHT IDEAS

ROIDMI EVA

SELF-CLEANING/EMPTYING
ROBOT VACUUM

roidmi.com/en

ROIDMI EVA is a combination dust collection base and automatic mop cleaning module. Choose from three modes: vacuuming; mopping; vacuuming and mopping.

The extra-large dust bag is big enough to collect dust for 60 days; it is 99 percent bacteria and odor free. The 4-liter water tank separates clean water from dirty water.

The self-cleaning system can wash the mop automatically to keep it sanitary before returning to the spot it left off to continue mopping and vacuuming. A soft wind feature helps quick-dry the mop to prevent mildew and odor.

ROIDMI EVA, which will retail for \$999, will ship to crowdfunding backers in March.



Musguard OMNI

ROLLABLE BICYCLE MUDGUARDS

musguard.com

Easily installable, removable, thin but firm and made from recyclable Polypropylene, Musguards offer protection and stability.

Keeping the mudguards rolled when not in use helps retain a coiling tension, making them straight once installed. The upward direction of the coiling tension eliminates the risk of the fender folding down and touching, or getting caught in the wheel.

The rear Musguard Omni features a folding system and mount design that make it sturdy on its own. Swivel is prevented by two silicone-coated, hook-and-loop straps. It can be mounted on a bicycle seat post, making it suitable for a wide variety of riding styles.

One set of mudguards (one front, one rear) will retail for \$66. Shipping for crowdfunding backers begins in March.



Ivy

AI-ENABLED, INTERACTIVE PLANT

backerzoom.com/ivy

Ivy is an AI-enabled plant that can be interactable and feel like a pet.

Ivy has gesture interaction features, with more than 70 different animations to express different emotions. Its plant care is customized, based on the surrounding environment. Just pay attention to Ivy's expression and act accordingly.

Ivy is capable of learning new things. The plant will give you varying feedback when interacting with it. Each interaction will have a unique response depending on your action or the environment. So every Ivy is different.

Ivy can be connected to smart home devices.

It will retail for \$109, with shipping for crowdfunding backers set for March.



POSSIBLE DELAYS

Coronavirus-related factors may result in changing timetables and later shipping dates than companies originally provided.

“Respect for inventors is the key for success of a patent system.”—KALYAN C. KANKANALA



G-Case

GAMING CASE FOR
NINTENDO SWITCH, OLED

plenbo.com

G-Case is a compact, comfortable and powerful Switch gaming case. It bills itself as the only case you will need for Switch and OLED.

Features include longer battery life (up to five hours' extra life each time), comfortable grips, a detachable Joy-Con case, low-latency Bluetooth and extra game card slots. An ecosystem of dock, controller adapter and travel case facilitate switching for gaming on the go.

A backup modular battery lets you reload the power at any time, and can recharge many devices in your backpack. G-Case comes with three grip sizes.

G-Case will retail for \$89; crowdfunding shipping is set for June.



Going Like 100

THE CONVERTIBLE CELEBRATES A MILESTONE BIRTHDAY,
ALL STARTED BY AN UNCELEBRATED INVENTOR **BY REID CREAGER**

A fedora-clad Frank Sinatra in a breezy convertible was cool before it was cool to use the word “cool.”

WITHOUT Ol’ Blue Eyes’ green 1930s Chrysler convertible, The Three Flashes might not have become The Hoboken Four who helped propel Frank Sinatra to five full decades of spectacular fame.

The teenage Sinatra desperately wanted to become part of the group. Because none of the members had their own car, his swingin’ ride became a dependable and comfortable way to travel to gigs.

The otherwise Drab Four won a national radio singing contest in 1935, as Sinatra’s

April-of-His-Years but superior vocals and unmistakable presence launched a burgeoning star. Fellow group members became jealous—reportedly beating Sinatra repeatedly during an ensuing tour—and the band did not have enough collective talent to succeed.

Soon, he was on his way. His way.

No respect. No respect at all

Sinatra was a convertibles guy throughout his life. As the car accelerated in popularity through the 1940s and into its 1960s zenith, its wind-in-the-hair flash symbolized American glamour, freedom, adventure, speed and sex appeal. It still does.

Ben Brown Ellerbeck probably had no idea the convertible would become so iconic when he displayed his first version of the top at an exhibition in 1922. After all, when cars were first invented, they were horse-drawn buggies with no roof, doors or windshields.

But Ellerbeck did hope his “shiftable top” or convertible hardtop would gain him some fame and fortune. He might be aghast to know today that history has little to say about him, and most

FAB FIVE

Not surprisingly, Team Valvoline’s list of top 10 convertibles begins with five models from the car’s peak years.

- | | |
|----------------------------------|--------------------------------|
| 1. Chevy Corvette, 1953-62 | 4. Shelby Cobra, 1962-67 |
| 2. Cadillac Eldorado, 1959 | 5. Ford Mustang, 1964, 1965-67 |
| 3. Jaguar E Type (XK-E), 1961-68 | |



21st-century media can't even get his name right.

If you type in "Who invented the convertible?" into any major search engine, the response is Ben P. Ellerbeck. Many major outlets, including automobile-related sites, have blindly cut-and-pasted this.

That misinformation has been propagated without checking Ellerbeck's original patent for the convertible—which isn't easy to find when you're searching with the wrong name.

Forgotten pioneer

After some four-on-the-floor digging, we found a story written in the April 1979 issue of *Special-Interest Autos* by similarly little-known W.E. Gosden. Not only does his account provide the number for Ellerbeck's U.S. patent, which reveals his true full name, it sheds some light on his background and futile efforts to bring his invention to production.

If history lost Ellerbeck in a crowd, it began at birth.

"Ben B. Ellerbeck was a product of the polygamy era in Utah," Gosden wrote. "His grandfather had three wives and his father was one of the 26 children resulting from the marriages."

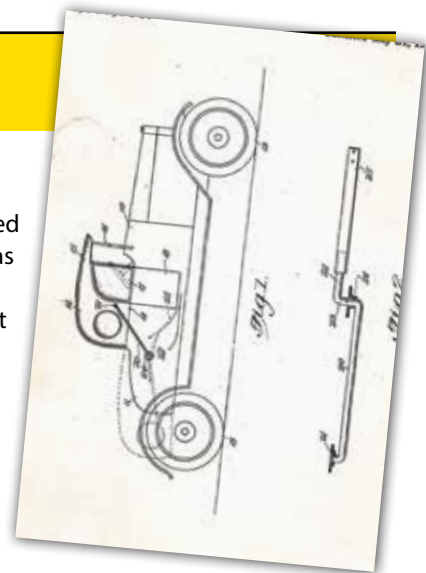
According to Gosden, Ellerbeck worked at his father's auto repair and body shop in Salt Lake City and eventually became an engineer. By autumn 1919, he had his basic design for the "shiftable top," which he installed on a Hudson Super Six. He built scale-model prototypes

PATENT PATHWAY



Ben Brown Ellerbeck's U.S. Patent No. 1,379,906, referenced in W.E. Gosden's 1979 story, was granted on May 31, 1921. The patent details "an arrangement whereby the rigid top with or without sliding, swinging or otherwise mounted windows, may be shifted bodily (sic) on connections with the vehicle into and out of effective position from the vehicle seat, the said top in its inoperative position being located on that portion of the vehicle body rearwardly of its seat."

Ellerbeck was granted another convertible patent on Dec. 9, 1930. On Oct. 9, 1928, he was awarded a patent for a device on which to hang tools.



in the early 1920s to show prospective buyers how the convertible would work.

At the first exhibition of the Automobile Body Builders in New York City in 1922, Ellerbeck displayed an early-model version of the top and embarked on his own



Ben Brown Ellerbeck might be aghast to know today that history has little to say about him, and most 21st-century media can't even get his name right.

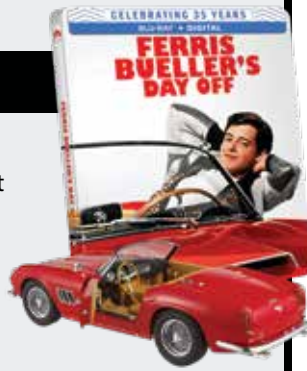
A 1979 article in a special-interest car magazine got it right about the convertible's inventor. A 1971 Chevrolet Impala convertible roared through 1998's "Fear and Loathing In Las Vegas."



POP CULTURE PRESENCE

You may not have ridden in these convertibles, but many of you know them well.

- **1961 Ferrari 250 GT California Spyder.** Took a fatal plunge in 1986's "Ferris Bueller's Day Off."
- **1966 Alfa Romeo Spider 1500 Duetto.** Lovesick Benjamin Braddock (Dustin Hoffman) zips through the winding California roads in the 1967 epic "The Graduate."
- **1966 Ford Thunderbird.** The lead co-stars' travel toy in 1991's "Thelma and Louise."
- **1966 Batmobile.** Originally a 1955 Lincoln Futura concept car. Holy high tech!
- **1971 Chevrolet Impala, 1971 Cadillac Fleetwood Eldorado.** "Fear and Loathing in Las Vegas," 1998.
- **1973 red Cadillac Eldorado.** Chuck Berry's signature adult toy is now in the Smithsonian's National Museum of African American History and Culture.
- **1955 Cadillac.** Sammy Davis Jr. was driving from Las Vegas to Hollywood on Nov. 19, 1954, in his new lime green gem when he plowed into the back of a car that stopped in front of him. Davis' face bounced off the cone in the middle of the steering wheel; he lost his left eye. Cadillac designed a new wheel for its 1956 model.
- **1961 Lincoln.** This four door, modified to become the presidential limousine, carried John F. Kennedy's party when Kennedy was assassinated on Nov. 22, 1963. The secret service called it SS-100x. The car was used by presidents Johnson, Nixon, Ford and Carter, after the windshield was removed and placed in the national archives. The original midnight blue body was painted black. The SS-100x resides in the Henry Ford museum.
- **2003 Chevrolet C5 Corvette.** Paul McCartney reportedly likes to tool around Los Angeles in this car, created to commemorate the 50th anniversary of Chevrolet—even though he can afford luxurious models worth many times more. Maybe we're amazed!



publicity tour. In the first version, per Gosden, the gear mechanism Ellerbeck designed to raise and lower the top was complicated.

The inventor reworked the second model many times. But he could never fully allay others' skepticism; many feared the design would be expensive to execute, and there were the nagging negatives of noise, bugs and more.

Slow start

By 1927, manufacturers including Buick, Cadillac, Chrysler and Lincoln were offering multiple convertible models. Whether it was poor salesmanship, a design he could not improve to others' satisfaction or insufficient help in producing a marketable end product, Ellerbeck was steered into the background.

France-based Peugeot introduced the first production, power-operated retractable hardtop in 1934, designed by Georges Paulin. The 1939 Plymouth convertible coupe was featured at Chrysler's exhibit at that year's New York World's Fair, where it was advertised as the first mass-production convertible with a power folding top.

U.S. soldiers in France and Britain during World War II drove small roadsters not available in America at the time, fueling the demand for convertibles. U.S. automakers were happy to oblige, responding with a broad range of models from compact (the Studebaker Lark and Rambler American) to luxury (Oldsmobile 98 and Chrysler Imperial) in the 1950s and '60s.

Before long, convertibles were ubiquitous on U.S. small and big screens as a coveted property—whether the driver was Joe Mannix or Dr. Gonzo. Their beauty and mystique more than offset their inevitable drawbacks, as convertible-crazed Jim Motavalli wrote on cartalk.com:

"Bugs in the face, bird droppings, junk off trucks, it's all headed your way. I wouldn't trade it, and I don't."

Chrysler's broken promise

The 1970s signaled a significant braking in the convertible clamor.

Sunroofs. T-top roofs. Increased travel speeds that resulted in even more wind and



1939 Plymouth Convertible

1934 Peugeot

1962 Studebaker Lark

By 1927, many U.S. car manufacturers were offering multiple convertible models. Peugeot made the first production, power-operated retractable hardtop in 1934.

noise for occupants. Air-conditioning systems that were now omnipresent.

All contributed to the sputtering trend. Convertible owners and prospective buyers were also concerned about planned tighter vehicle roll-over safety standards in the United States.

In fact, in 1976, Cadillac announced that its Eldorado would be the last convertible ever from Detroit.

“It is the only convertible now built in America. And it will be our last. The very last,” Chrysler said.

Speculators and collectors drooled in anticipation of a scarcity that never happened.

Just three years later, according to hemmings.com, Hess & Eisenhardt began converting Coupe de Villes into soft-top “Le Cabriolets” that Cadillac quietly offered at its dealerships. Then Chrysler returned to topless in 1982 with the convertible LeBaron. Ford followed in 1983 with an open-air Mustang.

The convertible’s heyday may be gone, but automobile companies worldwide keep producing them with all the 21st-century bells and whistles.

Wide lapels are in. Then they’re out. Vinyl records are in. Then they’re out. Then they’re back in again. It’s the rhythm of American classics.

Cabriolet, Cabrio. Open top. Drop top. Rag Top. Soft top. Drophead coupé. Open two-seater. Spider. Spyder.

By any name, the convertible will always be strutting and swingin’. 🎩

INVENTOR ARCHIVES: FEBRUARY

February 4, 1941: Roy Plunkett received a patent for the polymer that became known as **Teflon**.

Like so many great invention discoveries, this was an accident. A DuPont research chemist, Plunkett and his assistant were testing the chemical reactions of the refrigerant gas tetrafluoroethylene in 1938. They cut open a pressurized cylinder of the gas and saw the cylinder had solidified into a white powder. It proved unaffected by other chemicals and had an extremely high melting point.

The first products sold using this nonstick, high-heat material were machine parts for military and industrial applications—not cookware.

Teflon is technically “tetrafluoroethylene polymers,” but that name would never stick.



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Writing Letters That Sell

IN THE ART OF EFFECTIVE PERSUASION, PART OF THE DEAL IS IN THESE DETAILED DETAILS **BY JACK LANDER**

AT SOME POINT you probably will want to sell your patent rights. OK, so you're going to license, not sell.

But the process of convincing people to part with their money is best achieved by using the tactics of effective selling. That's why we call it a "sell sheet" and not an information brochure.

And during these days of uncertainty regarding the variations of COVID, we don't know how soon trade shows will consistently be open for in-person attendance. It's possible, if not probable, that we may have to conduct more of our contacting and negotiating by snail mail and email.

In either case, we will need a few rules (I almost wrote "tricks") to get results.

Avoiding the junk-mail toss

So, let's start with what's on the envelope.

Your snail-mail letters must not suffer the fate of most junk mail. You have to be fanatical about the details of your envelope in order to compel your recipient to open it, and at least unfold and look at your letter.

Rules I have found to be effective:

- Send most letters as ordinary First Class mail. Priority mail makes you look desperate. Also, it's sometimes annoying to open.
- Use a common paste-on stamp so that your letter obviously is First Class mail.
- Hand-write the recipient's address. Chances are that your handwriting will look authentic, and your envelope will be opened.
- Don't use a rubber-stamped return address. They leave a terrible impression. Either computer-print your return address, or have it printed by a professional.
- Keep it simple. Use only your name and address. No reference such as "inventor" or

"product developer," and so on. Such words usually are a put-off to marketing directors and other executives.

Keep it simple; no distractions

Assuming you pass the junk-mail test and your letter is opened, here are some more rules for the appearance of your letter.

- Avoid any nonessential that could distract your reader, such as fancy stationery or colored paper.
- Avoid any fonts other than standard business fonts, such as 12-point Arial and Times New Roman or their equivalents.
- Either leave the top of your first sheet plain or print only your name in 12-point Arial.
- Where you live is a needless distraction at the top of your letter. Your address and other contact information should be across the bottom of your sheet. Keep this personal—no company name, which you will have on your sell sheet. The personal touch grabs more interest than the impersonal business name.
- In times past, business letters began with the name, title and address of the recipient. This is a waste of premium space. The recipient certainly knows his or her title and address, which in any case is on the envelope.
- Suppose your recipient's name and title are: Randolph Johanson, director of marketing. Begin your letter with: "Dear Mr. Johanson," or simply "Mr. Johanson."
- Your opening line must entice Mr. Johanson to read on. Identify your purpose, and promise a benefit. For most of us, a standard opening, even though it contains obviousness, is OK. Example: "The purpose of my letter is to tell you about a new product that will prove profitable for your company."

- Reset your margins for an inch and a half left and right. Because this should be a short letter (more on this below), its appearance and readability will be improved by the narrower body.

You may wonder why I am fanatical about these details. Simple. They work.

A brief example

Now, you're ready for the body of your letter.

Ideally, you want the letter to be unusually short, no more than an invitation to review your sell sheet. A long letter could be set aside for later reading while Johanson opens the rest of his mail—and most of us know what happens to mail we set aside for reading later.

Example:

The purpose of my letter is to tell you about a new product that will prove profitable for your company. Details of this new product are covered in the sell sheet. Be sure to review the results of the professional survey on the back of the sheet. Thank you for your time.

Sincerely,

James Wilson

jjwilson@goodmail.com

(Center your address and phone number at the bottom of the sheet.)

Sell sheets are mandatory

Several years ago, Mercedes-Benz tested direct-mail letters to a large population of readers to get them into their showrooms and see their latest model. They tested six-, eight-, 10-, and 12-page letters on the theory that the more you tell, the more you sell. The 10-pager pulled the most responses.

So why not write a 10-page letter telling all about your invention?

Automobiles are interesting, especially if we are thinking about the next one we'll buy. How is it better than our present car? What new features have been added? And so on.

Your invention is an unknown. Although that should arouse interest, you must convince readers that their time will be well spent reading your sell sheet, which is roughly the short-form equivalent of the 10-page letter.



You may wonder why I am fanatical about these details. Simple. They work.

What if I don't have a sell sheet, you may ask?

Then make one. Don't attempt to land a licensing deal without one.

The tactical nature of the sell sheet is as critically designed as the tactical nature of the sell letter (a new term I just invented).

Most inventors are not experts about the tactics of selling using written words and pictures. The sell sheet has a time-honored format that compensates for our general lack of expertise.

That reminds me: It's been quite a while since I wrote my article about the sell sheet. Next month seems like the right timing for more.

And incidentally, I didn't read the entire 10-page Mercedes letter. I'm more of a bare-bones Camry guy. 📧

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



Put Facebook Live to Work for You

MARKETING STRATEGY IS HIGHLY INTERACTIVE AND SIMPLE TO USE **BY ELIZABETH BREEDLOVE**

BECAUSE VIDEO IS HERE TO STAY, you're missing out if it's not a part of your marketing strategy—and Facebook Live is a simple place to add it in.

Facebook Live lets you livestream just about anything to an audience tuning in on a computer or mobile device. The livestream host and the audience can connect and interact through reactions, shares, comments and other interactive features.

The platform has a very low barrier to entry. You don't need any special equipment—just a smartphone and a Facebook account, along with something to livestream.

Facebook Live is a great way to connect with your audience. It gives your audience a chance to get more intimately familiar with you and your inventions or company, and allows you to easily interact with your audience using Facebook's engagement tools.

Additionally, Facebook Live's engagement often continues to amplify. "Lives" automatically

save, so your audience can come back and watch them at any time. (Many times, Lives get more of their total views after the stream has ended, versus while it's actually live.)

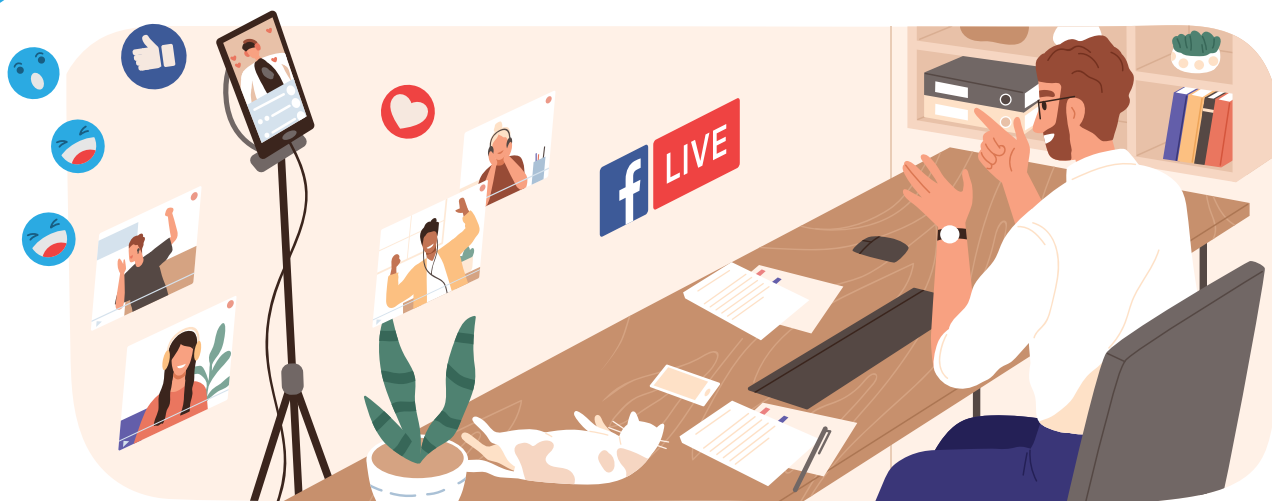
On top of that, you can use those who tune into your Live or watch it later to build an engaged audience for Facebook Ads, if you are running them or have plans for it.

How to use

Before you begin, decide whether you want to go live on a Page, in a Group, or to an Event on Facebook.

Generally, going live on a Page will be the best choice because it gives you access to more tools and capabilities than going live in a Group or Event—including the ability to cross-post your Live to other pages, the ability to access detailed insights about the Live in Creator Studio, and the ability to restrict access to your Live to certain ages or geographic regions. (If you want to limit

Generally, going live on a Page will be the best choice because it gives you access to more tools and capabilities.



access to your Live even further, you'll need to go live in a private Facebook group.)

Next, decide whether to use a phone or a camera. A phone is a much easier choice because you don't need any special equipment, and you can use it on the go. You can go live on Facebook Live on your phone through the Facebook app for iOS or Android.

Conversely, using a separate camera and streaming software is preferred if you want to maximize video and audio quality, or you want to include graphics or switch between cameras. For this, you'll need a camera and encoder or encoding software, and you'll go live using Live Producer on Facebook.

Strategy tips

- **Stay true to your brand.** As with any marketing tactic, remember your brand—who you are trying to reach, what message you are trying to communicate, and what voice you use to communicate it. Stay consistent with your brand in your Live and your other marketing materials to convey the strongest brand image to your audience.
- **Have a plan or outline before you go live.** You don't need a true script, but you should have an outline or a plan for what to cover before you begin your Live so you know where your video is going. As you create your plan, think about what will keep people watching and engaged. Start with something (maybe a question) to hook the audience, or at the very least explain the purpose behind your Live.
- **Promote your livestream.** Make sure you share your Facebook Live on your page and in any groups you manage. If you manage any other related Pages, you can cross-post the Live there, too. You can also embed the Live in your website; the embed code can be found under Facebook Live Producer settings. Additionally, if you're using a camera and streaming software for your Live, you can schedule your livestream up to a week ahead of time. This is a great idea because it makes your audience aware that you'll be Live so they can be ready to tune in. When you schedule a Live broadcast, Facebook will automatically create two posts: one that

10 TOPICS FOR A FACEBOOK LIVE

THESE IDEAS MAY SPARK YOUR CREATIVITY:

1. Demo your latest invention.
2. Host an extended Q&A session.
3. Give an office tour.
4. Teach a class or webinar on something you know much about.
5. Host a roundtable discussion with peers and colleagues.
6. Make an announcement or share big news.
7. Launch a product.
8. Give a behind-the-scenes peek of your company or invention process.
9. Let people virtually join an in-person event.
10. Promote special deals or sales. Think "As Seen On TV" infomercials.



announces the upcoming post and allows your followers to receive a notification right before the live begins, and a Live broadcast post at the time of your scheduled event.

- **Be conversational.** Look for opportunities to make connections with your audience and create a lasting impression. For example, invite people to leave comments, and respond directly to them in the Live as much as you can.
- **Build in extra time at the end for a final chance to connect.** If possible, close with a Q&A where those who tuned in to the Live can ask you questions. And before you sign off, include a verbal call to action inviting those who tuned in to complete some sort of action: visit your website, purchase your invention, join future Facebook Lives, or something else that will turn into conversions and help you meet your business goals. 📌

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



Prevention Invention

FRENCH WOMAN'S SMART DEVICE PROVIDES CUSTOM-BLENDED ESSENTIAL OIL MIXES TO PROMOTE BETTER HEALTH **BY JEREMY LOSAW**

THE AXIOM was never more fitting. “An ounce of prevention is worth a pound of cure” means that it is better and easier to stop a problem or illness from happening than to stop or correct it once it is under way.

While working for decades in the consumer health products industry, Brigitte Thito noticed a disturbing trend at large multinational companies in terms of addressing illness and disease.

“I have seen that we spend a lot of money on addressing pathologies and illness, but we do not spend so much money on prevention,” she said. “I wanted to dedicate [my life] to prevention.”

While she was in the health products industry, Thito was exposed to the power of essential oils, and how complex and useful they are in wellness routines.

She also noticed they were not being used in the correct dosages to be effective.

“My objective is to extend accessibility of these natural solutions to a wider audience,” she said. So she set out to build a product to help.

SelfCare1 is a smart device that provides custom-blended essential oil mixes to promote health and wellness goals. Its core is a cartridge that has eight specially chosen essential oils—all pure and organic—chosen by a committee of experts. The criteria were based on the oils’ ability to provide key properties for contributing to wellness, such as anti-inflammatory qualities and the ability to relax muscles.

Based on a user’s goals, the SelfCare1 app guides users through one of 50 wellness

and beauty programs. It transmits the customized recipe to the blending fountain.

The recipe is mixed and then dispensed from the device into the desired vessel, and the app provides additional instructions on dilution of the mix and how to use it. It takes just seconds to dose the bespoke mixture.

Experiments showed promise

Even with the health benefits provided by the compounds and nutrients in essential oils, they can be difficult and confusing to use. Thito understands this, so she designed SelfCare1 to ensure the oils’ proper mix and dosages for each person’s individual needs.

Instead of starting by creating an essential oil dosing machine, she started by prototyping the process of helping people create custom mixed oils.

Thito developed a mobile application to guide users through blending the oils based on their goals. Then she gave it to 6,000 users with vials of essential oils and let them try it.

The goal was to generate a massive amount of user data about how they used the oils and the reasons they were using them. This gave her crucial feedback about how well the treatments were working and gave her the confidence to proceed with making the dosing device.

She hired a technical team to develop the dosing device. Because the key to the design is the oil cartridge, a lot of emphasis was placed on making it so that it could dispense the oils with great accuracy—which required well-designed and complex parts.



“We spend a lot of money on addressing pathologies and illness, but we do not spend so much money on prevention.” —BRIGITTE THITO

The SelfCare1 app guides users through one of 50 wellness and beauty programs. It transmits the customized recipe to the blending fountain.

The recipe is mixed and dispensed from the device into the desired vessel; the app provides additional instructions on dilution of the mix and how to use it.

Thito also wanted the device to be intuitive to use, have an iconic design, and work well with the app.

Once the device was ready, it was introduced to the world on crowdfunding platform Indiegogo. Unfortunately, the campaign launched at the outset of the COVID-19 pandemic in early 2020 and proved to be a struggle. Despite the issues, she managed to sell 100 units, which provided key market validation.

Full-scale protection

Having worked for big corporations with extensive intellectual property portfolios, Thito felt it important that SelfCare1 have the same.

The device is patented in its primary target markets, Europe and the United States (her company, which she founded in 2017, is based in Paris, Orléans and New York). But she is protecting the device in other ways.

By focusing on the brand and the trademark, she can build trust with consumers, and she has designed her manufacturing pipeline to keep control of trade secrets. The sum total of these decisions leaves SelfCare1 in a protected and advantageous position in the marketplace.

The product's manufacturing is done in France, where Thito lives. Although it may have been less expensive to outsource the production process to a facility in a lower labor rate area of the world, such as Asia, it was important for her to keep the process close to home.

"It's a very complex device. I want to protect the complexity of all of these parts," she said. "The idea was to protect and be more agile, and then in the future we can increase the profitability of cost."

Despite the device's intricate components, it was designed in a modular way so that additional assembly facilities can be easily brought online closer to customers if desired.



Early marketing returns

Thito is pushing to make the device more popular in the U.S. market. She planned on bringing the product to the Consumer Electronics Show in January to get more exposure in the States; even before the show started, she was named an Innovation Awards Honoree.

If the marketing push succeeds, it will help drive awareness and sales—and allow Thito to bring customized preventative wellness to the masses. 🍷

Details: familyselfcare.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/.



Protecting Pooch and Property

PET LOVER'S DOG LEGGINGS HELP KEEP PAWS SAFER AND CLEANER **BY EDITH G. TOLCHIN**

ACCORDING TO the American Pet Products Association, total sales of pet products reached \$103.6 billion during 2020.

Inventions often result from the love people have for their pets. In the case of Walkee Paws™, invented by New York-based Lisa Baronoff and featured on “Shark Tank,” clean paws help keep a tidier home and a safer pooch.

Edith G. Tolchin (EGT): Tell us about your background. Had you invented anything before Walkee Paws?

Lisa Baronoff (LB): I was raised in South Africa as the daughter of a famous fashion designer who was very creative. I’ve come up with numerous ideas over the years.

When my daughter was a baby, I invented a mat to add to a changing table, with an arch containing toys to distract her from

rolling over during diaper changes. I never brought it to market and years later saw something similar on “Shark Tank.”

EGT: Where did you get the idea for Walkee Paws?

LB: In 2015, my cocker spaniel, Toffee, got ill from ingesting snow-melting chemicals on his paws. My vet recommended he wear booties. But they were hard to get on, uncomfortable because they had to be tight on the ankles to stay on, and invariably just fell off.

Fortunately, my experience developing and marketing toys and pantyhose for brands like Mattel and Sara Lee Hosiery made the little light bulb in my head go off.

I raced to my closet, grabbed two pairs of old pantyhose

Walkee Paws products include a puffer coat with leggings and a pom-pom hat.



"I ... grabbed two pairs of old pantyhose and cut them into leggings. Next, I slipped them onto Toffee's legs, tied them over his back and—hot dog!—they stayed in place." —LISA BARONOFF



and cut them into leggings. Next, I slipped them onto Toffee's legs, tied them over his back and—hot dog!—they stayed in place. The pantyhose acted like a sling, making the whole experience easy for me, comfortable for Toffee and a godsend for the both of us. That's when Walkee Paws officially got its start.

Inspired by the versatility of pantyhose, my incredible team developed a four-way stretch fabric, along with a clever over-the-back tightening tool that prevents Walkee Paws from falling off while also remaining comfortable for the dog.

Next came the waterproof paws. We knew we wanted the material to be lightweight and thin enough so that dogs could still feel the ground and walk more naturally, but it also had to be durable enough to withstand water, pavement, snow and the general wear and tear that comes with outdoor walking.

Although there was lots of trial and error, rest assured Toffee earned many a peanut butter bone in exchange for his work as our test model. We finally "paw-fected" our Walkee Paws and went to market in November 2018. And to this day, we're still the only brand of dog leggings on the market.

EGT: Any additional products?

LB: We have an innovative new product, a puffer coat with many innovative features—like a pocket to hold poop bags and a fold-out flap to make it adjustable to fit longer-bodied pups.

The main innovation is, there are four hidden buttonhole slits in the coat so a set of four "attachable leggings," sold separately, can be attached to form a snowsuit for winter.

The idea came to me as I was bothered last winter by the process of putting the leggings

on first and then the coat. This took too long. The attachable leggings form a snowsuit for toe-to-tail coverage and are super quick and easy to get on and off.

Because these are sold separately, people can get the correct fit for all dogs. The coat will fit their body type, and the leggings are designed by paw size. Plus, we developed a super cute "pom-pom" hat to match, with slits for the ears and a neck strap to ensure it stays on.

EGT: How many tries did it take with prototypes with the leggings?

LB: Many. The challenge was the boots. They needed to be thin enough so a dog could feel the ground when walking, yet thick enough to be durable. They also had to be waterproof and have a smooth seam between the rubber and boot material to prevent nails and dewclaws from getting caught.

EGT: Is Walkee Paws patented? Was that difficult?

LB: Yes, we have several design and utility patents. The process took many years and was extremely expensive.

EGT: Where are you manufacturing? Have you had any lessons learned during production?

LB: We manufacture in China. It was too expensive to do in the U.S.A. I have realized you need to be on top of every production cycle and check products very carefully, as factories tend to try to cut costs by using cheaper materials than were approved.



Walkee Paws waterproof rubber boots with grippies help prevent slipping on wet or icy pavement.

EGT: What would you say were your top three obstacles during product development?

LB: First, developing the waterproof rubber boot. We needed molds, and it was hard to find a manufacturer. Second, finding a designer to do the tech packs and sizing. The first company I used charged a fortune and was not effective. Third, learning to work with factories in China.

EGT: Where are you selling?

LB: We sell on our website, Amazon, Zappos and Chewy.com.

EGT: Were you offered a deal on the show?

LB: Yes, by Mr. Wonderful, Kevin O'Leary. Kevin

offered me a deal as soon as I had finished my pitch on the show. He said he knows dog people are crazy about their pets and he's learned they spend tons of money on them.

I was asking for \$150K for 5 percent equity. He offered me \$150K for 20 percent or a royalty deal of \$2.70 per pair until he made his money back and then \$.50 per pair in perpetuity. I declined both offers.


EGT: What advice do you have for inventors?

LB: Don't be too concerned about patents and prices. Just get your product to market as soon as possible to show proof of concept. 🐾

Details: Walkeepaws.com, Lisa@walkeepaws.com

Edith G Tolchin has written for *Inventors Digest* since 2000. She is an editor (opinionatededitor.com/testimonials), writer (edietolchin.com), and has specialized in China manufacturing since 1990 (egtglobaltrading.com).





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Black and Repressed, but With Free and Active Minds

DEBRA D. RICH'S 'BLACK INVENTORS WHO CHANGED HISTORY' IS A MUST-READ TESTAMENT TO LASTING ACCOMPLISHMENT

MILLIONS OF Africans were enslaved, tortured and forced to leave their homelands during the Middle Passage, which began during the 16th century. Upon arriving in the Americas, those who survived the unspeakable conditions of the voyages were sold as chattel.

Writes the author of "Black Inventors Who Changed History: 1800s-1900s," Debra D. Rich: "So many things were taken away, but the one thing they couldn't take away was their mind. ... Their minds were free ... free to envision a better life ahead."

The first African-American man to receive a patent was Thomas L. Jennings, in 1821. Born a free man in New York in 1791, he owned a tailoring and dry cleaning business. His invention was called "Dry Scouring."

Born a free man in Maryland in 1807, Henry Blair received two patents. One was in 1834 for a corn seed planter, the other in 1836 for a cotton seed planter.

Both inventions, according to Rich, "... made farming more productive. ... He didn't let his illiteracy be a hinderance (sic). On his patents, he signed his name with an X."

George Crum, born in 1822, was a head chef at a fancy restaurant in upstate New York. When a wealthy guest requested an alternative to thick French fries, he invented the potato chip—originally called the Saratoga Chip, after the name of the town in which it was invented.

Edmond Berger, born in Ghana, West Africa, invented the spark plug in 1839.

In 1878, 16-year-old Osbourn Dorsey from the District of Columbia area received a patent for the doorknob. Also in 1878, Joseph B. Winters invented the fire escape ladder in Chambersburg, Pennsylvania. The ladders were mounted to fire engines and raised to rescue residents from burning buildings, especially when maneuvering around the then-historically narrow streets made it difficult.

Judy W. Reed was the first African-American woman to receive a patent (in 1884) for the dough kneader and roller, which saved countless bakers from pain and cramped hands.

Like ice cream? Who doesn't? Alfred L. Cralle invented the ice cream scoop in 1897 in Pittsburgh,

after noticing how difficult it was to dispense ice cream with a spoon or ladle.

Many have heard of Madame C.J. Walker, who was born Sarah Breedlove in 1867. Rich says "She became one of the most successful black women in the United States," known for her creation and development of hair care and beauty products for African-American women. At one point she employed 40,000 African-American women and "became the first female self-made millionaire."

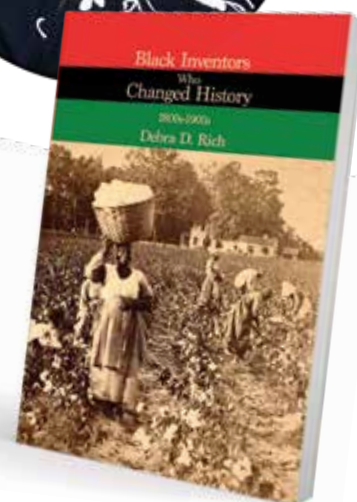
The author's words of strong encouragement and faith are interspersed throughout the many inventor stories:

- Defy the naysayers... There are no boundaries unless you create them yourself."
- It all starts with an idea. ... Dream big!"
- "The road to success usually involves a few setbacks and failures."
- "Failure means you're evolving into the person you're destined to become."

Rich adds: "It is very unfortunate that Black History is not taught in most schools. Black History is American History."

Hers is an essential book that will favorably challenge the young adults for whom it is geared—to be creative and to continue a rich legacy of inventions. Black inventor-related websites and links are included at the end of the book but in full length—which makes it difficult for the reader to copy, unless it's in e-book format. Otherwise, she should have provided shortened bitly.com or tinyurl.com links.

Full of related tidbits of history throughout, "Black Inventors Who Changed History: 1800s-1900s" should be required reading for all middle schools. It is highly recommended that perhaps in a second edition, the publisher should provide a crisper edit to avoid numerous typos and grammar issues. —*Edith G. Tolchin*



10 QUESTIONS Firsts that Last

ENTREPRENEUR/INVENTOR TIFFANY NORWOOD IS ALWAYS READY TO START SOMETHING—AND THAT'S A GOOD THING

H EY, WHAT'S THE BIG IDEA? Tiffany Norwood is a great person to ask.

Norwood has been an idea trailblazer and pioneer for more than three decades. Her latest first is being named 2022 Entrepreneur of the Year by Cornell University—the first African-American woman so named in the 40-year history of this lifetime achievement award. Among past winners are Irwin Jacobs, Qualcomm's first CEO, and Burger King cofounder James McLamore.

One of the pioneers of digital broadcasting and an accomplished global public speaker, she's currently founder/CEO of Tribetan, an ed-tech company that teaches people how to be innovators and changemakers.

She is happily overqualified in that role.

She received a U.S. patent for a one-strap backpack in 1991. She was a cofounder and corporate vice president of Ethiopia Healthcare Network, a nonprofit that provides full-service health care to low-income women and children in Ethiopia.

Norwood is perhaps best known for being a part of eight start-ups spanning six continents. While in her 20s in the 1990s she raised \$670 million for WorldSpace—one of the first

satellite radio companies—and worked with South African President Nelson Mandela. Her career spans 52 countries.

But she's not a startup upstart. When Norwood spoke at a United States Patent and Trademark event in Charlotte in 2019, the audience saw a person who is proud but grateful—exuding grace with an invigorating spiritual and philosophical presence. This ultimately led to this quick interview with *Inventors Digest* Editor-in-Chief Reid Creager, mutually timed in recognition of Black History Month.

Norwood is also a former investment banker. Accomplished painter. Competitive athlete. And of course, a patentee.

Notification of an award at this elite level has to be one of the thrills of your life. How did you learn of it, and what was your immediate reaction?

To be the 2022 Entrepreneur of the Year for Cornell University is a great honor. To be the first woman of color to be given this lifetime achievement award makes it even more special. The award was a total surprise. I didn't even realize I was nominated.

"I was so shocked. I screamed. I cried."
Tiffany Norwood is Cornell University's first African-American female Entrepreneur of the Year.

A full-length portrait of Tiffany Ann Norwood, a woman with long, dark, wavy hair, smiling at the camera. She is wearing a short-sleeved, V-neck dress with a vibrant, multi-colored geometric pattern in shades of pink, orange, and black. She is also wearing a gold watch on her left wrist. The background is a soft-focus indoor setting with warm, orange-toned lighting.

TIFFANY ANN NORWOOD

Occupation: Serial entrepreneur; founder, CEO of Tribetan

Residence: Washington, D.C.

Education: BA Economics, minor in Computer Science, Statistics at Cornell University; Masters in Business Administration at Harvard University

Hobbies: Travel, yoga, painting, cooking, writing

Favorite song: "Hallelujah," by Leonard Cohen

Favorite book: "A Course in Miracles"

Favorite movie: "The Matrix"

Favorite quote. "It all seems impossible until it's done"—Nelson Mandela

I was so shocked. I screamed. I cried. I called my mom to give the news to her. She was overwhelmed with joy and pride. She, too, had sacrificed so much for me and my start-up journey.

My father and brother passed away years ago. I paused and told them in my prayers. It was a great moment. As a lifelong entrepreneur, it was such an honor to be recognized by my peers.

You have been an idea person since you were very young. Tell us a little about your background.

Like so many kids, I have always had such a vivid imagination. What makes me different is that as an adult, I still take my imagination very seriously.

To me, your imagination is how God prays to you. Although society didn't expect much from me as a young black girl in the 1970s, I had big dreams, supportive parents, determination and faith. Those dreams included traveling the world and starting companies.

One of my strongest acts of faith was declaring Team We in the context of so much fighting in my country and around the world.

Armed with these dreams and the unity mindset, I started practicing immediately. Life is not the time to wait.

I taught myself to code using books, paper and pencils. Many people are surprised that you can learn to code using paper and pencil. Code is nothing more than a story you tell the computer over and over and over again, a precise narrative of instructions. You don't need a computer to learn how to code.

Eventually, I did get a Commodore 64 and an Okidata Thermal Jet printer. I started traveling on my own by age 13—rehearsing the life I would lead as an adult.

That bias toward action has remained. That prioritization of imagination remained. Dealing with sexism and racism gave me a thick skin. So by the time I was 19, I was more than ready to be a cofounder, CEO, and to file for a patent.

Your first startup as a teenager—what was it, and how did it help shape the person you are today?

I started my first enterprises in elementary school. I use the term “enterprise” loosely.

These early ventures included the proverbial lemon stand, a greeting card company, a seed company and many more.

I was 13 when I joined Junior Achievement and won many regional awards for my leadership. I started a concert ticket business in high school.

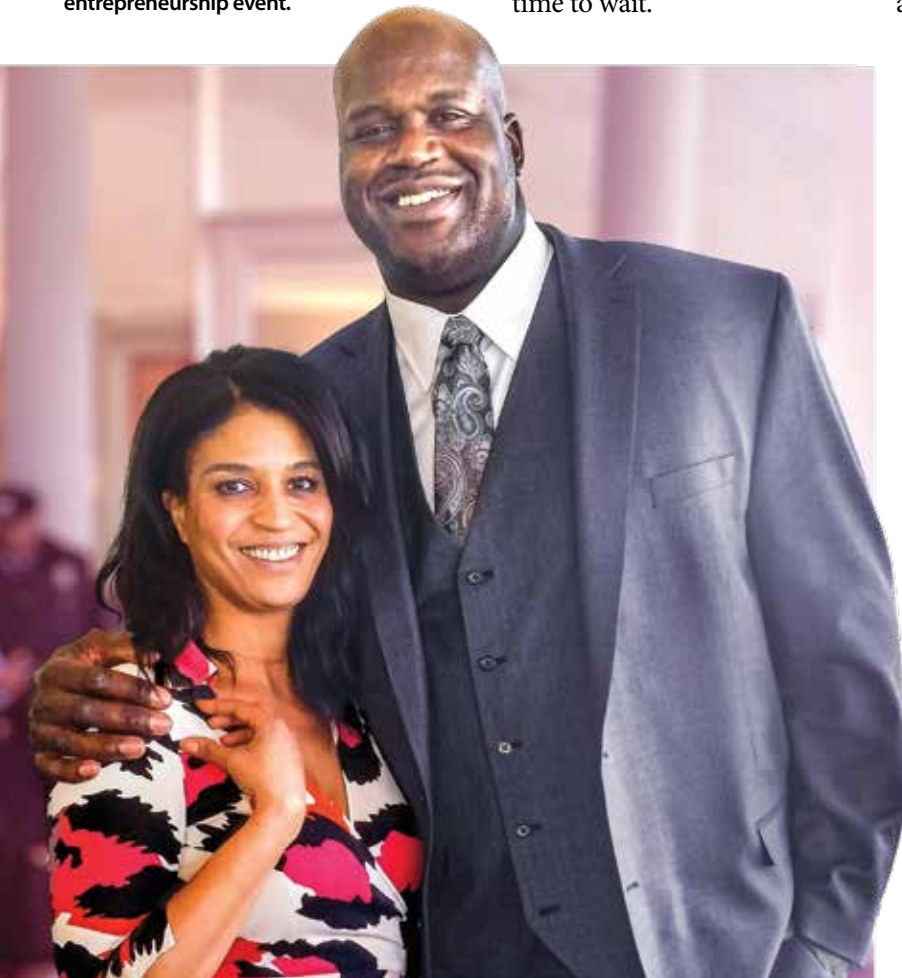
By the time I was in college, I was more than ready to cofound ToPAQ Inc.

We filed for and received the patent for the first one-strap backpack. ToPAQ ended up in 50 retail outlets, including Spikes Joint in Brooklyn. I learned so much from doing that startup, especially since it was a product company.

As a product company we had a more complex operation than a cloud-based software company, from product design and management to customer care and fulfillment. As the CEO, I had to manage all those things. I also became good at persuasive storytelling and using storytelling to generate outcomes such as raising money, and bringing in customers, partners and people to join our team.

We won an award for our startup that provided some initial financing. I understood the cost and challenge of manufacturing and inventory, how important it is to start small and simple. All these skills I used with future startups, just at scale.

Tiffany Norwood meets former NBA superstar Shaquille O'Neal at a Georgetown entrepreneurship event.



In a very real way, my raising nearly a billion dollars for WorldSpace, building and launching a satellite into space, developing self-install technology for Next Generation Broadband, and treating more than 12,000 patients with the Ethiopia Healthcare Network and clinic can be traced back to my first endeavors in elementary school, the Girl Scouts, Junior Achievement and ToPAQ.

Practice is the perfection. And what I do now with Tribetan brings these experiences together in a simple protocol for turning imagination into reality.

What is it about the startup that is so daunting and intoxicating at the same time?

The joy and satisfaction of making your imagination real for the benefit of others is an intense experience. It is euphoric. The fear, anxiety and panic that comes with the territory is just a price to pay.

Everything has a cost. A book on Amazon costs you something. So do your dreams.

I even have a word to describe the experience—*excitanic*—the simultaneous experience of excitement and panic.

If you are an innovator or inventor entrepreneur, the startup experience is even more intense. Resistance and criticism will most often be the first response.

It's human nature to reject things people don't understand. Remember you are doing something, different, new and unusual. It is not a commodity or the ordinary. If anyone could have done it, they would have.

What is the biggest risk you ever took as an inventor or entrepreneur?

As an inventor, innovator and entrepreneur, taking risks is an everyday experience. I become obsessed with the mission of the venture.

My leadership style is more servant leadership. I am service to the enterprise goal, partners, investors, my team.

At some point, that can get you in trouble. There are many times I've asked myself at some point during a startup: "Am I going to lose my home?" Thankfully, so far I haven't.

Some of the extraordinary risks that stand out are with WorldSpace, the first global digital

radio platform. In the 1990s when WorldSpace launched, many countries had state-sponsored media and the idea of a private company owning a global media platform was very threatening.

I had my phone tapped. I would be in conflict zones, like post-apartheid South Africa. I would meet with activists and influencers to offer them a radio to expand their reach beyond shortwave.

I remember one time having dinner with one of the leading voices in the Middle East at this restaurant in Nairobi. After we were done, I offered them a ride, and they explained to me they were going to a safehouse and then leaving the country the next morning.

Turned out they had a bounty on their head for being outspoken on women's rights in the Middle East. It would have been nice to know that before dinner, I would have chosen a more private place. (Laughs.)

A dominant theme in your talks is the notion of "The Power of We." Please explain how this defines your approach to work and to life.

The three superpowers for success are unity, trust and action. Any big idea or big dream requires other people to get it done.

Even inventors who hold patents, people who have done things that no other person has done before, cannot do it alone.

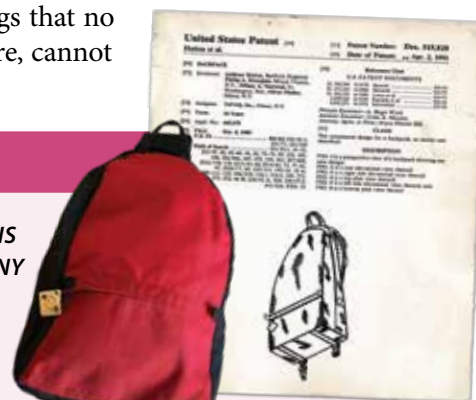
PIONEERING

IN INNOVATION, BEING FIRST IS EVERYTHING. SOME OF TIFFANY NORWOOD'S PIONEERING ACCOMPLISHMENTS:

- Raised \$670 million to fund a startup, which no one has done before or since.
- Invented and patented the first one-strap backpack.
- Was an early player in global broadband and digital phone.
- Accomplished some of the first digital content licensing deals, including Bloomberg News with

Michael Bloomberg and CNN International with Phil Kent.

- Had her first startup as a teenager more than 30 years ago and a patent by age 23.
- First African-American woman to receive Cornell University's Entrepreneur of the Year Award for lifetime accomplishment.



Less than 3 percent of patents make it to market. And if you take away the pharmaceuticals, less than 1 percent are financially successful.

The risk of someone else stealing your work, taking it to market and being wildly successful is less than 1 percent. Good news, right? The bad news is that those are your odds, too. Unless you collaborate. Unless you join Team We.

Unity, inclusion and diversity are not charity. This is actually your greatest chance of success.

As an entrepreneur, it is widely known that startups with cofounders are more successful than those with a solo founder. And if we look at diverse cofounders, First Capital reviewed their portfolio and found that the startups that had at least one female cofounder outperformed the startups that had all-male cofounders.

So, foundational to my success and The Tribetan Method is that we believe we are all connected in this world (Unity Mindset); that we trust that others will show up along the way to help, even strangers we have yet to meet (Trust Mindset); and from that place of unity and trust, we take action by telling the story of the idea to find our believers and collaborate with them to make the idea real (Action Bias).

You often mention how in so many instances, the right people showed up for you at the right time. What is your most memorable example of this?

Many times, help comes from the right person or people at just the right time. One of the most memorable times for me was when I ended up showing up for someone else.

Noah Samarah, the creator of WorldSpace, had been trying to raise the money to build the satellites for a couple of years. He had the broadcast licenses and some seed capital, but building satellites were going to take a lot of money.

I had a longtime dream of connecting the world and The Power of We. So I called 411 to get his number and cold-called him to ask him if we could meet.

He was a regulatory lawyer. I was an entrepreneur with experience in tech, global business and finance. We were a great match. I remember so clearly when I asked him in that first meeting, “How much do you need to get this done?” after we had spent an hour talking about the dream.

His response was “Nearly a billion dollars.” I said, “Let me see what I can do.” Less than a year later, I had raised the money.

Noah had told me he was praying for a miracle, an angel to help him. He never expected it to come in the form of a 27-year-old black woman.

Tell us about the frightening and disappointing moments during your journey that have been the most gratifying to learn from and overcome.

When we were setting up WorldSpace in the 1990s, there was a lot of change taking place around the world. One time when I arrived in a country in West Africa late at night, I got detained. It was in a room with two men, and I was alone.

At the time, I had one of those laptop projectors with me—you know, those old-school projectors that had their own suitcase with custom-cut foam to make them “portable.”

I also had a few hundred dollars in my purse. Rightly or wrongly, I felt the longer I was in the room alone, the greater risk that I might get kidnapped, raped, hurt, or killed.

So, running through options in my head, I settled on a plan. I stood up, took the cash out of my purse and placed it on the table, and said: “Oops, I forgot to pay the duty on my laptop projector. So sorry. How much is it? Three hundred dollars? Right. Here you go”—and I walked out the door.

I did not look back. I did not run, and I did not stop until I was out of the airport, found my driver, and checked into my hotel.

The next day, we had a big meeting with the president of the country and a ribbon-cutting ceremony to celebrate the opening of our regional office. When it was done, I went to the president and asked for two men to take me to the airport. I wanted my money and projector back.

At the airport, I found the men and got my projector and cash back. Then I said, “Does your mother know you are treating people this way?”

They looked at me like I was crazy. I didn’t have someone else go and get the projector and my money. I did.

The lesson I learned was, always stand up for yourself. Find your voice, even when you are scared or awkward.

You are very outspoken about your faith in God. What kinds of reactions does this elicit?

My story is not possible without God. I have always experienced my life as a calling.

From a young age, my imagination was filled with travel, technology, creativity and invention. I spent the rest of my life making my childhood imagination real.

The more I converted my professional experience to a spiritual experience, the bigger my outcomes, companies, patents, raising hundreds of millions of dollars, building and launching satellites. The more I converted my professional experience to a spiritual one, the more success I had in my life.

What specific plans or goals do you have for 2022 and beyond?

One of my biggest goals is to teach everyone to take their imagination seriously, and how to turn that imagination into reality.

I call that skillset practical creativity. It is the skillset of creating new realities, products, companies, et cetera. It is the inventor's, entrepreneur's

and innovator's skillset. That is the mission of my current company, Tribetan.

I also just launched an apparel company called MealTee.com at the end of January. Our tagline is "wear one, feed one." It combines my love for casual apparel and food security. With each item sold, we donate a meal!

As for the future, I think the greatest innovation will be the human experience, and what it means to be human. I am working on a screenplay to capture my vision of the future human being.

And of course, I have the Cornell University award ceremony coming up in April. Since I am also a creative, we will do something different this year.

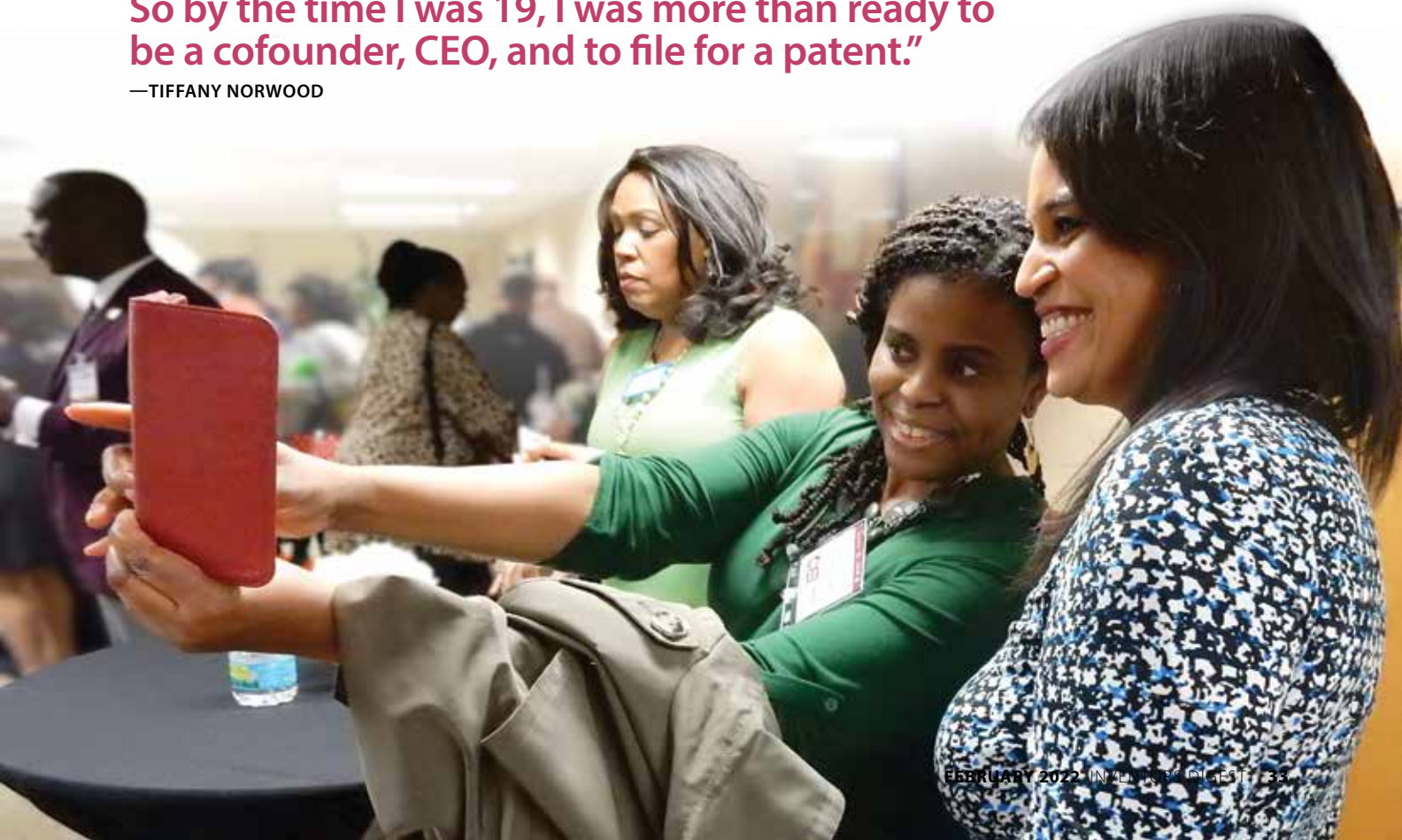
Instead of a fireside chat, it is going to be an immersive experience with music, video, animation and some special announcements, as well as a live performance celebrating not only my career but also entrepreneurship, innovation and our future changemakers.

I will post the details on my LinkedIn page: [linkedin.com/in/tiffyanorwood/](https://www.linkedin.com/in/tiffyanorwood/). And in a break from tradition, this year Cornell is going to livestream the event. I can't wait! 🎉

A global speaker, Tiffany Norwood visits with fellow founders after a keynote at the Joseph Business School in suburban Chicago.

"Dealing with sexism and racism gave me a thick skin. So by the time I was 19, I was more than ready to be a cofounder, CEO, and to file for a patent."

—TIFFANY NORWOOD



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And Here's the Pitch...

SOME TIPS TO HELP IDENTIFY WHICH COMPANIES SHOULD BE ON YOUR LICENSING 'HIT LIST' **BY APRIL MITCHELL**

"MY DUCKS ARE IN A ROW, but I can't get them quacking!"
Say what?

Let's assume you have your new invention/product all set, with a great-looking prototype and marketing materials. You are eager to get it in front of the right people at the right companies.

You may even have your dream company—you know, the one that would be a perfect fit for your product! But knowing which companies to pitch to in order to land a licensing deal takes time, research and practice.

People often ask me: "Do you have a list of companies I should pitch to?"

I respond: "No, I don't have a magic list for you. I recommend checking out trade show sites, online stores, and going in person to stores to check out other products in the same category."

Trade show sites: Investigating them is a great way to see who the attendees/exhibitors are in a specific industry, and categories within the industry where you have developed a product.

Make a list of these companies and research what their products are, and see if your new concept would fit in with their product line. If so, add them to your "Hit List"—your list of potential licensees.

Start gathering information on the company, corporate phone number, where it is based, top-selling products, and people you can connect with from the company.

Checking online: See which products are similar to yours, or what products are selling well in the same category.

Companies your product may compete with if you were to manufacture and distribute on your own are potential licensees.

In-person research: Getting your feet on the ground to see and feel other products on the

market in the same category and/or industry is of equal importance.

There's nothing like going to stores in person and seeing products on the shelves. Where would your product fit? What aisle should it be in?

Take other products off the shelves and flip them over to learn who makes the product and where they are based.

Take a photo so that later you can look up these companies, research them and add them to your hit list if they are a good fit. I like to do this at several stores where my new product could be sold.

Once I have my list of



Knowing which companies to pitch to in order to land a licensing deal takes time, research and practice.

companies, I research them and start connecting with them on LinkedIn to fully understand their product line and brand. In time, I know just who to contact and see whether they will look at my new product.

You should do this work for every industry as you invent for it. Each inventor will know his or her product best.

Your potential licensees are out there. You will find them. Just be sure to do your research—online, and in person. 📍

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



CES, Yes. Normal, No.

WORLD'S LARGEST TECH SHOW RETURNS IN PERSON
IN SHORTER FORMAT, BUT STILL VIBRANT **BY JEREMY LOSAW**

AFTER A FULLY VIRTUAL edition of the Consumer Electronics Show in 2021 due to COVID-19, the world's largest trade show returned in person to kick off 2022. It was far from business as usual.

After the vaccines rolled out and COVID cases decreased throughout the first half of 2021, CES was officially announced as a live event for this year. The hope of normalcy returned to the product development community.

However, the January invitation-only event was a roller-coaster of emotions amid a threat of cancellation. Delta and omicron variants emerged and moved around the world, and large companies began pulling out weeks before the show.

CES reported there were more than 40,000 attendees. According to VentureBeat, attendance was down 73 percent from the previous in-person event in 2020.

Nonetheless, with a schedule that was reduced from four to three days (January 5-7), the consumer electronics community again gathered en masse to show off the latest tech. Here is what it was like to be on the show floor in the first live, post-pandemic edition of CES.

These green, yellow, and red stickers could be placed on your badge to indicate your comfort level with handshakes.

Typical preparation

Pre-show logistics were largely unaffected. Signing up was no different—although attendees received early notice they were required to show proof of vaccination, giving anyone who was holding out plenty of time to make that choice.

One of the Enventys Partners clients, 1Ahead Technologies, signed up for the show. 1Ahead is

an AI security company with a novel device to replace your video doorbell with an artificial intelligence-controlled access device.

My team has been working on the product for about two years. Preparation to display the device at the show was the same as it would have been pre-pandemic. We had to build prototypes, make props for the booth, figure out how the booth would be laid out and what the pitch was going to be. The only difference was that booths were a little wider and had full walls between them to facilitate social distancing.

In the final week before the show, despite concern that attendance would be low due to large companies like Google and Amazon pulling out, our preparations continued.

On the ground

CES staff did a great job of making attendees feel comfortable at the show. They encouraged showgoers to install the Clear app on their phones to facilitate quick proof of vaccination at the badge pickup sites, and everyone was given Covid home tests to use during the show.

Organizers also took into account the age-old practice of the hands shake. There were stations where attendees could pick up a red, yellow, or green sticker to put on their badges to indicate their degree of comfort with handshakes.

Our Enventys Partners engineering team exhibited in Eureka Park, the area specifically devoted to startups and young companies. Although a few companies did not show up, it was great to see the atmosphere was vibrant.

Aisle space was notably increased to keep foot traffic flowing and to allow people to practice social distancing. Mask wearing was nearly 100 percent; communication between exhibitors





The quality of innovation exhibited did not suffer a bit. It even felt enhanced, given the 2-year span since the last in-person show.

and attendees was free and easy. And of course, there was a smorgasbord of swag like pens, lanyards and even masks.

Powerful innovation

The quality of innovation exhibited did not suffer a bit. It even felt enhanced, given the 2-year span since the last in-person show.

With the world focused on health and hygiene, innovators had new areas of focus. This was especially true in Eureka Park, where startups from around the world brought health- and pandemic-specific innovations. The larger companies also brought some great innovations.

Electric vehicles and technology associated with it was huge. Sony debuted its electric car. Of course, there were also lots of innovations in personal transportation, such as e-bikes.

This was also the first year that space tech was exhibited—a category that will surely grow in the coming decade. The only downside was that the show had one less day for attendees to take it all in.

Networking

A big part of the show—networking opportunities, on the show floor and at after-hours events—was muted but still present.

At the show, the best way to network is to walk around and visit the booths of companies in your category. It was easy to meet people from all over the world in a few hours.

There were also panel presentations for industry professionals to learn about different topics related to the consumer electronics industry. These were great chances to meet others in the field.

After-hours events were also in full swing, although there were fewer of them. Many were held in restaurants or bars. In the Eureka Park area, international groups are known for their pop-up happy hours at the close of show hours; these were back again as well. The Belgian contingency offered the best—free bottles of Stella Artois and a spread of food to offer both the Belgian startups and other exhibitors in Eureka Park. 🍷



Fewer attendees walked the show floor at CES 2022.

Inset: Alex Rausch and Rae McNeil set up the 1Ahead Technologies Glo device. The AI entry-management device was in development for two years before the show.



Clear As Mud

MANY PEOPLE ARE BULLISH ON THE IP MARKET—
IN THE FACE OF SOBERING INDICATORS **BY LOUIS CARBONNEAU**

I MUST ADMIT, I am more than a bit confused by the signals coming from the IP community.

Tangible IP recently attended two major IP business conferences back-to-back where the overall sentiment is definitely upbeat as far as where the IP market is trending. Is this still a collective case of wishful thinking?

After all, when people are together for the first time in two years, maybe human nature takes over and makes us appear more optimistic than we should be after such a long period of reclusion. However, most people we talked to at the end of 2021 indicated they were having their best year.

I would still take this with a certain grain of salt, but we are experiencing the exact same thing at Tangible IP—with a whopping 65 percent growth over last year, which was better than the previous year. (Sorry for the plug, but those who know me also know that I am rather competitive, and did not want to sound like this is only happening to others.)

Not only did the IP market appear to fare better in 2021, most people I talked to at both conferences were relatively bullish about the near future—both in terms of number of deals we might see and in terms of patent valuations. Music to my ears, if you ask me.

Resurgence theories

One oft-cited, major cause for this resurgence is the enormous amount of money that has been flowing of late in the patent monetization business. Most of this is through litigation funders and new IP funds emerging left and right.

According to a recent report on U.S. litigation funding and social inflation from the Swiss Re Institute, third-party litigation funding investment

(all fields included) rose by 16 percent to \$17 billion in 2020 compared to the previous year, despite COVID-19 disrupting legal proceedings. The United States accounted for more than half of the investment for litigation funding globally, and it shows no signs of abating.

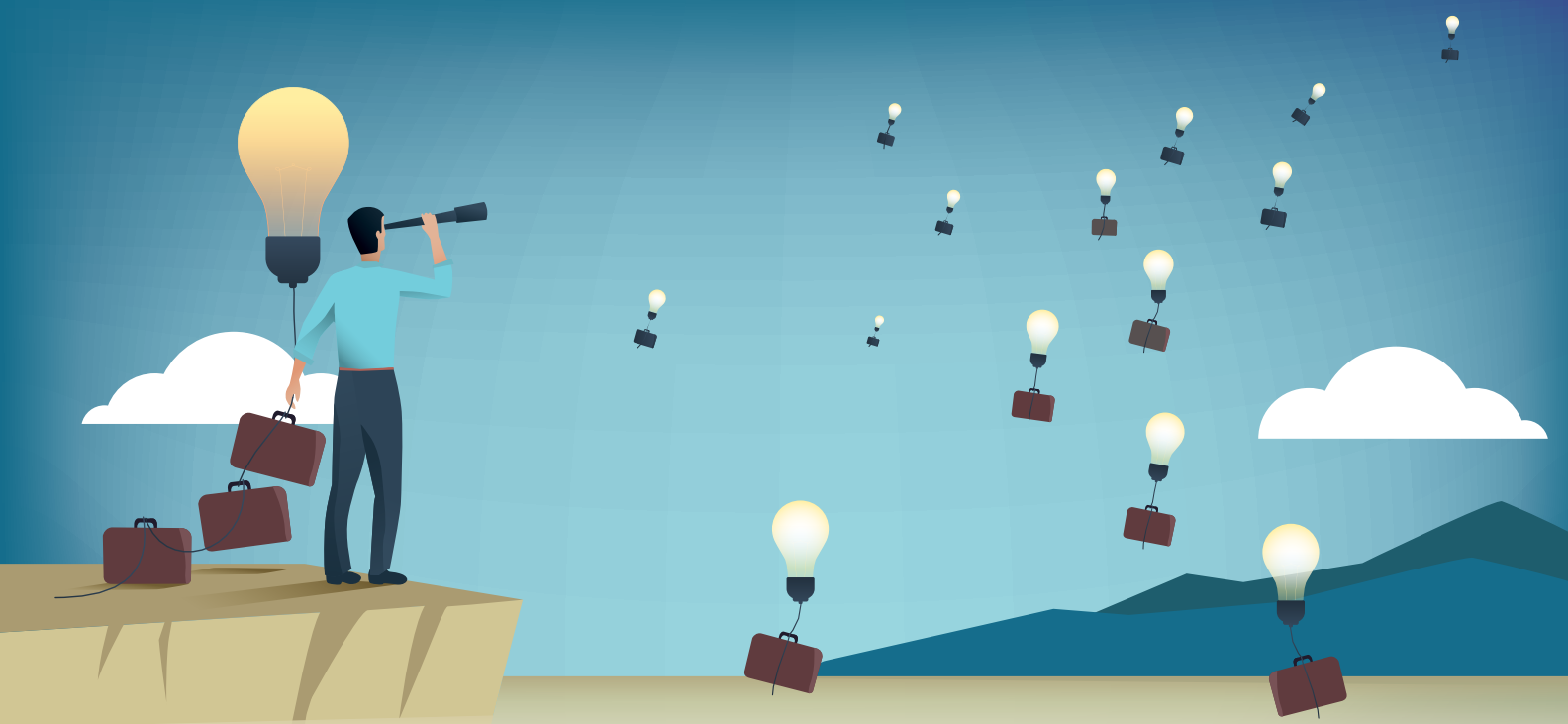
Another interesting explanation someone suggested for this upbeat market: Most patents in circulation have been issued in the past 10 years and are generally of a better pedigree, having been prosecuted after the 2011 America Invents Act (and in many cases, after the 2014 Alice decision that was such a blow to software patent eligibility). This makes sense to me, although its impact is probably only part of the equation.

But back to funders. We are starting to see some of the funding entities entering the patent acquisition business directly instead of simply taking a bet on a successful litigation campaign. This is a logical step if you think about it, because the same kind of due diligence that is required to fund assertion activities around a given set of patents equally applies if you want to buy those outright.

The difference lies in the dilution factor. Litigation funding entities are very good at math and understand full well that they will make more money, all other things being equal, if there is no patent owner to compensate downstream even if it costs them a little more upfront.

So, if more money is available for purchase and assertion, it logically leads to more transactions and more lawsuits; hence more settlements or court awards that bring more money back to the investors.

Rinse and repeat. This is a virtuous circle for many, and likely a vicious one for others.



The minute large patent owners feel the market is getting more active, they tend to flood it with their own portfolios to seize on the window of opportunity before it closes.

More money = more action?

But does this influx of money mean the patent market is healthier? Or are we seeing a bunch of latecomers to the game who will gamble their clients' funds while the leaders in this field are already off to the next thing?

There is money, and there is ... smart money. Are the new kids on the block no different than you and me—buying bitcoins at this stage, knowing that they used to be a lot cheaper but since everyone is still buying them, so should we?

To answer this question, let's look at the fundamentals again and go back to the Tangible IP five Indicators for market trends:

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

Let's start with supply and demand. There is definitely an uptick in buyers looking for patents, but they remain extremely selective and most patents in circulation will not meet the threshold for them to pull the trigger on a deal.

In other words, there is plenty of money available to buy patents, but it does not necessarily mean more patents will be transacted. Remember, we are dealing with a very special asset class with no price elasticity and most patents' value is \$0 in that context, because concerns over validity and/or infringement remain present behind every potential transaction.

Furthermore, the minute large patent owners feel the market is getting more active, they tend to flood it with their own portfolios to seize on the window of opportunity before it closes. By doing so, they actually depress the market by quickly increasing the available inventory; hence it remains a buyers' market indefinitely.

As far as case law, we have not seen anything in the past few months that we could call a game-changer favoring patent owners. If anything, recent cases have further eroded some of the few bright spots that were still present for those asserting their patents.

We discussed extensively in a previous column how the large technology implementers in Silicon Valley have been able to get their infringement cases thrown out of Texas and forced their opponents to fight them on their own turf in northern California.



As for the regulatory environment, no one can say it is really improving.

We reviewed a few bills filed lately on the Hill that were definitely not friendly to patent owners. And the same lobby that was largely responsible for creating and nurturing the urban myth of patent hoarding in the United States—with much success—is close to accomplishing the same thing in Germany, where the German legislature recently voted to amend the patent injunction statute that made Germany such a patent-friendly jurisdiction.

And of course, there is a certain level of trepidation about the incoming USPTO director.

Moving to our fourth indicator, large damage awards, there were a few in 2021 but nothing really new in the past couple of months to prime the market.

Thus, if we are honest, the only factor driving enthusiasm is the last one on our list.

Of course, everyone gets excited when money

is flowing into a given segment. But as we have seen over and over in other areas, having too much company is not always a good sign. We at Tangible IP firmly believe that once the market absorbs this big pile of money, we will be left with the same fundamentals, some people will move on to other areas after some disappointing performances, and only the smartest players will thrive.

It does not mean this trend cannot sustain itself—simply that the laws of gravity apply here as well and that for every winner, there has to be a loser somewhere. ☹

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



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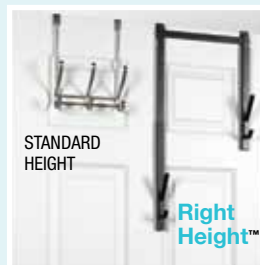


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Your 10-Step List

KEEP THIS TO-DO TALLY HANDY WHEN YOU HAVE A NEW INVENTION OR PRODUCT IDEA **BY DON DEBELAK**



IN THE PROCESS of every invention or product idea, there are different emphases along the way. But this checklist provides a useful sequence of steps from ideation to selling the finished product.

Evaluate your idea's feasibility. Is it feasible to create, based on your abilities? Can it be produced profitably? Is there significant competition? Is there a “wow” factor? You can conduct a preliminary patent search for free, using search engines such as Google Patents, the USPTO site's Search for Patents, and more.

Determine your target market. This is crucial, because the rest of your steps will be geared toward creating the perfect product, packaging, marketing, image, etc., for that market.

Conduct meaningful market research. Create surveys, questionnaires or study groups to compare your product to others. If using a brochure for your product, get brochures of competing products.

Make a “looks-like, acts-like” prototype. Unless it is obvious your product will work, you must verify that your idea works the way you think it will. Your prototype doesn't necessarily need to be made from all the same materials as your final product, but it needs to be a close approximation of your final product to prove to you, investors and potential partners that your idea works.

Get intellectual property protection. Once your final patent search is completed online and/or by a patent professional, use the results to decide your patent strategy. For instance: trade secret, design patent, utility patent, provisional patent application, a series of weak patents or a prolonged patent-pending strategy.

Find potential helpers. People who know manufacturing, have many industry contacts, or who understand how an industry works can help inventors cut costs and get the quickest product introduction.

Create a market introduction plan. You must know the price structuring of different industries, what types of margins you will need, what type

of distribution would be the most effective and profitable, and more. In your market introduction plan, list your target customers; the strategy for reaching them (i.e. through retail stores, direct marketing, internet, etc.); the concrete steps you will take to realize your strategy, and pricing you will need to sell through your chosen sales channels.

Create a brand name, logo, sales materials and packaging. Letterheads, business cards, sales flyers, product packaging and press materials all contribute to the image of your company and product. Brand names are key; consider hiring an outside expert if you can't come up with a strong brand name.

Locate possible manufacturers. I found the best ways to do this are:

- Check MacRae's Bluebook (macraesbluebook.com). It lists manufacturers by state by category.
- Check the Thomas Register (thomasregister.com), which also lists manufacturers by category.
- Seek trade associations for the industry, which typically have a membership directory.

Start selling! Here are strategies and tactics to consider.

For your sales organization:

- Selling direct
- Selling through representatives
- Sales through the internet

For your distribution channel:

- Direct to customers or retailers
- Through distributors
- Other distribution channels
- Partners with complementary products. 📦

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





More Support for Vidal

BUT ONE SENATOR VOICES STRONG OPPOSITION TO HER BEING NAMED USPTO DIRECTOR BY EILEEN MCDERMOTT

All Eye On Washington stories initially appeared on IPWatchdog.com.

THE SENATE Judiciary Committee officially voted to confirm the nomination of Katherine Vidal by a vote of 17-5 for under secretary of commerce for intellectual property and director of the United States Patent and Trademark Office, and forward that decision to the full Senate.

The committee also voted 16-6 in favor of Judge Leonard Stark, President Biden's nominee to replace U.S. Court of Appeals for the Federal Circuit Judge Kathleen O'Malley.

She is retiring, leaving a vacancy on the court as of March 11.

Speaking in opposition to Vidal's confirmation in the January 13 vote, Sen. John Kennedy (R-La.) charged the committee with paying lip service to Big Tech's anti-patent behaviors but doing little about it. He said Vidal's responses to his questions for the record were "evasive," adding:

"Big Tech doesn't like patents because it impinges on their market dominance ... If you took Big Tech and turned it upside down and shook it, our patent office directors would fall out of Big Tech's pocket.

"We keep talking about doing something about this, but we never do it. One of [Vidal's] predecessors worked for IBM for 20 years, and we put him as head of the patent office. One of the prior directors worked as senior patent counsel for Google ... Every one of these administrative law judges report to the director, and I'm not making any allegations that anyone's done anything improper but there's sure the appearance of the absence of a level playing field."

'Buckle your seatbelt'

Kennedy said he hopes once the committee gets past discussion of the Voting Rights Act, it can turn to Big Tech.

Judiciary Committee Chair and Sen. Dick Durbin (D-Ill.) hinted that Big Tech will be on the agenda, replying to Kennedy: "Buckle your seatbelt. This committee will be taking some forays into that area."

Both Sens. Thom Tillis (R-NC) and Patrick Leahy (D-Vt.) spoke in support of Vidal, with Tillis assuring the committee she had addressed the issues raised by Sen. Kennedy in conversations with Tillis.

Tillis added that the committee should consider codifying some of the progress made thus far at the USPTO on improvements at the Patent Trial and Appeal Board, and in curbing Big Tech abuses.

The five senators who voted nay on Vidal's nominations were Kennedy; Mike Lee (R-Utah); Ted Cruz (R-Texas); Josh Hawley (R-Mo.); and Jon Ossoff (D-Ga.).

Praise for Stark

Speaking in support of Judge Stark, Sen. Chris Coons (D-Del.) said he has "tremendous experience as a district court judge" and has presided over thousands of patent cases, making him ideal for the spot.

Stark has served on the United States District Court for the District of Delaware since 2010 and was chief judge for the District of Delaware from July 2014 to June 2021. 🐕

Eileen McDermott is editor-in-chief at IPWatchdog.com. A veteran IP and legal journalist, Eileen has held editorial and managerial positions at several publications and industry organizations since she entered the field more than a decade ago.



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2 Former Directors Have 1 Warning

IANCU, KAPPOS SAY COVID WAIVER PROPOSAL IS DANGEROUS AND MISGUIDED **BY EILEEN MCDERMOTT**

WAIVING THE intellectual property rights of companies making COVID-related technologies “is going to do more harm—help kill more people, to be blunt—than save people,” said former USPTO Director Andrei Iancu.

Iancu spoke during a webinar hosted by The Federalist Society’s Regulatory Transparency Project on January 12. It also featured former USPTO Director David Kappos, as well as Duke University law professor and former USPTO Administrator of the Office of External Affairs Arti Rai.

Discussing the proposal to the World Trade Organization to waive IP rights under the trade-related aspects of Intellectual Property Rights (TRIPS) Agreement for certain COVID-19 technologies—a proposal backed by the U.S. government—all three panelists agreed the attempt has become a distraction that will not solve the fundamental problems.

Kappos said “the U.S. government is now complicit—aiding and abetting—in distracting attention from the real issues and letting humans die so that it can pursue some other objective.” Iancu said, “The current push to waive IP rights goes in exactly the wrong direction ... that is the tragedy of the current proposal.”

Last May, U.S. Trade Representative Katherine Tai said the United States will back a 2020 proposal by India and South Africa to waive intellectual

property protections under TRIPS. The proposal calls for the suspension of international protections for patents, copyrights, industrial designs, trade secrets and proprietary materials, “in relation to the prevention, containment, or treatment of COVID-19 until widespread vaccination is in place globally and the majority of the world’s population has developed immunity.”

Since then, the U.S. administration has reiterated its commitment to engaging in text-based negotiations on the waiver, though not much progress has been made.

Not all or nothing

The discussion was moderated by Texas A&M University School of Law Professor Saurabh Vishnubhakat, who asked the panelists to explain how much of an obstacle patent rights are posing in the current pandemic.

The short answer from all three panelists was none. Rai said that “intellectual capital” does come into play in the debate, and—while advocacy groups are in many ways still fighting the “last war” in this space, namely, HIV/AIDS, where patent rights were very much at issue—there are some “potentially very tricky questions with trade secrets” and how to transfer know-how when it comes to the COVID crisis.

“It may be that patents can serve as a vehicle for transfer of that know-how voluntarily via contracts,” Rai said. “There are entities that are claiming they want to collaborate with Pfizer

Duke University law professor Arti Rai attempted to temper some comments, seeming to call for an acknowledgment that the private sector will have to compromise at some point.



and Moderna in some lower-middle income countries, that have not secured such collaborations as of this date, and one of the questions is what's going on there, and I think we should talk about that as we progress."

Rai attempted to temper some of Iancu's and Kappos' comments throughout the discussion, seeming to call for an acknowledgment that the private sector will have to compromise in some way at some point. Though she did not condone giving away IP full stop, Rai pushed back on the "false dichotomy" being touted by some. She explained:

"I do think there are mechanisms that have been demonstrated in other contexts of tiered pricing, of ensuring that knowledge flows occur only to trusted parties. It's not an all-or-nothing game where you absolutely have to keep everything in one silo in one company OR have everything go open source; that's a false dichotomy.

"The sophisticated questions are questions of how we're going to problem solve without going to either of those false dichotomies."

Urgency urged

Kappos said government and industry need to cooperate in areas such as moving refrigeration equipment to developing countries, providing transportation infrastructure to get vaccines to villages in least-developed countries, making



sure enough vials and syringes get where they need to be, and that enough medical professionals and information are distributed and shared with people to get them interested and motivated to take the vaccine. "It has nothing to do with disclosing trade secrets or getting free licenses under patents," he said.

Ultimately though, whatever the way forward is, IP rights must be part of the solution. Iancu warned that "the next health crisis is around the corner" and world leaders should be working on it now because "a plan ... takes time." 📌

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Best wishes, Jack Lander

IoT Corner

Twenty-one teams from six countries participated in the final round of the first **Africa IoT & AI Challenge**, in Dubai in December. Members from Kenya, Tunisia, Uganda, Morocco, Nigeria and Egypt competed, with the latter three countries first-place winners.

The event was announced at the IEEE Global Conference on Artificial Intelligence and Internet of Things in May 2021. The initiative's goal is to help tech startups from Africa be more prepared to launch their product and be more attractive to investors.

Many participants were from university and secondary schools aiming to helping young entrepreneurs. The competition is a showcase for emerging IoT talent in Africa.—*Jeremy Losaw*

Wunderkinds

Andrew Pun, 18, of Scarborough, Ontario, Canada, was the first-place winner at the most recent Weston Youth Innovation Awards, by the Ontario Science Centre. Andrew won \$15,000 for Polarderm, a 3D smartphone camera attachment and AI web app that identifies seven types of skin lesions, including melanoma and basal cell carcinoma. The attachment combines polarized dermoscopic technology and AI for an accessible, low-cost option for early detection of skin cancer.



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116 The number of restaurants operated by Irish burger chain **Supermacs** when it won a landmark victory for small businesses in 2019. McDonald's—which operated 36,500 restaurants at the time—had sued for trademark infringement, citing the franchise name's similarity to the term Big Mac. The suit was rejected by the European Union Intellectual Property Office.



WHAT DO YOU KNOW?

1 Alexander Graham Bell and Elisha Gray both filed telephone design patents on the same day: Feb. 14, 1876 (Bell's lawyer got his paperwork filed

first). Which inventor received more patents in his lifetime?

2 The first plant patent ever granted, to Henry F. Bosenberg for a climbing or trailing rose, was in which year?

A) 1896 **B)** 1931 **C)** 1951 **D)** 1971

3 **True or false:** Verlooy Herwig received a design patent on heart-shaped chocolate in 2001.

4 Juristat.com has a list of 10 patents for Valentine's Day, with a headline that says:

- A)** Love stinks; candy doesn't
- B)** Happy VD
- C)** Love is patent, love is kind
- D)** Nothing can infringe on love

5 **True or false:** Horace Smith and Daniel Wesson patented the first repeating rifle on Valentine's Day, 1854.

ANSWERS: 1. Gray, at least 70; Bell, at least 18. 2. B. 3. True. So is the name. 4. C. 5. True (U.S. Patent No. 10,535A). Little is known about their love lives.

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