

IN COOPERATION WITH



UNITED STATES
PATENT AND TRADEMARK OFFICE

JANUARY 2021 Volume 37 Issue 1

Inventors

DIGEST

KYM GOLD

INNOVATION SUPERSTAR
TAKING STYLE TO HOME

Your USPTO

NEW FEATURE FROM THE U.S.
PATENT & TRADEMARK OFFICE

Black Pioneer

MADAM C.J. WALKER'S
STORY INSPIRED MINISERIES

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Leading America's innovation renaissance



Andrei Iancu

For 230 years, American intellectual property (IP) rights have been the cornerstone of our economy and the catalyst of technological revolutions that have shaped the modern world. Critical, life-changing advances in transportation, communication, medicine, and consumer technology have all been incentivized and backed by the IP rights and protections enshrined in, and safeguarded by, our Constitution.

Yet more can be done. To broaden our innovation economy demographically and geographically, and to spur a renaissance in American innovation, the United States Patent and Trademark Office (USPTO) has launched a series of ambitious initiatives. We've created the National Council for Expanding American Innovation (NCEAI), which better leverages the expertise of academia, industry, and government. We've also strengthened the reliability and certainty of IP rights, revolutionized patent and trademark operations, and modernized our IT infrastructure.

At the USPTO, we're not waiting for the future — we're helping build it.

Andrei Iancu

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office

Inventors

DIGEST

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Springing to Hope, 11 Million Patents



If you're not celebrating the calendar turning to 2021, you must be reading this from the intersection of Debbie Downer and Eeyore.

The ball has dropped on a new year while hopes climb, largely due to the approval and early successes of COVID-19 vaccines that will hopefully help quell the worst pandemic in America's 245-year history. (All of us have to do our part, too.)

For most of the past year, you have read in *Inventors Digest* about the innovative and humanitarian spirit that has been an indomitable floodlight in a cave of depression, despair and death. The vaccines—Pfizer/BioNTech and then Moderna leading the way at the outset—may be the most important inventions of our lifetimes.

The new year and our growing appreciation for innovation mesh well with *Inventors Digest's* affiliation with the United States Patent and Trademark Office that begins this month. Each issue will contain space devoted to the latest USPTO news and upcoming events that highlight the importance of patents, trademarks and intellectual property rights.

As of this writing, it's generally assumed the COVID vaccines will become widely available by spring. Given the prominent role research/development and innovation played in the rollout of the vaccines, that's also good timing for another event to celebrate:

The 11 millionth patent.

OK, so 11 million doesn't have the round-figure pizzazz of 10 million (the latter milestone chronicled in a June 2018 *Inventors Digest* cover story, with the approval and help of the USPTO). But it's still a significant milestone.

Of course, it's impossible to pinpoint the precise date for No. 11,000,000. But it's coming fast, especially on the heels of a fiscal year in which the USPTO granted 399,055 patents through Sept. 30, 2020.

An early-spring 2021 timetable for 11 million seems reasonable—given that 44 months lapsed between the 8 millionth patent and the 9 millionth, then the timeline shrank to 38 months to reach 10 million. If that timeline is cut another 4-6 months for the next milestone, we could reach 11 million as early as February or as late as April.

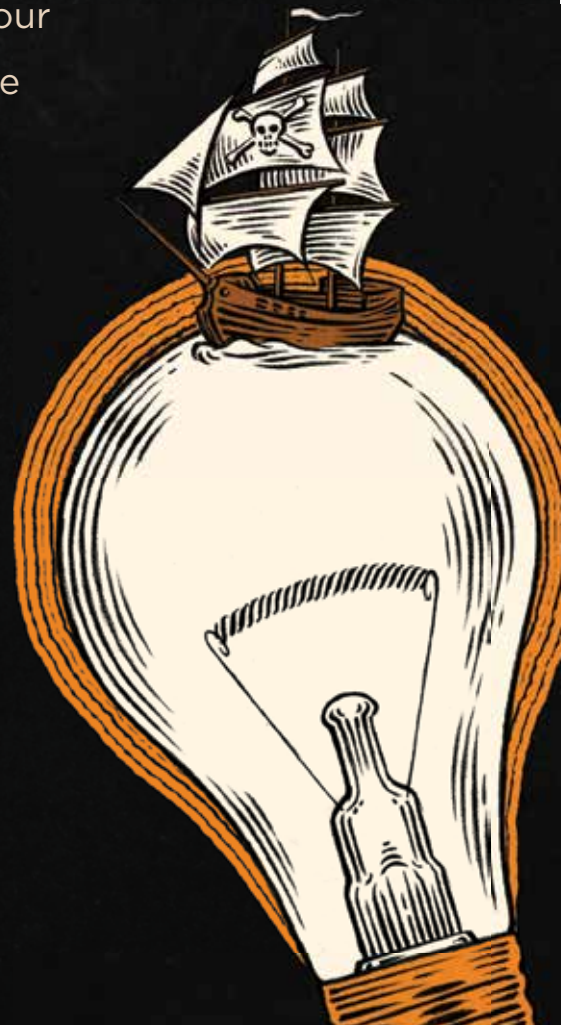
So, no more 2020 hindsight. It's time to stop wringing our hands and start raising them.

—Reid
(reid.creager@inventorsdigest.com)



Stolen Inventions tell no tales.

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



**SAVE THE
AMERICAN
INVENTOR**

SaveTheInventor.com

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ON THE COVER
Kym Gold, founder of Style Union Home; photo by Donovan Freberg Photography

NEWS FLASH

A VISION FOR INCLUSION

NCEAI seeks to increase participation of women and other underrepresented inventors

HEDY LAMARR would have been a strong proponent for The National Council for Expanding American Innovation.

In 1942, the iconic actress received a patent from the then-National Inventors Council for co-inventing a radio signaling device that changed radio frequencies to keep enemies from decoding messages. She figured the device could help in the World War II effort.

But the U.S. Navy originally wasn't interested, urging her to use her good looks for fundraising. Although the invention later was used by the United States during the Cuban Missile Crisis and spawned the multi-billion-dollar WiFi, GPS, and Bluetooth industries, her patent expired before the military and scientific communities realized her contributions.



The National Council for Expanding American Innovation (NCEAI) seeks to change that. Its mission is to help the United States Patent and Trademark Office develop a comprehensive national strategy to increase participation in our innovation ecosystem by encouraging, empowering, and supporting all future innovators. That includes women and other underrepresented groups.

The NCEAI originated as a new initiative in the USPTO's SUCCESS Act report to Congress in 2019, which found that women and minorities are underrepresented as inventors named on U.S.-granted patents. The report encouraged the creation of a high-level council of industry, academic, and

UNIVERSITY OUTREACH

University Engagement Series, led by USPTO Director Iancu, highlights need for IP protection and entrepreneurship

CURRENT INNOVATION can be found anywhere, from a person's garage to a laboratory. But much of the future of innovation is in classrooms—especially in universities.

In October 2020, USPTO Director Andrei Iancu launched

an extensive University Outreach Engagement Series with events at the University of Iowa and the National Academy of Inventors. The program focuses on American innovation, the importance of intellectual property, and

efforts to expand our innovation ecosystem demographically, geographically, and economically.

By engaging directly with university faculty, students and innovators beyond the campus community, Director Iancu has highlighted the vital role universities play in shaping and supporting future innovators. As of this writing, he had spoken to 25 U.S. universities.

"The creation of new technologies, new products, new companies, and new industries is vital to the American economy," Director Iancu told the Iowa audience. "And at this moment in time, given the challenges we face as a country and as a world, it is absolutely essential that we increase the number of people engaged in innovation across all demographics and all geographies."

Reaction to Director Iancu's appearance was swift and effusive—especially his detailed knowledge of the University of Iowa's STEM Innovator initiative.

Leslie Flynn, professor of STEM innovation and entrepreneurship at the university, said she received 54 communications saying, "great event."



government leaders who would help develop the strategy to increase participation of underrepresented groups in innovation.

What resulted was an all-star cast of influential players in the innovation arena—featuring Andrei Iancu, under secretary of commerce for intellectual property and director of the USPTO; Wilbur Ross, secretary, U.S. Department of Commerce; and respected leaders from groups including academia, industry, intellectual property associations, nonprofit organizations, independent inventors, venture capitalists and small businesses.

At the NCEAI's inaugural meeting on Sept. 14, 2020, Director Iancu discussed innovation's enduring role in the American economy and its way of life since the country's beginnings.

Women account for more than half of our national workforce but only about 13 percent of inventors named on U.S. patents.

“It is no coincidence that the only time the word ‘rights’ is mentioned in the Constitution, before the amendments that came later, is with respect to intellectual property rights. This concept was that important to our Founders.”

“More than two-and-a-quarter centuries later, however, innovation on the United States is overly concentrated—demographically, economically, and geographically. For example, women account for more than half of our national workforce but only about 13 percent of inventors named on U.S. patents.”

Howard University President Wayne A.I. Frederick specifically cited the numerous contributions of African-American inventors, which he said are “filled with talented notable and lesser known names whose inventions have made life more convenient to our nation and the world.”

GET INVOLVED: You don't have to be an NCEAI member to participate in the quest for more diverse representation among inventors. Share your best practices, lessons learned, and any feedback at NCEAI@uspto.gov. Or join the conversation on social media using [#ExpandingAmericanInnovation](https://twitter.com/ExpandingAmericanInnovation).

NCEAI WEBPAGE:

www.uspto.gov/ExpandingAmericanInnovation.

Resources on the webpage include links to SUCCESS Act data, public hearings and written comments.



‘MYSTERY’ SOLVED

Expanding Innovation Hub helps take the uncertainty out of the patent process

GETTING A PATENT may seem difficult. It's important to understand the steps along the way, so the United States Patent and Trademark Office's new Expanding Innovation Hub has the information you need to demystify the patent system.

The USPTO's individual inventor toolkit in the Expanding Innovation Hub provides full context and background information via three major components:

- A history of the patent system, with the importance and types of patents;
- The growth of the patent system, including the need for expanding participation in intellectual property, women inventors in the workforce, and why inventing matters; and
- A patent roadmap with the anatomy of a patent, the patent application journey, and the role of the USPTO in the process.

The Hub's toolkit shows you a physical example of a patent, with a sample claim and diagram so you can be familiar with the document's primary components.

You also can see an explanation of all four steps of the patent application journey. A patent application roadmap guides you through the back-and-forth with the USPTO.

Beyond the individual inventor toolkit, two important resources from the Hub are the Mentoring Toolkit, designed to help organizations establish an infrastructure to connect experienced innovators with the next generation; and Community Group Resources for helping organizations establish an infrastructure to connect groups of employees with shared characteristics, interests, and goals.

The Hub's inventor and entrepreneur resources link you to information on trademarks, assessing your IP, and how to protect yourself.

You can also investigate a list of free legal services. You can even request a USPTO speaker.

Looking for additional resources? The Hub suggests the Inventor Assistance Center, Patent Pro Bono Program, law school clinics, and patent and trademark resource centers. The helpline phone number is 1-800-PTO-9199.

THE MAIN HUB WEBPAGE:

uspto.gov/initiatives/expanding-innovation

TRADING CARD

NO. 30:

Dr. Marian Croak

WE'VE COME a long way from those 1990s days when connecting to the internet produced a cacophony of buzzes, beeps, and crackling.

Now we enjoy face-to-face time and myriad other routine internet conveniences, with a leading assist from Marian Croak. Her prominent role in advancements for internet phone connections have resulted in her being the latest inventor featured in the United States Patent and Trademark Office's Trading Card Series.

Andrei Iancu, under secretary of commerce for intellectual property and director of the USPTO, unveiled Dr. Croak's card while delivering the keynote address at the U.S. Chamber of Commerce Equality of Opportunity in the Innovation Economy conference last October 1.

A vice president of engineering at Google, Dr. Croak leads the mission of expanding internet access in developing countries. She focuses on reliability engineering to improve the performance of Google systems and services.



Referred to as an “inventor and problem solver” on the card back, the New York City-born Dr. Croak is saluted with this text:

“Marion Croak, PhD, developed inventions that made phone calls more reliably and securely transmittable over the internet. She is a pioneer in the advancement of Voice over Internet Protocol (VoIP). Dr. Croak is a technology team leader, mentor, and

**MAGIC MOMENT****APRIL 10, 1790: U.S. PATENT ACT SIGNED**

DURING his first Annual Message to a Joint Session of Congress 231 years ago this month, President George Washington had a lot on his plate.

His speech on Jan. 8, 1790—the forerunner to what we now call the State of the Union Address—touched on issues including defense, foreign policy, the economy, education, naturalization, science, and literature. Elected America's first president 11 months later, he oversaw the ratification of the Constitution and led the formation of the government.

Although it is often reported that Washington called for the establishment of a patent system during his address, he did not mention the word “patent.” The closest he came was: “The advancement of agriculture, commerce and manufactures, by all proper means, will not, I trust, need recommendation.”

However, the need for a patent system may have been implied. At this early stage of America's history—even before the Bill of Rights was approved—the Founding Fathers were convinced of the need for a system to encourage innovation and commerce. Three months later, Washington signed the U.S. Patent Act into law.

The new legislation not only provided inventors crucial legal rights to their creations, it was impressively comprehensive. A patent was defined as “any useful art, manufacture, engine, machine, or device, or any improvement there on not before known or used.” It granted any successful applicant the “sole and exclusive right and liberty of making, constructing, using and vending to others to be used” for that invention.

The registration process was described in careful detail, along with various fees associated with the process (including 10 cents for the filing of required written descriptions

mother of three, who holds over 200 patents. She inspires others through her commitment to innovation, leadership and service.”

In a USPTO video, Dr. Croak said, “I feel deeply honored by being represented on an inventor trading card. I think it’s really important that students understand that inventors are people just like themselves. The card makes that reality so tangible and visible.”

Iancu says the cards “recognize a wide variety of patent holders from many diverse backgrounds. They are distributed by the USPTO to students, teachers and parents at education and outreach events throughout the country.

“I am pleased to note that they have become extremely popular and collectible. They are introducing future inventors to the vast array of technologies that are available for them to pursue, and to those current and past inventors to inspire them to do so.”

Requests for the trading cards can be sent to education@uspto.gov. They also can be viewed at uspto.gov/kids.

consisting of 100 words).

The Act designated an administrative office that would be responsible for governing patents: the U.S. secretary of state (then Thomas Jefferson), secretary of war (Henry Knox), and the attorney general (Edmund Randolph). Jefferson was the lead patent examiner.

This board, which worked to safeguard inventor rights and provide fair enforcement on patent-related issues, ultimately led to the formation of the United States Patent Office.

On July 31, 1790, Samuel Hopkins received the first U.S. patent for “Improvement in the making of pot ash and pearl ash.”

WHAT’S NEXT

BLACK HISTORY MONTH EVENTS

LEAVE IT TO THE USPTO to provide a fresh twist on an annual event. Although America’s Black History Month celebration traditionally honors inventors from the past, a **February 10** event will spotlight three female inventors who are still making history.

Panelists Aprille Ericsson, Ayanna Howard, and Arlyne Simon will discuss their inspirational careers. Slots are limited, so register today for this free event.

Dr. Aprille Ericsson was the first woman to receive a Ph.D. in mechanical engineering from Howard University and the first African-American woman to receive a Ph.D. in engineering as a civil servant at the NASA Goddard Space Flight Center. She seeks to facilitate government partnerships that enable industry and small businesses to collaborate with universities to solve strategic R&D challenges faced by U.S. government agencies. She holds one patent.



Dr. Ayanna Howard (*Inventors Digest* cover story, October 2019) is the founder and chief technology officer of Zyrobotics, a company that uses machine learning and robots to make educational toys for kids—especially those with special needs. She was recently appointed to lead the Department of Engineering at Ohio State University, the first woman to hold that position there. She holds three patents.



Dr. Arlyne Simon, a biomedical engineer at Intel’s Health and Life Science business unit, is also the author of the “Abby Invents” picture book series. Simon founded a multicultural children’s products company, Timouns, which has reached more than 3,500 future inventors. She holds two patents.



For more information, or to ask questions about the program, email InnovationOutreach@USPTO.gov.

The USPTO will host another panel discussion on **February 12**. “A focus on business” will showcase the artistic collaboration between illustrator/cartoonist **Liz Montague** and Google Art Director **Angelica McKinley**. Learn how large-scale creative projects are produced from concept to launch, even during a global pandemic.

REGISTER TODAY for these free virtual programs at <http://bit.ly/33yN9wu> and <http://bit.ly/3fYF60P>. Questions? Call 571-272-8033.

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SAY HELLO TO INNOVATION

At Enventys Partners, we build new products, create new brands and breathe new life into existing ones using an efficient, collaborative approach. We believe there are two ways to grow your business: introduce innovative new products or sell more of the products you already have. Whichever approach fits your needs, we can help you thrive with a proven strategy that delivers quantifiable results.

Put simply, we build new products and then help you market them.

WHAT WE DO



Product Development



Industrial Design



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Crowdfunding



Digital Marketing



Public Relations

For more information and to view samples of our work, visit enventyspartners.com or call us at 704-333-5335.

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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):

“Don’t Forget the Press Release” (September 2019):

What an interesting read. Well done!

I found an agent who provides me with compelling and newsworthy press releases for my website. Now I promote my business with ease. He is the best so far. (Also affordable, LOL)

—AKIN

“Organic Social Media” (June 2020):

Great post. Organic social is any social media activity without a paid promotion. It uses free social media tools to build and engage with an online following. Paid social refers to anything on social media that’s influenced by advertising dollars.

—LISA GEORGE

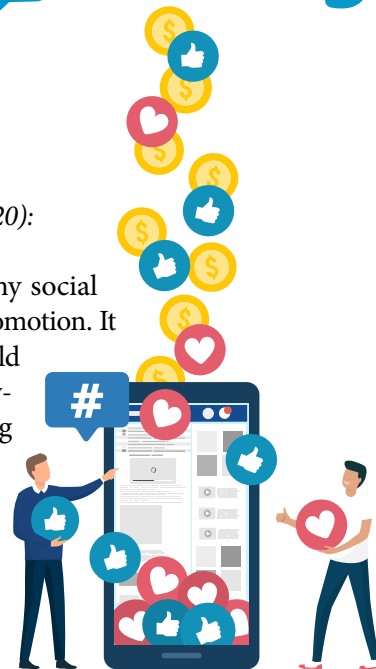
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DID CATCHPHRASES DROP THE BALL?

should have spent a few more public relations dollars on creating a trademarked catchphrase that is creative and immediately identifiable with the Pfizer brand.

Last April, the New York drugmaker filed a trademark application on its SCIENCE WILL WIN marketing campaign—a quick, savvy marketing strategy in the early days of the COVID frenzy. But competitors may have heaved a sigh of relief large enough to fill a respirator.

Besides the fact that the slogan is generic and vague (science will win at *what?*), Pfizer’s catchphrase celebrates science instead of its own efforts—and with no reference to the historic nature of the vaccine in the wake of more than 1.5 million deaths worldwide and counting.

Then in early December, just before its vaccine was ready to be administered to hospital workers, Pfizer launched another campaign. It took dull and made it longer.

The unwieldy, still-generic and now tense-inaccurate SCIENCE WILL MAKE THE BREAKTHROUGH was the trademark application Pfizer filed with the U.S. Patent and Trademark Office on December 4, for not only the vaccine but other marketing initiatives.

“If the applications are ultimately registered, Pfizer will solidify its marketing strength and prevent competitors from using confusingly similar slogans to market their own vaccines,” wrote Florida-based patent and trademark attorneys Smith & Hopen.

Pfizer won’t have anything to worry about. —Reid Creager

U.S. pharmaceutical giant **Pfizer Corp.** may enter 2021 as the most acclaimed corporation in the world, on the heels of its early-November announcement of a COVID-19 vaccine and promising results in its early stages.

Pfizer will make an estimated \$19 billion on the vaccine this year, according to Morgan Stanley. So maybe it

BRIGHT IDEAS

Mobile

VERSATILE PHONE CASE

peakdesign.com

Mobile is a durable 2.4mm phone case that comes with mounts, accessories and chargers.

The case features the Loop, an option engineered into the back that allows the user to reach into his or her pocket and slide a finger through a loop for grip control. The Loop magnetically pops closed when not in use. The SlimLink Mounting System features dual locking systems.

The Everyday Case, which is compatible with seven different iPhone models (including iPhone 12) and three different Samsung models, will retail for about \$40. The full package, featuring a mobile tripod and various mounts, will retail for about \$475 with a May shipping target for crowdfunding Rewards backers.



POSSIBLE DELAYS

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

Dropi

TOUCHLESS SANITIZER DISPENSER

mydropi.com

Dropi's advanced motion sensor and versatile mounting options ensure you can eliminate germs with a single wave of your hand.

The apparatus mounts just about everywhere and works with all popular sanitizers. Its pocket size allows mounting on car air vents, windshields, car seats and even on bicycle handles.

Dropi's bottle is refillable, so you can buy in bulk and make your own sanitizer.

The essentials set—which includes the device, one mount, one bottle and sticker set—will retail for \$45. It is scheduled for a January delivery date. As of this writing, Dropi's project team had a working demo, not the final product.



Bird Buddy

SMART BIRD FEEDER

mybirdbuddy.com

Bird Buddy notifies users of bird visitors, captures their photos and organizes them in a collection. Its artificial intelligence recognizes more than 1,000 bird species.

Bird Buddy has a built-in microphone and features a detachable and upgradable module. Add-ons include a solar roof, wall mount, fence mount and suet ball holder.

The standard package will include the feeder, Smartphone app membership, nylon hanging cord, universal bottom mount, USB-C charger and a filling cup. It will retail for \$219, with an estimated September delivery.

"If necessity is the mother of invention, then dissatisfaction must be its father." —JEFFREY FRY



ARCO

2-IN-ONE COFFEE GRINDER

goat-story.com

ARCO allows users to grind their coffee by either cranking the grinder with their hands or connecting it to a power dock.

The product features easy and precise grind adjustment, promoting sweeter, clearer and crisper coffee. Users can grind up to 50g of coffee at once with near-zero grind retention.

There is a grind for every brew method, with 120 grind settings.

The grind catcher is designed to perfectly fit your espresso basket.

The 2-in-1 hand and electric grinder will retail for \$499, the hand grinder for \$250. Targeted shipping is in June.



Made for Hollywood

MADAM C.J. WALKER IS AN AFRICAN-AMERICAN ICON—AND INSPIRED A CONTROVERSIAL MINISERIES **BY REID CREAGER**

The Netflix production about the daughter of slaves took a lot of liberties to make the story more exciting, said her great-great-granddaughter as well as a niece of Madam C.J. Walker's mentor.



OCTAVIA SPENCER understands the impact of being first. The first African-American actress to receive Oscar nominations in consecutive years, she played the title role in the Netflix miniseries “Self Made: Inspired by the Life of Madam C.J. Walker” last March.

Long ago, Walker had achieved a first that was far more impactful, rising to historic: *Guinness World Records* documents her as America’s first self-made female millionaire, largely the result of her hair care line for African-American women a little over 100 years ago.

When Spencer learned that Walker died on the same day of the year as the Academy Award-winning actress’s birthday—May 25—she said she was “chilled to the bone.”

Walker’s story transcends monetary accomplishment.

Born Sarah Breedlove in 1867 on a cotton plantation near Delta, Louisiana, two years after the Civil War ended, she was the first free woman in her family.

Her parents died in successive years, leaving her an orphan at 7.

She was sent to live with her sister and brother-in-law but was mistreated by the latter and married to escape them. She was 14.

She had a daughter at 17. Her husband died when she was 20.

The young widow found work as a washer-woman and was attending night school in St. Louis when she met her future husband, C.J. Walker. Then, in the 1890s, her long-range fortunes took an even better turn: She developed a scalp disorder that caused her to lose much of her hair.

Success and debate

Stay with us for a moment.

Sarah Walker experimented with home remedies and store-bought products, to no avail. Now she was faced with the classic challenge for every inventor/innovator: Find a new solution for an old problem.

Orphan at 7. Married at 14. Mother at 17. Widow at 20.

In 1903, per Biography.com, she began using a product called the Poro Wonderful Hair Grower by Annie Turnbo Malone. A couple years later, Walker was hired by Malone as a commission agent for the Poro line and moved to Denver, Colorado.

This is where the story gets contentious. According to Sasha Turnbo, Malone's niece, Walker learned the hair care business from Annie Turnbo Malone.

"Annie Turnbo Malone was nothing as this (Netflix) series portrayed," Turnbo said in an Instagram post. "Before Mary Kay or Avon, there was Poro."

In Denver, Walker's husband helped her advertise her own version of a hair care treatment for African-American women. She eventually stopped working for Malone, and the Madam C.J. Walker Manufacturing Co. began selling Madam C.J. Walker's Wonderful Hair Grower in 1906. Ingredients included precipitated sulfur, copper sulfate, beeswax, petrolatum (similar to petroleum jelly), coconut oil and a violet extract perfume to cover the sulfur smell.

So who should have gotten credit for the successful formula? A'Lelia Bundles, Walker's great-great-granddaughter and biographer, said: "If you look at medical journals, this mixture of petrolatum and sulfur had been around for a hundred years ... neither of these women really created this recipe."

Civic giant

By 1910, Walker's company—at that point in Indianapolis—had profits that were the modern-day equivalent of several million dollars. The company trained sales agents known as "Walker Agents" who became ubiquitous in African-American communities. Walker, now known as Madam, opened a beauty school.

She also became known for her philanthropic efforts via educational scholarships and donations to homes for elderly people. Her donation toward to the construction of an Indianapolis YMCA in 1913 was the largest by an African-American. The Madam Walker Theatre Center in Indianapolis is now a National Historic Landmark.

Her great-great-granddaughter told blackfilm.com last year that the Netflix series made her "really excited that literally millions of people are going to know Madam Walker's name," and that Spencer's performance captured her spirit. But she said much of the series was sensationalized and not necessarily accurate.

There may be dissenting opinions on Madam C.J. Walker's distinction as a trailblazer, but there is no disputing her lasting contributions to innovation and philanthropy. 📌



The mixture's ingredients included precipitated sulfur, copper sulfate, beeswax, petrolatum (similar to petroleum jelly), coconut oil and a violet extract perfume to cover the sulfur smell.

INVENTOR ARCHIVES: JANUARY

January 2, 1975: The U.S. Patent Office was renamed the **U.S. Patent and Trademark Office** to include its new function as a trademarking center.

In USPTO data available in December 2020, trademark registrations for the year surpassed 400,000 with a 9.6 percent increase in applications.

January 5, 1965: The phrase "**Home of the Whopper**" was trademark registered by Burger King.

Shortly after COVID-19 hit the United States last March, Burger King asked customers to "Stay Home of the Whopper" in order to reduce the spread of the pandemic while showing support for health care professionals.



Who Are You, Anyway?

INVENTOR OR ENTREPRENEUR? THESE 8 MEASURING STICKS OF PERSONALITY MAY HELP—OR NOT **BY JACK LANDER**

WHAT IS YOUR DESTINY, and how do you know for sure? From fortune tellers to scientific analyses, many methods help us assess what we can do best.

And what do we mean by best? There are plenty of measuring sticks, eight of which I'll cover herein:

- Scholastic performance.
- IQ tests.
- Various psychological tests.
- What we gravitate to when we have free time.
- Psychologist Carl Jung's 12 personality types (his archetypes).
- Psychologist Abraham Maslow's biological destiny.
- Enneagram's nine basic types.
- Eysenck's four basic types, each with subdivisions.

Determining your destiny could help you discover whether you are mostly an inventor, as opposed to being mostly an entrepreneur.

Methods that matter

Scholastic performance is legitimate but based on our ability to take a test. It generally does not measure creative ability, which defines inventing.

IQ tests that don't test creativity are of questionable value for inventors.

Psychology tests are often criticized as junk science. For example, the popular Myers-Briggs test emphasizes introversion vs. extroversion. I know inventors and entrepreneurs of each type, and I doubt there is a dependable correlation with inventing or entrepreneurship.

What we gravitate toward, especially as youngsters, may be a valid indicator. However,

inventors and entrepreneurs may prefer reading to puttering around with mechanisms or dreaming of being in their own business.

Jung's personality types may come closer to a way of assessing our true personality.

His 12 archetypes can be set side-by-side with the main specialized tasks that were crucial to tribal survival during our 300,000 years as Homo sapiens. For example, Jung's explorer, chief, sage, caregiver, etc., are all common to personality types that enabled the tribe to become efficient, successful and sustainable. Thus, there is some arguable science behind Jung's method.

However, I am a bit skeptical about his neat number 12.

Jung and his followers have divided a circle into four quadrants, each showing a basic personality type, with each quadrant having three subordinate types. The numerical and graphic convenience of the numeral 12 makes me wonder if someone didn't plug a gap or two for the sake of symmetry. All in all, however, my opinion is that Jung is about as close to genetic science as we'll get for now.

Maslow emphasizes that we each have an inherent "biological destiny."

He died in 1970, nearly two decades after Watson and Crick discovered DNA. Had he lived longer, (he died at 62), it is likely he would have combined his biological destiny principle with Jung's archetypes and Watson and Crick's DNA to form a more complete theory of personality, one that we could apply to ourselves as inventors or entrepreneurs.

The Enneagram is a circle divided into nine segments, each having a personality type. But I

prefer Jung's archetypes to the Enneagram types. Just my opinion, but I feel that Jung is closer to the truth.

The Eysenck is also a circle divided into quadrants, each having eight subordinates values. That gives us 32 personality types, but the four basic divisions—stable vs. neurotic, and extrovert vs. introvert—seem too far removed from our biological destiny for me to view them as the final word on deciding whether we are suited to be inventors or entrepreneurs.

Hard truth: It's soft science

In summary, we probably don't have any reliable test or combination of tests that tell us we should favor inventing or producing and marketing.

I suspect that our 300,000 years as tribal beings weighed against our 10,000 years as civilized beings gives the edge to Jung's archetypes. The tribal "artist" was a maker of hand axes, arrow tips and spear points, and is the inventor these days. The "explorer," with a bit of "chief" mixed in, is the entrepreneur.

These are intriguing thoughts, but are they of any real value unless we authentically sense our archaic destiny?

So, the psychology of career personality testing is soft science. What is needed is a lifetime long study—something like the Framingham

Heart Study, which started in 1948 with 5,000-plus persons and is still ongoing.

We need to show statistically the degree of career success and the personal fulfillment that was achieved by men and women who followed a career based on the results of personality testing, as against those who followed their gut feel for their career or simply chose it out of economic necessity.

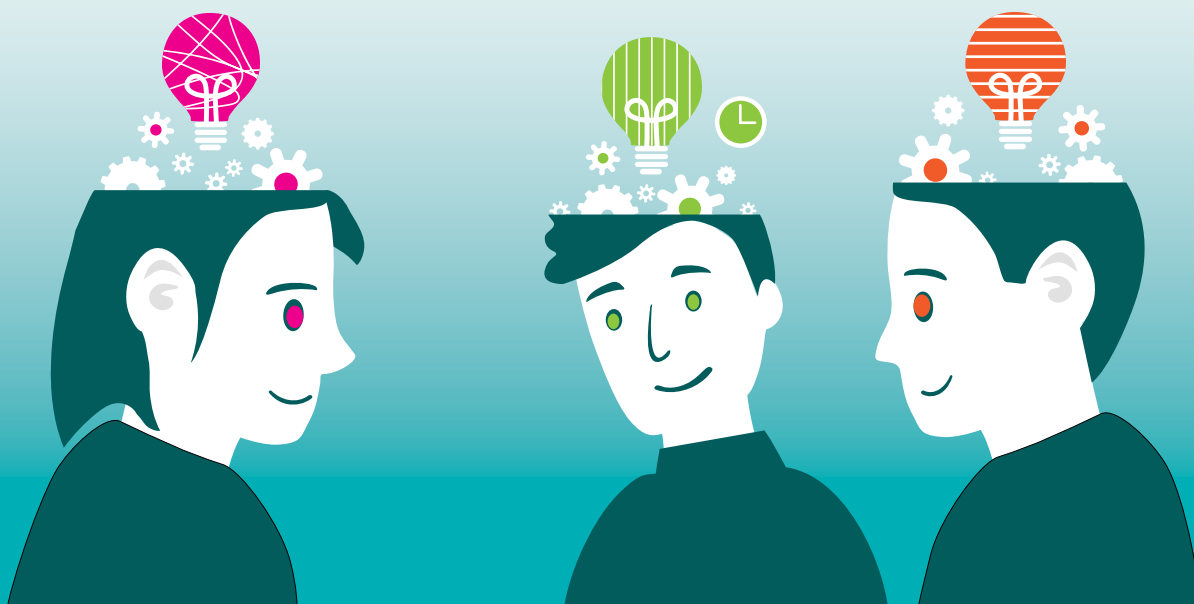
You might cautiously investigate any or all of the eight personality assessment means above as partial answers to your personality. But when we're faced with the decision to license or produce, we need something more practical.

In my case, I've vacillated and changed at least three times. I started as an inventor.

When I was 7 or 8, I invented an insert for my mother's heavy cast-iron frying pan because she complained about carrying it to the table to dish out the scrambled eggs. It was a simple and impractical device that would have dripped grease all over the floor, but it showed I was attempting to solve a need.

As an adult, I continued inventing (you might say designing) new products for my corporate employers. I worked with many engineers. To my surprise, those who had the most formal education did not outperform those with minimal engineering education.

Psychologist Carl Jung's personality types may come closer to a way of assessing our true personality.





Inventors are less concerned about time and deadlines. The entrepreneur is always on time.

At age 45, I left corporate life and started a small manufacturing company with the hopes of using its income stream to invent products. I developed four products but quickly discovered I knew nothing about marketing them.

One of them was a promising electronic device for planes. A company was interested but insisted on my having liability insurance before it would license it. Three insurance companies turned me down because I had no track record in manufacturing devices for aircraft. Oh, well—that's how we learn.

Eventually I had an offer I couldn't refuse, sold my company, and returned to inventing. I had two successful inventions.

I invented the working mechanism of the world's first disposable laparoscopic surgical instruments. This made my employer many millions of dollars, but I had signed an employment agreement that yielded all rights to anything I invented that the company would use.

Such is corporate life. At least I had the fun of being granted a few patents.

Personal journeys

Gradually, I turned from inventing to writing. I had always wanted to write and had some success in parallel with mechanism inventing.

I sold my first non-fiction book, "Make Money by Moonlighting," to Enterprise Publishing in 1982. It's still available on Amazon. And I've been writing for *Inventors Digest* since 1996.

In 2005 I licensed my book, "All I Need is Money: How to Finance Your Invention" to Nolo. My latest book, "Hire Yourself: The Startup Alternative" will be published by Ingram on Feb. 15, 2021. (I think of books as a kind of software invention.)

So, with all of my wandering from inventing to entrepreneurship to writer, does this qualify me as an expert on career counseling? Not quite.

But I witnessed a great deal of success and failure among inventors and entrepreneurs.

I can sum up the characteristics of the two personality types as I've known them.

Inventors are less concerned about time and deadlines. When they send birthday cards, if they remember at all, they'll be a day or two late. Their desks and workbenches are a mess. They fall in love with their inventions and often find that the marketplace is not receptive. They might unknowingly wear two different socks.

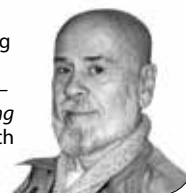
The entrepreneur is always on time. Their desks are cleared each night. Their iPhones are loaded with appointments six months or more ahead. They are less concerned about the specific item they market than its position and demand in the marketplace.

I may have cited extreme examples above, but I have known or lived each type.

So, do I have any advice? Yes, but take it with intelligent skepticism.

- Try your best to find your strength, your "biological destiny."
- If you're uncertain, don't be afraid to change. You are probably a creator, and creativity comes in various forms.
- Don't regret your failures too much. They are common steps to ultimate success.
- Be aware that your natural skill-set may evolve as you mature. That's OK. Heck, that's probably good.
- Whatever your aim, your output should serve your fellow human beings. Money may follow, but money itself is not a biological destiny. 🍀

Jack Lander, a near legend in the inventing community, has been writing for *Inventors Digest* for 24 years. His latest book is *Marketing Your Invention—A Complete Guide to Licensing, Producing and Selling Your Invention*. You can reach him at jack@inventor-mentor.com.



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New Year, New Data

HOW TO USE GOOGLE ANALYTICS FOR MEASURING AND INTERPRETING YOUR WEBSITE TRAFFIC **BY ELIZABETH BREEDLOVE**

GOOGLE ANALYTICS may be the best way to track, measure and analyze information about your digital audience. The free platform logs valuable data that you can use to make decisions about how you choose to market your business online.

You can track these metrics, among many others:

- How many people visit your site;
- How many people have recently visited your site for the first time;
- What pages site visitors look at;
- How site visitors get to your site and what websites send traffic to your site;
- Which of your social media channels drive traffic to your site;
- How many of your site visitors “convert,” or perform the action you’d like them to do;
- How many visitors you get from desktop or mobile devices;
- What content your site’s visitors like the most;

- How effective your marketing campaigns are and what marketing tactics drive the most traffic to your site.

6-step setup process

Setting up your account isn’t too difficult, but it is a fairly technical process. You can find great step-by-step guides online with screenshots through a simple Google search. A high-level overview of what the process entails:

1. Set up a Google Analytics account. If you already have a primary Google account that you use for gmail or other services, you can use this to set up your Analytics account.
2. Once you have a Google account, visit analytics.google.com, where you’ll be prompted to click “sign up” to get started.
3. You’ll then enter some basic information about what site you would like to track. To start, set up your Analytics accounts, properties and views. Think of this like a hierarchy.

Google offers many different courses to teach you everything you need to know about the platform.



For example, if you have two products you've invented and are selling under the same parent company but you have a website for each, your account would be for your business and your properties would be your two websites. Then, you can set up views for each site; you could have the default "all data" view, and then another view that filters out traffic coming from your office's IP address.

4. Now you're ready to install tracking on your site. How you do this depends on how your site is set up, but generally speaking you'll either place a tracking code on every page of your site or in your site's header, use a plugin to set up tracking, or use a native feature within your CMS.
5. Set up goal tracking so you can monitor when someone performs a desired action on your site—such as visiting a certain page, filling out a form, signing up for emails or purchasing something. As you're setting up goal tracking within Google Analytics, make sure you are also setting your own personal goals and benchmarks for your site's performance.
6. Once you have all this set up, click around and explore within Google Analytics.

For a more in-depth look at how to set up and use Google Analytics, visit analytics.google.com/analytics/academy/. Google offers many different courses to teach you everything you need to know about the platform and even offers a Google Analytics certification if you are interested in becoming a true expert.

Improving your social media

Now that you have Analytics set up, what data should you consider when setting up your social media strategy for 2021?

Audience demographics and Interests: Under the Audience tab, you can find data such as your audience's age and gender (for example, 61 percent of Inventors Digest's online audience in the past month was male), their interests, where they are located, what kind of devices they use to visit your site, and more. If you're a more visual person, the Users Flow section will give you a

visual map of your customers' journeys so you can see how they navigate through your site and where they drop off or leave your site. You can use this data as you write posts for your social media channel to ensure that what you post will resonate with your audience.

Acquisitions: This tab provides data about how users get to your website. Most notable in this case is the Social drop-down, which offers a deep dive into all traffic coming from social media sites. You'll find information about which social networks drive the most visitors to your site, what pages they send traffic to, and how that traffic converts. You can also see where this traffic drops off. Analyzing and visualizing his data will help you see what's working so you can do more of it, and help you see what isn't working so you can fix it.

Goal tracking and conversions: Under the Conversions tab, you'll find everything you need to know about how users end up performing the actions you want them to take on your site. You can find data about how many goal completions you've hit over a specified period, what pages users visited before completing your goal, which pages on your site are most valuable, how the traffic that converts is coming to your site in the first place, and much more. This will help you analyze your overall marketing tactics to figure out what works and what doesn't. When you know what referral sources drive the most converting traffic to your site, and what pages users tend to visit before they convert, you'll have a clearer picture of where to focus your social media marketing efforts and what types of content to post or link to.

There is no time like the new year for a fresh start. Taking a closer look at your site's overall performance using Google Analytics is a great place to begin! 📍

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.



Benefits Are Child's Play

ACTIVITY CARDS BOOST BABY'S PHYSICAL, EMOTIONAL AND COGNITIVE DEVELOPMENT **BY EDITH G. TOLCHIN**

AT THE END of a long day, or even at naptime, here's a great way to wind down with your little one. Rituals are important for babies, and Curious Baby™ Activity Cards can be enjoyable, educational and fun—for baby, as well as for parents and caregivers.

Edith G. Tolchin (EGT): What are Curious Baby cards? How did they come about?

Lizzy Greenburg (LG): Curious Baby Activity Cards are a set of developmentally focused activities that anyone can do with their baby, from birth to 12 months. We created the cards so that moms, dads, grandparents and caregivers can spend more quality time with their baby that is meaningful and stress free.

The cards are a set of more than 40 developmentally stimulating activities that you can do at home with your baby to help guide new parents on what's important for their child's physical, emotional and cognitive development.

Our award-winning card set was created alongside pediatricians, child development experts, therapists and a larger medical advisory team so parents can be sure that our activities are well researched and recommended.

As first-time parents, my husband and I were overwhelmed when we had our

first child. We wanted to make sure we were setting her up for success, but we weren't sure how to “play” together and we had a zillion other things taking up our time—such as figuring out sleep, dealing with food allergies, and so on. We looked for a product like ours but couldn't find anything easy and simple, and we knew that so many other new parents were going through the same thing when we asked.

After many months of development, we were almost complete—and then the COVID-19 pandemic started. We knew it was time to launch and quit chasing perfection since so many new parents were now stuck at home in lockdown who needed our support. This is how Curious Baby Activity Cards were born.

EGT: Tell us about you, your family, education and background. Has it been helpful in creating your business?

LG: As the founder of Curious Baby, I've had the opportunity to use a ton of the experience I've gained over the years to help bring this product to market and launch.

After attending Vanderbilt University in Nashville, I moved to the Bay Area and spent half a decade working at Google in San Francisco. During this time, I learned lead generation through digital marketing, how to launch products and prototypes quickly, and helped many



When COVID-19 hit, “we knew it was time to launch and quit chasing perfection since so many new parents were now stuck at home in lockdown who needed our support.” —LIZZY GREENBURG

small and large businesses build their brands online.

I also attended night school at UCLA Berkeley to gain a certificate degree in graphic design. The time spent in these design classes has helped me in so many ways.

With this new business, I was able to execute all the design, print and marketing materials on my own, which saved a significant amount of money. I created and designed everything that you see in our product (except the illustrations), and it helped me be able to build a business using the skills that I had acquired without needing a large support team.

I then moved back to Houston with my family and joined a remote-only startup called TaxJar, which is a software company that provides automated sales tax compliance. I helped build the company serving as the CMO for 4-plus years before stepping back in 2020 to focus on my own passion and launch this business. I gained invaluable experience from my time there on how to create a well-loved brand in the B2B space and develop a unique culture through transparency and storytelling.

EGT: How long did it take to create the perfect prototype?

LG: From idea to production, it took almost one year of research, design and development.

EGT: Is the product patented?

LG: Since it is a bound book, we have copyrighted the content that we've published, but it's not applicable to a patent.

EGT: On your website you mention there is a medical research team. Tell us about this.

LG: To be able to validate our research and

ensure that our activities were age appropriate and developmentally sound, we assembled a medical research team. This group was made up of professionals from the most important aspects of a child's development. It includes experts like pediatricians to nurse practitioners, to physical and occupational therapists, to speech therapists, to early education curriculum designers, and even a child psychologist.

Some of those amazing people are listed on our website, and others have asked to remain anonymous. Everyone on our research team has had a meaningful impact on how our activities, milestones and content was created. We could not have done it without their help and support.

EGT: Have you done any crowdfunding?

LG: We did not do any crowdfunding. The costs to launch this product were relatively low given my experience in graphic design, product development and marketing. .

EGT: Where are you manufacturing?

LG: We manufacture our cards in the United States and have a print production facility that helps us in Minnesota.

EGT: Where are you selling the cards?

LG: The cards are for sale on our website, Amazon.com, Walmart.com and momsand-mamas.com.



Curious Baby Activity Cards are a set of developmentally focused activities that anyone can do with their baby, from birth to 12 months.

EGT: Do you have any additional products planned?

LG: We have plans to create a toddler version of the cards for parents of older kids.

EGT: Have you had any problems in developing the product?

LG: We haven't had any major problems in developing this product, but we did have a typo on our first run of the product which was frustrating after so many rounds of edits. One of our Amazon customers pointed out in a review that we had misspelled "around" with "aroud," and it was a punch to the gut. We certainly tried our best to make them perfect and hired professional editors to make sure we didn't run into a mistake like that. Needless to say, it has been fixed in our current shipment.

EGT: What advice do you have for those who might be interested in developing a new product for babies?

LG: Keep your investment as low as you can while you're testing your idea and market. Just because you have a brilliant idea doesn't mean that everyone will want to buy it.

People buy products based on their perceived value and need. Today's parents are overwhelmed with how many products exist in the baby space, so you need to solve a "pain point" to stand out. Before diving in, take the time to talk to your potential customers and find out if they really need your product before you get in too deeply. ☺

Details: curiousbabycards.com

Books by **Edie Tolchin** (egt@edietolchin.com) include "Fanny on Fire" (fannyonfire.com) and "Secrets of Successful Inventing." She has written for *Inventors Digest* since 2000. Edie has owned EGT Global Trading since 1997, assisting inventors with product safety issues and China manufacturing.



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Waisted Effort

WOMAN'S PRODUCT ADDRESSES AGE-OLD PANTYHOSE PROBLEM: COMFORT WITHOUT THEM FALLING DOWN

BY JEREMY LOSAW

Hipstik combines traditional tights and pantyhose with a lace waistband that are designed to be comfortable for all-day wear.

LAURA MCGUIRE was a reluctant inventor, but for the sake of other women she felt obligated to come up with a product that was literally the right fit.

McGuire understood the problems of traditional hosiery not only because she wore tights and pantyhose, but because she was also tasked with selling them at her department store job. She would often cut the waistband from her hose to relieve the pressure of a control-top waist yet found herself embarrassed when having to pull up her tights during the workday.

"It was like picking your nose in front of your boss," she said.

Working as a sales associate at Dillard's, she heard similar complaints from women about the experience of wearing them and of buying them.

"They were hating their purchase. It was a grudge purchase.

"It was like, 'I can't believe I have to buy this, but I have to buy it for an event. I am not going to be comfortable. It is too expensive. I cannot find the right fit.'

"I felt like there was something broken there."

Her husband, Jason, also knew of her frustration. As she changed into her pajamas one night, he saw the scissor-cut down the front of her pantyhose. Laura told him they were so uncomfortable that she cut them in the bathroom at the office.

Years later, she found the solution via a line of hosiery she calls Hipstik. It combines traditional tights and pantyhose with a lace waistband that are designed to be comfortable for all-day wear. The waistband is soft and stretchy to conform to all body types, with a silicone strip around the inside of the lace to keep the hosiery from sliding down.

Hipstik comes in seven different sizes, with many colors to match almost any wardrobe. The sizing chart uses height and body shape instead of the traditional height and weight so women can find the perfect fit.

Machinery was dated

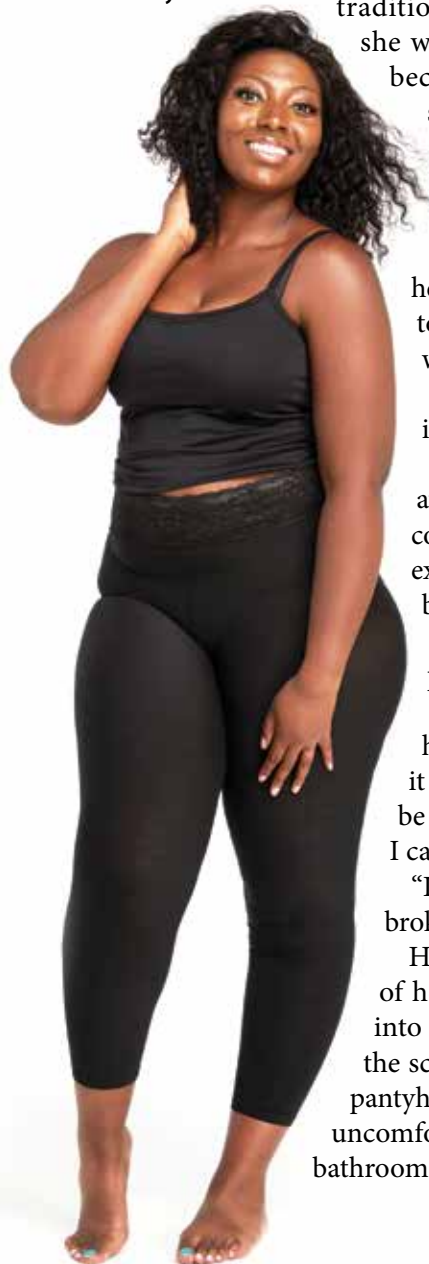
Hipstik's development started with a thorough market review.

Laura McGuire bought more than 90 different pairs of hosiery and tested them to see whether there was anything on the market that was comfortable during a workday or would stay up and not roll the waistband. Although she even bought pairs from Australia for her research, nothing worked how she wanted.

She said she doesn't sew very well but did know how to use scissors, so she made early prototypes by cutting and amending the existing product. She eventually found that although the waist compression was the source of the discomfort, if you took too much of it away, the hosiery would fall down. So she decided to focus on making a better waistband that would be lacy and comfortable.

McGuire lives in North Carolina, the hub of U.S. hosiery manufacturing and innovation. She took her idea to specialists at the Manufacturing Solutions Center in Hickory.

The center directed her to three factories that might be able to help, but it was far from straightforward.



"I quickly realized that the machinery that is used to make hosiery products has not changed at all ... in decades," McGuire said. "That is one of the reasons there had not been much innovation.

"When I went to these manufacturers, they were like, 'We have never made anything like that, and I don't think our machines can make that.'"

Fortunately, one of the factories was interested in helping with the product and modifying its process.

It made the product from foot to thigh on a traditional knitting machine and followed with a secondary sewing operation to add the lace waistband. The factory also found that adding a silicone strip on the inside of the waist helped hold up the garment and maintain comfort.

Patent protection for clothing can sometimes be difficult, and McGuire found this to be true. She was unable to get a utility patent for the Hipstik technology with her attorneys after years of back and forth with the United States Patent and Trademark Office.

Although there was no existing patent that covered the totality of her innovation, her bid was rejected based on pieces of prior art that were stitched together from multiple existing patents. This has not stopped her mission or her business; instead, she is using her story and brand reputation as her intellectual property.

Campaign brings support

Within a few months of beginning development, McGuire had a product ready to sell and launched Hipstik on Kickstarter in late 2016. Her husband (the company cofounder) chipped in with the web design, logos and digital marketing content, and the couple ran the campaign on their own.

They did not reach their funding goal, but they already had product in hand and were able to direct their backers to the ecommerce site where they could purchase the product directly. Despite the failure of the crowdfunding campaign, Laura still considers the effort as



Laura McGuire, inventor of Hipstik, said constantly pulling up her tights during the workday "was like picking your nose in front of your boss."

a success because many of those initial backers became lifelong customers.

Since its initial launch, Hipstik has garnered praise and many accolades. *Real Simple* named Hipstik a Best Product of 2018; *Good Housekeeping* said the product was one of the Best Tights of 2019.

McGuire has also kept innovating her product line by adding colors and styles, and creating anti-chafing undershorts that use her unique waistband innovation. She is also working on some new concepts in hopes to continue to add comfort to women's wardrobes while adding products. 📦

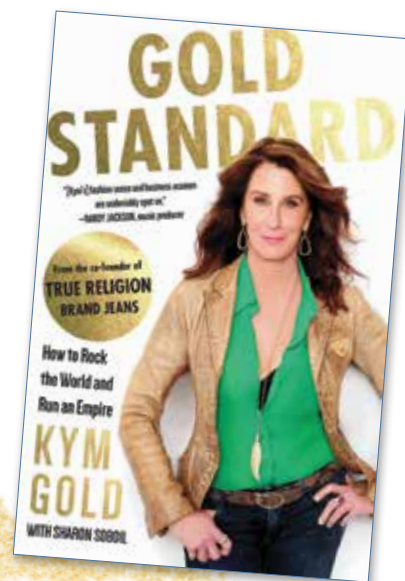
Details: hipstiks.com

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/.





At Home with Style



ENTREPRENEURIAL SUPERSTAR KYM GOLD
IS OBSESSED WITH INNOVATION, NOT COPYCATS

BY ALYSON DUTCH

KYM GOLD approaches business and intellectual property with unapologetically maverick style.

Since running her first business—in which she sold clothes on the Venice Beach boardwalk and around college campuses for \$50,000 a month—Gold has started five fashion brands. Most notable is the iconic True Religion Brand Jeans, whose company sold for a historic \$835 million in 2013.

The author of “Gold Standard: How to Rock the World and Run an Empire,” Gold is one of a triplet set of determined Taurean sisters who crave nothing but the best whether it relates to appearance, smell, sound, touch and taste. She’s a powerhouse of creativity with an unusually non-linear business mind who has turned virtually everything she’s touched since age 18 into, well, gold.

Recently, she moved away from style for the body and toward fashion for the home. Her

newest venture, Style Union Home, launched in 2020.

SUH is a line of luxurious, handmade ceramic art pieces from the imagination of a famed designer. Gold said her latest endeavor requires the same set of business skills as fashion, only that now the medium has gone from fabric to clay.

The line, inspired by her mother’s Sunday night dinner Caesar salad bowl, is filled with SKUs that serve dual functions and are so substantial they are meant to be passed from generation to generation.

Telltale thievery

Gold’s uncanny business smarts come with an unconventional perspective on intellectual property that is often shared in the fashion world.

“It’s tough and very expensive to patent something that with one tiny tweak can become distinctive and saleable by a copycat,”

Kym Gold’s book chronicles a sparkling career in the fashion industry that began at 18, started five brands, and resulted in the \$835 million sale of True Religion Brand Jeans in 2013. She launched Style Union Home in 2020.

she said. “You know you’ve done something right when you get knocked off.”

Gold told a couple of stories from the early-2000s days of the denim empire that illustrate this style industry dilemma.

She walked out of the New York City True Religion store one day and saw a cart street vendor hawking a copy of the company’s white saddle-stitched, large back-pocketed jeans.

Never at a loss for words, Gold approached the seller and said calmly: “Those are my jeans ... I designed them.” She asked the vendor to give the jeans a chance to grow before undermining what True Religion built, “or at least go to Canal Street and not sell this stuff in front of my store.”

Gobsmacked by the candid exchange, the rogue vendor obliged and moved off.

Gold also related a funny story about a megastar NBA player with whom she was designing a signature line of clothing.

During their meeting, he wore True Religion jeans.

The outspoken designer asked: “What size are those?”

“I’m a 38,” he replied.

She shook her head. “Those are counterfeits. We never made that size.”

Gold found it ironic. “What’s interesting about designer brands is, customers won’t stand for anything that’s not real. They don’t buy fake Cartier or Fendi.”

Although she is one of many fashion entrepreneurs who parrot that IP is not something they spend time and money trying to defend, she did eventually patent the True Religion look.

IP’s fuzzy areas

True Religion was known as one of the first designer jeans that was selling like hotcakes for a whopping \$200-plus—among the court of names such as 7 for All Mankind, Paige Jeans and Lucky Brand. Designer jeans were not anything new at that time; before them came industry behemoths such as Chemin De Fer, Jordache and Guess. But True Religion claimed a different kind of red carpet status.

Because the very nature of fashion is to be unique, IP is built into every designer’s creations. In the case of True Religion, Gold engineered jeans with many specifics that made them a favorite for curvy women, attracting voluptuous celebrities such as Jennifer Lopez and Beyonce.

Building for fit was part of her natural creative instinct and something she did for herself.

“You know you’ve done something right when you get knocked off.” —KYM GOLD



"I was never model thin, but I did have a booty. Look, anyone can make a stick-thin woman look great, but designing to accentuate the favorable and downplay the flaws of a normal body is no easy task."

Gold remained true to that commitment in 2014 when she became the first licensee of the Fitlogic Sizing System, invented by Cricket Lee.

By answering five online questions using the internationally patented system, 95 percent of women around the world are able to find their exact size and shape, Fitlogic says. This confidence in perfect fit sizing increases sales and reduces returns to 10 percent or less. The system identifies three basic shapes: high hip curve (slimmer thighs), hourglass (mid-hip curve) and pear-shaped (fuller bottom and upper thighs).

IP can also be considered stylistic and memorable—difficult things to prove when in a court of law. It is easy to remember True Religion's thick white saddle-stitched jeans with the large back pockets. For Style Union Home, the rough matte, unglazed-with-glazed looks—some with suede braided handles and accents—are as stylistically unique as they come.

Bella Dahl was another of Gold's brands that created a massive trend by mixing vintage denim with kimono fabric embellishments. This line crowded the racks in the top retailers of the time that held real estate throughout the country: Contempo, Judy's and the junior sections of every major department store.

Bella Dahl wrote a couple million dollars of new business at its first trade show. The look hit a nerve in a way that has been patentable, but in this case Gold decided to not pursue it.

"At the time, we were buying old Levi's and making them into something totally unique. Technically, Levi's might have not liked this, but at that time they saw what we did as a boon to their reputation."

Gold's advice to entrepreneurs? "Wait until you have a buying customer, money rolling in and a reason to fear being knocked off."



Style Union Home features luxurious modern ceramics, handmade by Kym Gold's collaborative team. Her latest vision began when she could not find a beautiful bowl to her liking, so she made her own.

Creativity wins

Though True Religion and Bella Dahl were constantly thieved by enterprising knockoff artists globally, Gold calls it the highest form of flattery.

Counterfeiting abounds throughout the world marketplace. Even wine collectors and organic food industries are facing issues.

"In Hong Kong, there are two buildings filled with nothing but counterfeits for every major brand," Gold said. "Back in the early 2000s when my brands shipped internationally, we used authenticity barcodes when shipping for Customs so they could know it's real."

The organic food industry—expected to grow to \$305 billion at an annual growth rate of more than 16 percent through 2022—has had issues with distributors receiving conventionally grown food ingredients in one door, stamping them with fake USDA Organic stamps, and the bags going out the other door.

A lawsuit involving the USDA organic problem is currently in the U.S. Attorney General's office.

With the launch of Style Union Home, Gold has spoken with her attorney about IP issues. But her preference is to counteract with innovation: "Style Union Home is filled with interesting innovations that make a home beautiful and functional."

She designed a soap dish with a little spout that hangs over the side of the sink. Bowls double for holding ice and champagne, fruit, or

an armful of flowers. Vases hold kitchen utensils or lavender iced tea. Tri-footed spice holders are so charming on the counter, who would not want to mound pretty pink Himalayan salt or fill them with fragrant cumin seeds?

When something she has created gets copied, Kym Gold moves quickly to the next best thing.

"When I can move faster than the copycats, it's a good day," she said. "When you are the first one putting something out, you're still the first and that gives you more credibility than anyone else." 📌

"Style Union Home is filled with interesting innovations that make a home beautiful and functional." —KYM GOLD

KYM GOLD

Born:

Hollywood, California

Home:

Encino, California

Education:

Santa Monica College, AA, Business

Biggest inspiration:

My mom

Favorite book:

"The Power of Habit"
by Charles Duhigg

Hobbies:

Working out, jewelry making, pottery

Favorite quote:

"They may forget what you said—but they will never forget how you made them feel." —Maya Angelou

Business highlights:

Founded Bella Dahl (1997-2002),
Hippie (2002-2004),
Cofounded True Religion
Brand Jeans (2002-2009),
founded Babakul (2008-2014),
founded Style Union Home (2020).



Babakul

bella dahl

TRUE RELIGION
↻

STYLE UNION HOME



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Recently successful brands



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A portrait of Louis Foreman, a man with short brown hair and a beard, smiling. He is wearing a light blue button-down shirt under a grey blazer. The background is a dark blue gradient with faint, circular icons of people.

YOUR CUSTOMER IS NOT EVERYONE

ENVENTYS PARTNERS CEO
LOUIS FOREMAN SHARES
HIS EXPERIENCES IN THE
INVENTING JOURNEY



The following interview, reprinted with permission and edited for brevity, was originally posted on Dec. 8, 2020, on thriveglobal.com. It was conducted by Tyler Gallagher, CEO and founder of Regal Assets, an international alternative assets firm. Louis Foreman is founder and CEO of Charlotte-based product development firm Enventys Partners, founder of Edison Nation, and publisher of Inventors Digest.

Can you tell us a bit about your youth backstory?

I started my first business out of my fraternity room in college. I played lacrosse and we did not have a local supplier of equipment. In my Econ101 class I learned about supply and demand, and if there was a demand for a product or service and no one was satisfying that demand, there should be an opportunity.

So rather than take notes, I took action. That initial business of selling lacrosse equipment to local teams eventually pivoted into screen-printed apparel, and by the time I left college, it had grown to become the 24th largest screen-printing company in the country.

What is your favorite “life lesson quote”?

“You miss 100 percent of the shots you don’t take,” by Wayne Gretzky. You need to fail fast, fail early, and learn from each mistake to increase your likelihood of success.

What was the catalyst that inspired you to invent your products?

I have always questioned why things are done the way they are done and wondered if there is a better way. Some of my earlier inventions (and patents) were in the field of sports protection, namely soccer shin guards and baseball protective guards. The products available on the market did not fit well, and as a result, did not provide the optimal impact dispersion.

I was inspired by the technology that was being used for splinting and casting in the hospital and thought this could be the ideal material to use for sports protection. I took my idea and developed some of the first custom-formed soccer shin guards. I eventually licensed them to Nike, Adidas, and nearly every other major soccer company in the world.

People seem to struggle in taking a good idea and translating it into an actual business. How did you overcome this challenge?

The difference between having a good idea and making money from that idea lies in the execution. The vast majority will never follow through on them because life gets in the way. They don’t have the time, financial resources, or understand the process.

My current company, Enventys Partners, was started to overcome this problem by providing the necessary resources to go from a sketch on a napkin to the store shelf. Over the past 19 years, my firm has been involved in the development of over 2,000 consumer products and medical devices.

What is the funniest mistake you made when you were starting?

While an entrepreneur in college, I attended an industry trade show and stumbled upon instant hand warmers, which were a completely new product at the time. The weather in the winter in Illinois was quite cold, and I knew that I could sell these at all the home football games for a handsome margin.

I decided to purchase 40,000 units and have my fraternity brothers help me sell them. Well, the colder temperatures for football season didn’t come as planned. The first few games were quite warm, and the warm weather stretched into November. The very last game of the season, versus Northwestern University in December, should have been a frigid event, but it ended up being in the 60s.

I didn’t sell a single hand warmer. The lesson in all this is that you need to stick to what you know and what you do.

What are your “5 Things I Wish Someone Told Me Before I Invented My Product” and why?

Your idea probably isn’t unique. I hate to break it to you, but the world doesn’t *need* your idea. It doesn’t need my ideas, either. Really. It’s 2020 and civilization has gotten by this long without it. The reality, however, is that consumers *will* want to purchase products and services that make their lives easier, are better for the environment, bring joy to their lives, or cost less. You need to determine what it is about your idea that differentiates it from the competition, both direct and indirect, and why consumers will want to purchase it rather than something else that satisfies the same basic need.

A basic search on Google will give you an initial idea of what is out there. A more thorough search on the internet and using patent databases will also reveal whether or not your idea is truly novel.

Define your customer. Who is that person? Please do not say everyone in the world. That in itself is absurd—and even if everyone did want it, could they afford it? Could you manufacture that many units and distribute them all?

Enventys Partners founder and CEO Louis Foreman has created 10 successful startups and is responsible for the creation of more than 20 others. He holds 10 registered U.S. patents, and his firm has developed and filed more than 750 more.

**"I hate to break it to you,
but the world doesn't
need your idea. It doesn't
need my ideas, either."**

—LOUIS FOREMAN

You need to be able to paint a narrow picture of your perfect customer and understand their demographics from age to income and geographic location. Armed with this information, it becomes easier to quantify the size of the potential market and do the necessary research to see if those customers want your product.

Determine demand. If you know who your customer is, figuring out demand becomes much easier. Just ask them! Conduct online surveys, focus groups, or one-on-one interviews to determine what



12-STEP PLAN: LOUIS FOREMAN'S STEPS FROM IDEA TO CONSUMER PRODUCT

- 1. Identify a product that addresses a problem or need.** Determine what makes it unique from all the others.
- 2. Determine the feasibility of this idea.**
- 3. Research the product and industry.** Are there other products that exist? What is the direct and indirect competition?
- 4. Search for patentability.** Do an initial prior art search online to see if there are any products similar to your idea, and then do a more thorough search using the USPTO database of patents to see if there are existing patents that cover the idea. You are looking to see how likely your idea is novel and therefore potentially patentable. After searching to see if any patents exist, you can file for protection. Starting with a provisional application, this is an inexpensive way to give yourself "patent-pending status" while you research the invention and decide whether to move forward. Within one year, you'll have to decide whether to file the non-provisional utility application, which hopefully will result in the issuance of a US patent. That patent gives you 20 years where no one else can make, use or sell what you have created.
- 5. Prototype.** Reduce your idea down to practice by creating a "works like" prototype. This doesn't have to look like the final product, but it should show that it can function as you have envisioned it. Prototyping is a process and with each version, you learn something new. There is a reason that James Dyson had 5,127 before he was satisfied with his vacuum cleaner.
- 6. Design and engineer the product.** Once you believe the idea is doable, hire a firm to handle the industrial design and engineering. Professional firms have the skilled staff to make the product look great, function properly, and provide the necessary engineering files that a factory will need to produce it at scale.
- 7. Get manufacturing quotes.** In some cases, you may be able to get quotes for manufacturing from the same firm that did your design and engineering. In other cases, you may decide you want to pursue this on your own. It is important to determine if

they like about your product, what they don't like, how much they would pay for it, where they would expect to purchase it, and how often they would purchase. This information will help you determine if there is a large enough demand to justify the financial risk, or more bluntly stated if there is enough juice for the squeeze.

Outline a path to financial success. Bringing a new product to market is like embarking on a long journey, and you want to make sure you have the resources to get you to the final destination. Construct a startup budget and Pro-forma income statement to determine what you need and how long it will take before you break even and then become consistently profitable. You may discover the financial rewards do not justify the risk.

Figure out funding. Where will the money come from? Most businesses fail due to a lack of capital. They might have had the resources to get

started, but not enough to get to profitability.

Personal savings, combined with money from friends and family are a natural place to begin when trying to raise outside capital. If more is needed, banks can provide liquidity to existing assets. Angel investors are a more appropriate source for risk capital and will require a greater return than a traditional investor. Venture capital is another option if your business has the potential to generate explosive growth and returns. Don't start the process until you know you have the resources to get you to profitability.

How have you used your success to make the world a better place?

I have been teaching entrepreneurship at three universities for over 10 years, mentor numerous startups, and serve on nonprofit and government boards. These small actions can have a multiplier effect on the lives and success of entrepreneurs. 📍

you want to have your product manufactured domestically or overseas. Typically, overseas manufacturing will result in lower costs but longer lead time for delivery. You will also lose a little bit of control in the process because "driving over to the factory" is not nearly as easy.

8. Crowdfund for market validation. Crowdfunding has become an incredibly effective way to get market validation, as well as a way to generate non-dilutive capital for your business. By launching a crowdfunding campaign, and we have done over 2,000, you can pause before manufacturing your product and make sure there truly is demand at the price you intend to sell it for. You also build up some initial momentum and buzz.

9. Make samples. Once you have settled on a manufacturer, the process of open molds (tooling) and production of the first samples begins. There will be several iterations before they get it just right, so be patient during the process.

10. Commercialize. Most companies take an omnichannel approach to selling their product. The crowdfunding process helps start the sales generation, but once you fulfill the orders to your initial backers you need to be thinking e-commerce (Amazon and your company's website), as well as traditional retail.

11. Market. Keep adding fuel to the fire here and monitor the return on ad spend. You want to make sure that the money

that you are spending is generating sales.

12. Innovate. You need to continue to improve your product or develop complementary products that you can sell as well. Innovation happens quickly and if you are not looking to disrupt your competition, it is just a matter of time before they disrupt you.



You Were Wondering...

ANSWERS TO PRODUCT DEVELOPMENT QUESTIONS
DURING A YEAR OF HEIGHTENED INNOVATION **BY JEREMY LOSAW**

ALTHOUGH 2020 was a year to forget for many, the tragedy and upheaval of COVID-19 resulted in a great year for innovation. As more people use the pandemic to take the ideas that have been rolling around in their heads and finally make them real, I have heard a lot of great questions about the product development process.

Answers to some of the best product development questions of 2020:

What rapid prototyping equipment should I invest in for my home space?

It is a great help to have rapid prototyping (RP) equipment at home when developing prototypes. It helps speed up the process and can save valuable time and money on the parts for prototypes.

However, there are so many types and varied capabilities of RP technology that it can be overwhelming to choose one. Fortunately, there is a trend for equipment manufacturers to make 3-in-1 machines that can 3D-print, laser cut, and CNC mill. These machines use a motion base with detachable heads for each of the three functions and provide immense flexibility for the at-home inventor.

My favorite 3-in-1 is the Snapmaker. Its 1.0 model starts at \$799 and has a working area of 125mm in each axis. The company recently launched its 2.0 lineup, which offers additional upgrades and larger bed size that will ship in 2021 starting at \$1,199.

Snapmaker machines require minimal assembly and come with free software. They are the perfect size for desktop manufacturing.

PATENT PATHWAY



How much does it cost and how long does it take to patent an idea?

Filing a patent is often a crucial part of inventors' strategy, as it gives them the exclusive rights to the technology for many years. The cost and timeline for the two main types of patents in the United States—design and utility—are very different for each type.

Utility patents, which cover the core technology of the invention, are valid for 20 years from the date of filing if they were filed on or after June 8, 1995. Because utility patents cover the raw technology, timeline and cost to file can vary depending on the complexity of the concept. In broad strokes, it is about \$2,500-10,000 including lawyer fees and takes approximately 2 years. The United States Patent and Trademark Office offers expedited service that can cut the time in half, albeit with additional fees.

Design patents cover only the aesthetic or ornamental aspects of a product, such as the body design of a Porsche. They are generally seen as weaker intellectual property and are valid for 15 years. The cost to file a design patent is about half that of a utility patent and takes about a year from application to filing.

It is strongly recommended to secure legal counsel to aid in the filing to ensure it is done correctly and to lock in the best protection for the technology.

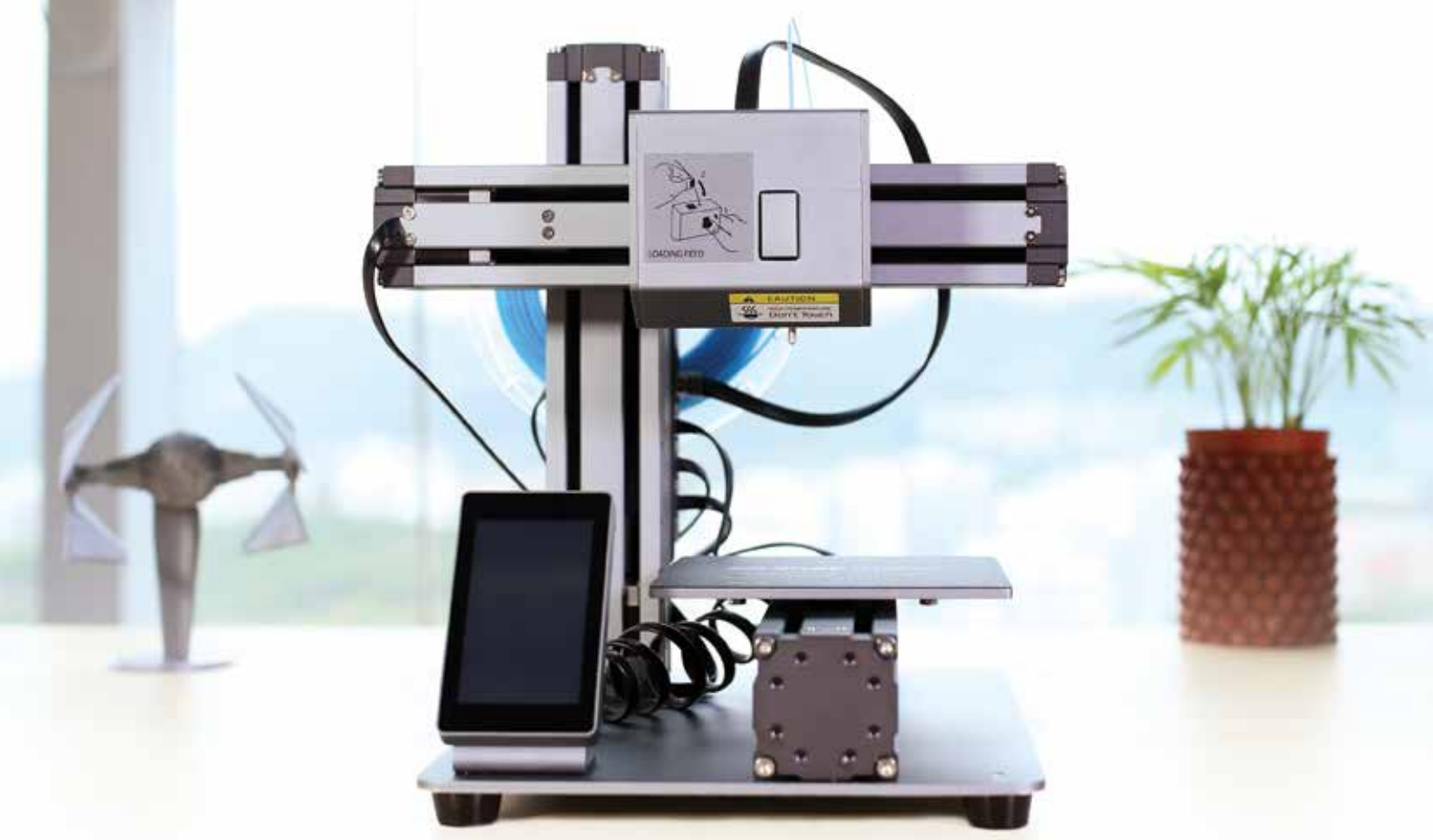
Why are there minimum order quantities for manufacturing?

Minimum order quantity or MOQ is an industry term for the fewest amount of something that you are allowed to order from a manufacturer.

Any prototyper knows it can be extremely difficult to make one of anything. It takes time to design and vet the part and set up the machine to make it.

In manufacturing, it is equally difficult to make one or just a few of any one part. In order for the manufacturer to achieve its desired return on investment of time, space and capital to build your product, it requires a commitment from you to purchase a certain volume of that product.

MOQs vary from one to millions, depending on the part being made and the manufacturer's capabilities. It is common for processes that do not require tooling, such as machining and 3D printing, to have low MOQs. In these cases, there are many shops that are happy with an MOQ of only one unit; the time and resource burn is fairly low with these technologies.



There is a trend for equipment manufacturers to make 3-in-1 machines that can 3D-print, laser cut, and CNC mill.

However, when you consider tooled processes such as injection molding, the MOQs usually start in the thousands. Molding processes require tools that need to be cut and verified, time needed on expensive machines that already have production schedules, and raw materials that need to be purchased in bulk—thus requiring a heavier purchase commitment.

Has COVID-19 changed how you approach the development process?

The pandemic has forced a re-think of how we developers do our jobs. Although the process for bringing ideas from concept to production has not changed, the execution has.

The biggest challenge has been how to maintain a collaborative process among team members while being forced to be physically apart for much of the week. It is important to have multiple eyes from both industrial designers and engineers throughout the process to ensure a design is executed properly and at a high level, so we have had to rethink our

process to maximize live collaboration in a safe way.

Of course, video conferencing tools have helped share CAD and live video of prototypes, and we use WiFi development boards on our electronic projects to push data to online dashboards so engineers can see live data from remote locations. However, full virtual collaboration is not a holistic strategy when designing physical components. There is so much to learn from being able to touch and use prototypes that engineers have to be able to evaluate them in real life.

To facilitate this, we at Enventys Partners have a small core team that is in our shop most days. They build prototypes, set up equipment and remote workstations, and run the rapid prototyping equipment.

When parts are ready, they are shuttled to the homes of the project lead for evaluation. This allows the team to stay as remote as possible while maximizing facetime with the prototypes, so they can be evaluated in real life and validated in the right way to push innovation forward. ☎

Snapmaker 1.0 is the debut model in a line of machines that require minimal assembly and come with free software. They are the perfect size for desktop manufacturing.

It's a New Year. Be a Noisemaker!

HERE'S WHY YOUR COMPETITOR'S INVENTION GOT ON TV
—AND YOURS DIDN'T **BY ALYSON DUTCH**

EVER WONDER WHY your competitor's invention or product got on the local morning show and yours did not? Why that business is burgeoning and yours is not?

Have you ever opened a magazine and seen a two-page profile (with a picture!) about someone in your industry you've never heard of?

Did you say to yourself: "Their product isn't even close to as good as mine!" or "How are they getting this kind attention?"

The reason has nothing to do with how good your product is. It probably has nothing to do with how good their product is.

The good news is that next time, it can and should be you.

It's how you say it

Here's the deal: The one with the loudest voice wins.

After launching thousands of products during the past 30 years, I'm here to say that's 100 percent true. I've worked with some of the best in their industries, but it's the company that takes the time to tell its stories to the world that grows.

I recently was flipping through a catalogue at a friend's house. I saw a leather duffel bag that caught my eye. I came home looking for it online but could find it.

Though there were lots of leather duffels in the first five pages of Google, none were the one I saw in this catalogue. When I returned to that house, I went straight for it and purchased the bag for a Christmas present.

The company was a small one, Moore & Giles, Inc.—a name I'd never heard before. Had it never sent that catalogue, I never would have made that purchase.

Granted, it would have been ideal that the company had bought some pay per click on Google to find it more easily, but it did produce a beautiful catalogue that resulted in a \$650 sale. If someone were looking for a leather duffel bag on Google, Moore & Giles would have lost that sale to Amazon or the many others making similar products.

As far as I know, the Moore & Giles leather duffel bag isn't any better than the next one. But I really liked it. I saw it in the context of a catalogue that appealed to me and I bought it.

The local morning TV show, magazines, .com ezines, newspaper, radio programs and magazines are actually looking for stories. They need products to review and put into gift guides.

It is entirely possible—and I do this for a living, so I know—that you can pick up the phone right now, call a local TV station and get some reporting about your product.

The reason your competitor got the press to sit up and take notice is because it made more noise than you did. Moore & Giles got the word out by producing and distributing a uniquely appealing catalogue.

It's as simple as that.

How to make it happen

Moore & Giles could call a TV station and suggest its CEO be interviewed to give a local list of cool holiday gift suggestions. The company consists of leather specialists, so it might suggest a story about how to buy leather that's sustainably farmed.

The company also makes luggage, so it may suggest a story about how to pack for holiday travel without airline fees, or how to pack for a honeymoon in the summer when weddings are happening.



Notice that often, the story is not about the product itself but the product as it fits into a relevant story.

A few tips:

- Identify the TV program you want to report on your product. Watch it every day.
- Look for segments on the show that report about subjects where you think your product might fit.

For example, if your product is something that appeals to a traveler, you might note that Peter Greenberg does a regular segment called “The Travel Detective” on CBS News. He reports about finds that make traveling easier, more interesting, less fattening, or cheaper.

While you watch the show, notice that the reporting happens within the context of a story, a trend or a subject matter. The products Peter is talking about are talked about as they relate to that story.

Notice that often, the story is not about the product itself but the product as it fits into a relevant story.

- Think about your product. Who are your customers? What specific benefit does your product provide to them? What “pain” does your product solve for your customer?
- Using the travel example, think of a context where your product might fit—such as holiday travel season, spring break for college kids, or winter holiday alternatives.
- Now, write a one-paragraph pitch about your product within the context of a subject.
- Start with a pithy statement or a question in

the form of a headline. This spoon-feeds a journalist with a story idea.

Loud example

Here is a fun pitch I’ve written that will give you an example of the format I’m talking about:

They are hot. They are smart. They can tell the difference between an Austrian or Washington Riesling with a sniff. They’re all under 35.

On May 22 in Culver City, Wine & Spirits magazine will introduce 10 of the city’s brightest young wine experts to a Gen Y group of wine lovers.

The “Coachella of Wine Events,” the uber-hip Project Ethos will spin a loungey vibe while the magazine’s “Hot Picks” wines from all over the world are presented. There’ll even be a taco truck. Have we whetted your appetite to attend or report?

Once you have something fun and punchy like the above, call the producer at the local TV show and leave the first few lines of your pitch on voicemail with your name and return phone number. Email the pitch.

Keep it short.

The idea is to capture someone’s attention. You can give all the information later. 📞

Alyson Dutch has been a leading consumer packaged goods launch specialist for 30 years. She operates Malibu-based Brown + Dutch Public Relations and Consumer Product Events, and is a widely published author.





Plight of the Patent Broker

PATENT SALES BECOME INCREASINGLY FRAGILE, DIFFICULT IN A HIGHLY UNPREDICTABLE MARKET **BY LOUIS CARBONNEAU**

I**OFTEN JOKE** with friends and colleagues that if you want to become a millionaire, you start as a billionaire and you become ... a patent broker! Indeed, this profession is not for the faint of heart.

Those who have been following the patent market know this has been a long war of attrition in the business since the heydays preceding the milestone 2014 Alice ruling and inter partes reviews. There are a handful of intermediaries like Tangible IP remaining, accounting for more than 80 percent of all deal-making that takes place.

In this regard, Richardson Oliver Insights (ROI) recently released its latest report of the brokered patent market, showing that these intermediaries are decreasing in number.

The reality is that so many things must align perfectly for a patent

sale to take place. There is so much subjectivity and uncertainty about both validity and infringement of every single patent that it is almost a miracle any deals close at all.

According to Kent Richardson of ROI, the best brokers close about 35 percent of their deals, which points to a very laborious and very uncertain process.

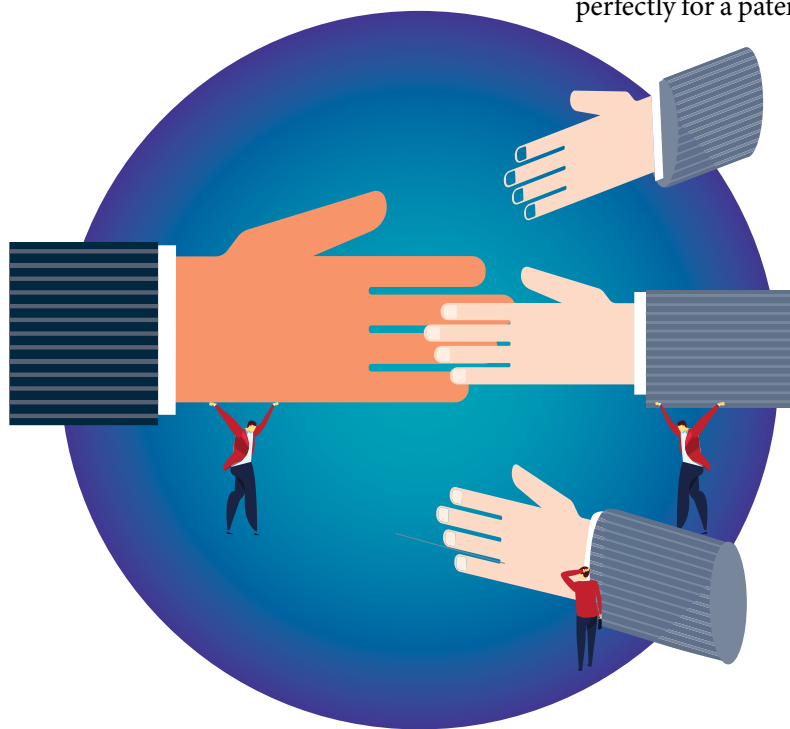
Overall, while the asking price for all patents currently for sale account for about \$36 billion, only a small fraction of those will close—and the sale price will on average be about a third lower than the asking price.

Finally, from our own discussions with buyers, it is clear that COVID has played a role. Many corporations have had to slash their patent acquisition budgets, assuming they had one to start with.

On the other hand, increasingly more large tech companies understand that the friendly environment they have enjoyed for the last seven years is changing. So they are more willing to entertain earlier licensing discussions—meaning before they get sued. What a novel concept!

For patent brokers, though, survival has been a tale of perseverance and constant adaptation to this new environment, which explains why only a few of us are still practicing our trade today.

There are a handful of intermediaries remaining, accounting for more than 80 percent of all deal-making that takes place.



Blackberry blockbuster

The recent big news in the IP community was the announcement that Canadian flagship Blackberry (formerly Research In Motion) put its patents on the block—all 40,000 of them—and was nearing a sale. In all likelihood, it will be acquired by a non-Canadian company, just like the Nortel portfolio was eight years ago.

For Canada, it is another indirect brain drain and a huge waste of taxpayers' money. Remember, patents are the byproduct of research and development activities, and Canada probably has the most generous R&D tax credits programs in the G20.

Called SR&ED, this program allows companies conducting eligible R&D activities in Canada to access substantial deductions and/or refunds. Because patents are good for 20 years, the sale of Blackberry's portfolio will essentially span two full decades of such credits, probably worth hundreds of millions or even billions.

Furthermore, whomever acquires the portfolio will logically want to monetize it further, and those additional revenues will escape the Canadian tax authorities as well.

Finally, any Canadian company that might practice even one of these 40,000 patents is now at risk of being sued for infringement and there is nothing the Canadian government can do about it. It may have been a lot more delicate for Blackberry to assert locally without some push-back from the community.

The (Toronto) *Globe & Mail* wrote a good story about it in which yours truly was interviewed. 📖

Louis Carbonneau is the founder & CEO of Tangible IP, a leading IP strategic advisory and patent brokerage firm, with more than 2,500 patents sold. He is also an attorney who has been voted as one of the world's leading IP strategists for the past seven years. He writes a regular column read by more than 12,000 IP professionals.



The Rogue Front Pocket Wallet in Genuine Bison Leather.



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VenturSource

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The Plantable Pencil Saga

PATENTS HELPED SPROUT THE CONCEPT,
BUT THEN CAME THE KNOCKOFFS **BY EILEEN MCDERMOTT**

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

IT HAS LIKELY been a while since most of even used a pencil—but would we use them more if they grew flowers, trees and herbs?

Enter Sprout World, a company founded on the concept of sustainability that credits patents as playing a large part in its success. In late 2012, Michael Stausholm, the company's founder, happened upon a Kickstarter campaign launched by three MIT students for a pencil one could use and then plant in the ground to grow flowers, herbs, vegetables and even trees.

"I saw it and thought it was a wonderful idea," he said. "I had been working in sustainability for many years and everyone was talking about it, but what was it actually? The pencil was a wonderful way of illustrating the concept."

Luckily, the students had taken out a provisional patent application. Once Stausholm acquired the global intellectual property rights, he applied for the patents in Europe, the United States, Canada, Australia, China and several other markets in Asia. The last of these (the Chinese patent) was granted in March 2020.

Sprout also has a globally registered trademark, including in smaller markets such as India and Vietnam, for goods such as stationary, kitchen utensils and makeup. This is

because in addition to the pencil, Sprout sells a plantable spoon and is coming out with a plantable makeup pencil next year.

The company has sold 30 million pencils, both to companies and direct to consumers.

Of course, like any IP owner, Stausholm has had a crash course in infringement, fakes and enforcement. Although platforms such as Amazon and Alibaba have helped grow the company, they have also contributed to widespread counterfeiting. This comes with financial loss and reputational harm.

IPWatchdog spoke with Stausholm about his experience trying to protect a growing brand in a world where fakes are proliferating, and most countries' legal regimes have yet to catch up with the problem.

Did you have any experience acquiring or enforcing IP before you started Sprout?

I had absolutely no experience in IP or patents when I founded Sprout. My background is in shipping, and I spent 15 years in Asia in production and sales. But we hired some very good U.S. patent lawyers from the beginning, and trademark lawyers as well. It took a very long time, especially for the Chinese patent, which took almost eight years in total. Australia was first, and the U.S. patent was granted in 2016 or 2017.

We started selling the pencils in 2013, and by 2015 we began to see copies, especially from China; it's a big problem. It's global, but it's especially coming out of China, India and Turkey.



"We initially had our lawyers contacting the fake sellers, but we soon realized that was too expensive so we started to do it in-house ourselves." —MICHAEL STRAUSHOLM

To curb the copies, we initially had our lawyers contacting the fake sellers, but we soon realized that was too expensive so we started to do it in-house ourselves. Nineteen out of 20 sellers would remove them, but there were still always some that persisted and we would have to pass those on to the lawyers.

How much do you think counterfeits cost the business?

It's very difficult to estimate loss of sales on such copies. The good thing about the United States is that you have a very strong system for taking legal action against counterfeiters. You can demand that they submit their accounting books and seek damages from their profits, which is great, but in Europe you don't have that option. You need to prove that you have lost business and lost money in order to get damages, and that's almost impossible.

So, I can't estimate how much it's cost but that's not even the worst part. The worst is that the counterfeits confuse consumers. We get a lot of complaints from customers that the product isn't working, and it always turns out to be a copied product. It's not so much the monetary damages but the reputational damage that counterfeiting does to the brand.

What role did Amazon play in contributing to or curbing counterfeits?

We started selling on Amazon in 2013 and we were on for a few years and it was OK, but then we encountered a lot of counterfeits and Amazon didn't do anything about it. So, we took the products off and we re-launched in 2018 back on Amazon.

They are still very difficult to work with on counterfeits, but they've become much better and quicker because of the Brand Registry, so now—especially in Europe—they are very quick to remove counterfeits. In the United States, however, they're still slow, to say the least, in reacting.

There's a big difference between Amazon in Europe and the United States. Amazon is extremely powerful in the United States. ☺

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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Best wishes, Jack Lander

IoT Corner

Hyderabad Airport in central India has added IoT capability to all 3,000 of its baggage trolleys, the core of what is called “Smart Baggage Trolley Management.”

The system can locate trolleys in the terminal and help airport staff move them to areas where they are needed to reduce wait times for passengers. The trolleys also have an alarm that sounds if they are moved away from the designated use zones to protect against misuse and theft, and can predict the need for trolleys in certain zones based on arrival schedules. The system is the first of its kind in the country.

—Jeremy Losaw



Wunderkinds

With people reluctant to touch door handles since the emergence of COVID-19, 13-year-old

Mizan Rupan-Tompkins of San

Francisco invented a hooklike tool for opening doors without direct contact. He

made it with one of his three 3D printers. A small puncher on the Safe Touch Pro can be used on keypads and at ATMs, cashiers, and gas stations. After researching others stylus designs, Mizan made his tool from plant-based plastic that is germ resistant. He has also built a computer and his own Alexa from scratch.

What IS that?

It's a **Work Wonnie**—a grown-up onesie that lets you look professional during typical seated teleconferenced videos while your lower half does the jogger pants home-lounging thing. Its makers call it “a mullet for your wardrobe.” Comes complete with butt flap.



\$100,000

The amount in prepaid royalty guarantees required by the NFL for anyone to license any of its numerous trademarked items. The NFL also requires a commercial insurance policy of \$6 million and liability coverage totaling \$12 million, among other conditions.

WHAT DO YOU KNOW?

1 True or false: Thomas Jefferson's passion for knowledge was so intense that he invented a revolving book stand.

2 Which singer filed a copyright suit against MC Hammer for his 1990 hit “U Can’t Touch This” and was eventually credited as a co-writer of the song?

- A) Michael Jackson B) Bill Withers
C) Rick James D) Johnny Nash

3 True or false: The first disposable diaper was made by inserting it into a trash bag.

4 Which ubiquitous adhesive product was trademarked first—Elmer’s Glue-All, or Scotch tape?



5 The iconic PEZ dispenser, patented in 1952, gets its name from the German word that means:

- A) Peppermint B) Plum
C) Fruit D) Pentagon

ANSWERS: 1. True. 2. C. The song’s opening bass line was borrowed from James’s 1981 hit “Super Freak.” The lawsuit was settled out of court. James eventually shared a Grammy Award—his only one—for the Hammer song. 3. False. It was inserted into a shower curtain. 4. Elmer’s, 1952; Scotch, 1970s. 5.A. It derives from the word pfefferminz.

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